

Thursday, March 18, 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: (2:00:58)

II. Roll Call: (2:00:59)

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

III. Results of the Election of Chair and Vice Chair (2:01:39)

Mr. Majtlis called for the results of the election for Chairman and Vice Chairman of the Code Enforcement Board. Board Secretary Marcote read the results that Mr. Majtlis was re-elected as the Chairman and Mr. Peloso was elected as the Vice Chairman.

**MOTION BY MR. KLEIN TO ACCEPT THE RESULTS OF THE ELECTION.
SECONDED BY MS. WARTOW.
MOTION PASSED UNANIMOUSLY.**

IV. Approval of the Minutes of the February 17, 2022: (2:02:24)

**MOTION BY MR. KLEIN TO APPROVE THE FEBRUARY 17, 2022 MINUTES.
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY.**

V. Administration of the Oath to Town Staff (2:02:41)

The Town staff were sworn in by Secretary Marcote.

VI. Code Statistics: (2:03:21)

- 503 Year to date Code Enforcement cases.
- 172 Cases initiated since the last Code Board Hearing
- 89 cases officer generated
- 83 cases were received (not self-initiated)
- 61 cases set to appear at the February Code Board
- 53 cases achieved compliance before the hearing
- 7 new cases to be heard today
- 1 fine consideration cases to be heard today
- 0 fine reduction cases to be heard today
- 0 old business case to be heard today

VII. Public Hearing: (2:004:03)

A. Case # CE 21-1462, 1290 N Ocean Blvd. Matthew & Astrid Womble, (2:04:10)

Violation of Chapter 18, Section 18-233 and 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 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 TO POSTPONE THIS CASE UNTIL THE MAY 19, 2022 HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 21-1458, 234 Eden Road, Palm Tea Trust: (2:06:04)

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. Chapter 18, Section 18-175 requires ARCOM approval prior to the issuance of certain permits.

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

The property owner was not present but his attorney Brad McPhearson was present on their behalf 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 GIVEN UNTIL MAY 16, 2022 TO COME INTO COMPLIANCE.

MOTION SECONDED BY MS. WARTOW

MOTION PASSED UNANIMOUSLY.

C. Case # CE 21-1425, 101 Seminole Ave, Robert Meister: (2:13:10)

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.

All Board members declared Ex parte communications in regards to the emails that they received regarding this case.

Officer Moriarty re-presented the facts of the case. John Randolph spoke and gave testimony in the case.

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

MOTION BY MR. LARMOYEUX TO DISMISS WITHOUT PREJUDICE.

SECONDED BY MS. WARTOW.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE.

MR. MCDONNELL – YES

MS. WARTOW – YES

MS. SABA – NO

MR. KLEIN – NO

MR. PELOSO – YES

MR. LARMOYEUX – YES

MR. MAJTLIS – YES

THE MOTION PASSED BY A VOTE OF 5 TO 2.

D. Case # CE 21-1346, 620 N. Lake Way, Robert Lazarowitz & Cobey Rapaport: (2:30:55)

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 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 APRIL 18, 2022.**

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY

E. Case # CE 22-243, 380 S. County Road, Le Bar A Vin: (2:35:36)

Violation of Chapter 134, Section 134-2106(9) of the Town of Palm Beach Code of Ordinances states all outdoor café seating furniture, including all accessory appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor seating area shall be stored inside a building after close of business.

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 ASSESS ADMINISTRATIVE FEE OF \$150.00 AND PAY A FINE OF \$500.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 22-152, 315 Seaspray Ave., Cove Construction Group: (2:38:53)

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states work shall not begin until the hour of 9:00 a.m. and cease at the hour of 5:00 p.m. No work is permitted on Saturdays, Sundays or legal holidays.

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

Mr. Jeff Sheldon was present and gave testimony in the case.

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.

MR. LARMOYEUX ASKED IF MR. KLEIN WOULD AMMEND HIS MOTION TO WAIVE THE FINE OF \$250.00.

MR. KLEIN AGREED AND FOUND THEM IN NON-COMPLAINCE AND TO PAY AN ADMINISTRATIVE FEE OF \$150.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. WARTOS.

MOTION PASSED UNANIMOUSLY.

G. Case # CE 21-1399, 106 Hammon Ave., Hammon 106 LLC: (2:53:55)

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

Sandra Murita was present on behalf of the property owner and gave testimony in the case.

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

MOTION SECONDED BY MR. PELOSO

MOTION PASSED UNANIMOUSLY.

VIII. Fine Consideration: (3:03:41)

A. Case # CE 21-511, 425 Chilean Ave., Lorraine S. Charman: (3:03:48)

Violation of Chapter 66, Section 66-23(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 to the building official or his designee, at least ten working days prior to the proposed date of removal.

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

Mr. John Ubanks was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. KLEIN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$100.00 A DAY COMMENCING ON AUGUST 16, 2021 AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

IX. Board Comments: (3:16:27)

Chairman Mr. Majtli stated that Mr. Meltzer did not reapply to be re-appointed to the board for a second term, but wanted to thank him for his service to the Board and the Town. The Chairman also stated that Ms. Herzig-Desnick was leaving the board and thank her for her service. He then congratulated Ms. Saba being appointed to a regular member and welcomed Mr. McGowan to the board as our new alternate.

The board then had a conversation with Town Attorney John Randolph regarding the case of the mono-posts. After several minutes of discussion it was decided to have this conversation when the new case returns next month. The Board also asked that Mr. Wayne Bergman and Mr. Rob Weber be present at the next Code Board hearing.

X. Adjournment: (3:33:51)

MOTION TO ADJOURN BY MR KLEIN.

MOTION SECONDED BY MS. WARTOW. MOTION PASSED UNANIMOUSLY.