



# TOWN OF PALM BEACH

Minutes of the Development Review  
Town Council Meeting  
Held on January 15, 2025

I. **[CALL TO ORDER AND ROLL CALL \(01:37\)](#)**

The Town Council Development Review meeting was called to order on January 15, 2025, at 9:30 a.m. On roll call, all elected officials were found to be present.

II. **[INVOCATION AND PLEDGE OF ALLEGIANCE \(02:02\)](#)**

Town Clerk Churney gave the invocation. Council President Lindsay led the Pledge of Allegiance.

III. **[COMMENTS OF MAYOR DANIELLE H. MOORE \(02:46\)](#)**

Mayor Moore discussed her breakfast meeting at the Palm Beach Chamber and stated the topic was Human Trafficking.

IV. **[COMMENTS OF TOWN COUNCIL MEMBERS \(3:49\)](#)**

Council Member Araskog expressed sympathy for the Californians affected by the fires and asked everyone to consider donating to the Palm Beach United Way. Mayor Moore announced that the three families were matching donations to those who donated to Palm Beach United Way.

Council President Pro Tem Crampton requested that any material for the meeting be provided at least a full day before the meeting.

V. **[COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE \(06:44\)](#)**

State Senator Mack Bernard, District 24, thanked the Town Council for being recognized and stated he would provide his comments on the time certain item.

VI. **[APPROVAL OF AGENDA \(06:54\)](#)**

Ms. Churney announced the following changes to the agenda:

- Resolution No. 008-2024 was changed to Resolution No. 008-2025 to correct a Scrivener's error.
- Resolution No. 004-2024 was changed to Resolution No. 004-2025 to correct a Scrivener's error.
- The addition of 1025 N. Lake Way – Three Strike & Stop Work Order under X. C. 4.
- The deferral of The Appeal of the Architectural Commission's decision on the Pedestrian Gate at 203. S. Lake Trail to the meeting on February 12, 2025.
- The addition of 1025 N. Lake Way – Three Strike & Stop Work Order under X. C. 4.
- Item B.1.b. ZON-24-0028 272 Via Marila would be moved to be heard following the consent agenda.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve the amended agenda. The motion was carried unanimously, 5-0.**

#### **VII. [CONSENT AGENDA \(09:16\)](#)**

- A. [RESOLUTION NO. 003-2025: 250 Algoma Rd.](#)** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described and Stating That the Subject Property Meets the Criteria Set Forth In Chapter 54, Article V of the Code Of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to approve the consent agenda as presented. The motion was carried unanimously, 5-0.**

#### **VIII. [REGULAR BUSINESS \(9:37:36\)](#)**

- A. Matters Pulled From Consent Agenda: If Needed
- B. [Further Discussion Regarding Construction that Deviates from Approved Permit Plans \(9:38:02\)](#)
- C. [Code Review Update \(9:38:02\)](#)

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to defer VIII. Regular Business, B & C to the February 12, 2025, meeting. The motion was carried unanimously, 5-0.**

#### **IX. [RESOLUTIONS \(9:38:58\)](#)**

- A. [RESOLUTION NO. 002-2025: \(9:38:59\)](#)** A Resolution Of The Town Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Revised Interlocal Agreement With The School Board Of Palm Beach County And Each Of Participating Municipalities Of Palm Beach County To Facilitate Coordination In The Planning Of Public Schools

**A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve Resolution No. 002-2025. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 1 minute. To listen, please click the link on the agenda topic above.***

- B. [RESOLUTION NO. 008-2025: \(9:39:40\)](#)** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **325 South Lake Drive** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *[The property owners are supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to defer Resolution No. 008-2025 to the meeting on February 12, 2025. The motion was carried unanimously, 5-0.**

- C. [RESOLUTION NO. 004-2025: \(36:43\)](#)** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **2850 S. Ocean Blvd.** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach, And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *[The property owner is supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*

Council President Lindsay asked for proof of publication, which Friederike Mittner, Design and Preservation Manager, provided.

Emily Stillings, with MurphyStillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1, 3, and 4 for Landmark Designation.

Council Members Araskog, Cooney, Moran, and Council President Pro Tem Crampton disclosed ex-parte communications.

**A motion was made by Council President Pro Tem Crampton and was seconded by Council Member Moran to make the designation report part of the record. The motion was carried unanimously, 5-0.**

Juanita Leary, President of the Condominium Board at 2850 S. Ocean Blvd., stated that many of the shareholders in her building supported the landmark designation.

Council Member Cooney thanked the applicant for their interest in participating in the Landmarks program.

Council Member Araskog appreciated the owners' support of the designation. She supported the designation.

Council President Pro Tem Crampton thanked the owners for preserving the building. He asked about the future preservation and maintenance of the building. Ms. Leary responded they had passed all recent inspections. She said the shareholders had made a huge effort, by assessments over the years, to maintain the building.

Council Member Moran supported the designation.

**A motion was made by Council Member Moran and seconded by Council Member Araskog to approve Resolution No. 004-2025, designating the property at 2850 S. Ocean Blvd. as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3, and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 16 minutes. To listen, please click the link on the agenda topic above.***

*Clerk's note: A short break was taken at 10:19 a.m. and resumed at 10:33 a.m.*

- D. **[RESOLUTION NO. 005-2025: \(9:40:47\)](#)** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **1250 North Ocean Boulevard** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *[The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*

Attorney O'Connor stated that she had confirmed with Attorney Jim Green, who represented the property owner, that he was willing to waive the time period set forth in Chapter 54.

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to defer Resolution No. 005-2025 to the meeting on February 12, 2025. The motion was carried unanimously, 5-0.**

## **X. DEVELOPMENT REVIEWS**

### **A. Appeals**

1. Appeal of the Architectural Commission's Approval of a Pedestrian Gate at 203 S. Lake Trail (ARC-24-0027) at their December 20, 2024, Meeting.

***Clerk's note: This item was deferred to the February 12, 2025, Town Council meeting at the Approval of the Agenda, Item VI.***

## B. Variances, Special Exceptions, and Site Plan Reviews

### 1. Old Business

- a. [ZON-24-0010 \(ARC-24-0023\) 515 NORTH LAKE WAY \(COMBO\) - SPECIAL EXCEPTION AND VARIANCE \(24:06\)](#) The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative) has filed an application requesting Town Council review and approval for a special exception review to develop the existing nonconforming lot and one variance 1) to exceed the permitted angle of vision for the construction of a new one-story single-family residence with final hardscape and landscape. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-1.][The Architectural Commission approved the project. Carried 5-2.]*

Council Members Araskog, Moran, Cooney, Council President Pro Tem Crampton, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests. Roger Janssen of Dailey Janssen Architects presented the architectural plans for the proposed project.

Council Member Cooney inquired about the angle of vision issue and wondered whether there was a legitimate hardship. Director Bergman agreed.

Council Member Moran supported the project.

Council President Pro Tem Crampton wondered if there were other construction projects in the area. Mr. Murphy responded, and Council Member Cooney confirmed that there were no other construction projects on the street.

Council Member Araskog wondered why two of the Architectural Commission Members were not supportive of the project. Ms. Ziska responded.

Mayor Moore appreciated the removal of the curb cuts on North Lake Way. Council Member Cooney agreed that the curb cuts posed a safety risk.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Araskog and seconded by Council Member Cooney that Variance No. ZON-24-0010 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-**

0.

**A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton that Special Exception No. ZON-24-0010 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 12 minutes. To listen, please click the link on the agenda topic above.***

*Clerk's note: The following project was taken out of order and heard after the consent agenda was approved.*

b. **[ZON-24-0028 \(ARC-24-0032\) 272 VIA MARILA \(COMBO\) - VARIANCE \(12:33\)](#)**

The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicle stacking. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission denied this project. Carried 4-3.] [This project was remanded back to ARCOM for further design review.][Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 6-1.] [The Architectural Commission approved the project for Option 4. Carried 6-1.]*

Council Members Moran, Cooney, Council President Lindsay, and Council President Pro Tem Crampton disclosed ex-parte communications.

Attorney Timothy Hanlon, representing the applicant, provided an overview of the project and discussed the appeal heard at the Town Council. He indicated that the Architectural Commission favorably recommended the variance with the stipulation that a deed restriction be implemented outlining the gate's removal if the current owner sells the home. Mr. Hanlon discussed the hardship of the proposed gate and showed the Council the plans for the approved gate.

Council Member Moran stated that she did not favor gates. However, in consideration of the applicant's willingness to add a deed restriction to remove the gate upon the sale of the property, she supported the request.

Council Member Cooney also noted that he disliked gates. However, given the deed restriction on the gate and extenuating circumstances, he supported the gate.

Council Member Araskog agreed with Council Members Moran and Cooney. Council Member Araskog was not sure if safety was



considered a hardship.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0028 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met and with the condition that a deed restriction is placed on the property that outlines the removal of the gate if the property is sold. The motion was carried 4-1, with Council Member Araskog dissenting.**

***This discussion lasted approximately 12 minutes. To listen, please click the link on the agenda topic above.***

- c. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO) - VARIANCE** The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on-site modifications. *[This project shall be deferred to the February 12, 2025, Town Council meeting pending Landmark Commission design review.]*  
***Clerk's note: This item was deferred to the February 12, 2025, Town Council meeting at the Approval of the Agenda, Item VI.***
- d. **ZON-24-0042 (ARC-24-0080) 141 ATLANTIC AVE (COMBO) - VARIANCE (9:41:55)** The applicants, Sloane Family Trust (Brasseur & Drobot Architects, P.A.), have filed an application requesting Town Council review and approval for one (1) variance for a one-story addition of primary structure to encroach into the required east side yard setback. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.][The Architectural Commission approved the project. Carried 7-0.]*

There were no disclosures of ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests. Jason Drobot of Brasseur & Drobot Architects presented the architectural plans for the proposed project. Ms. Ziska discussed the hardship and discussed the proposed gate.

Council President Lindsay called for public comment. No one indicated a desire to speak.

Council Member Cooney thanked the homeowners for keeping the home. He acknowledged the driveway width but understood that a curb could not be constructed and that it would be positive to have two vehicles moved off the street.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0042 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 4-1, with Council Member Araskog dissenting.**

***This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.***

- e. **ZON-24-0043 (COA-24-0018) 100, 101, 102, AND 103 FOUR ARTS PLZ—THE SOCIETY OF THE FOUR ARTS (COMBO) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Society of the Four Arts Inc, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a Special Exception with Site Plan Review, and one (1) variance for the reduction of on-site parking requirement for the substantial improvements to the Four Arts campus site including 1) demolition exceeding 50%, and the construction of a new one- and two-story additions and renovations to the existing two-story theater building (O’Keefe), 2) demolition exceeding 50%, and the construction of a new three-story addition, and renovations to the existing three-story administrative building (Rovensky), 3) demolition of the existing shade structure and construction of a new pavilion, 4) a Master Signage Plan, and 5) landscape and hardscape modifications. The application proposes the abandonment and realignment of a portion of the existing Lake Trail. The Landmarks Preservation Commission will perform the design review. *[This project shall be deferred to the February 12, 2025, Town Council meeting, pending Landmarks design review.]*  
**Clerk’s note: This item was deferred to the February 12, 2025, Town Council meeting at the Approval of the Agenda, Item VI.**

- f. **ZON-24-0055 (COA-24-0022) 120-132 N COUNTY RD – PALM BEACH SYNAGOGUE (COMBO) (52:23)** The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting a Certificate of Appropriateness for review and approval of demolition exceeding 50%, construction of new one- and two-story additions, renovations to the existing two-story building, and landscape & hardscape modifications including a new surface parking lot, requiring three (3) Special Exceptions with Site Plan Review, and nine (9) variances to reduce the minimum required front yard setback and the pedestrian walkway, reduce the minimum required overall landscape open space and front yard open space,



increase the maximum permitted building length, reduce the on-site parking requirement, elimination of the on-site berths (loading spaces), increase the maximum permitted gross building area, reduce the minimum required side yard setback, and reduce in the minimum required rear yard setback for the landmarked property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Landmarks Preservation Commission approved the project. Carried 7-0.]*

**TIME CERTAIN 10:30 AM**

Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, Council President Lindsay, and Mayor Moore disclosed ex-parte communications.

The Director of Planning, Zoning, and Building, Wayne Bergman, provided an overview of the project and the zoning requests. Mr. Bergman outlined all the staff's concerns about the proposed project.

Attorney Harvey Oyer, who represented the Palm Beach Synagogue, asked Rabbi Moshe Scheiner to open the presentation. Rabbi Scheiner thanked everyone in attendance for supporting the synagogue and discussed the importance of allowing everyone to support the proposed expansion.

Father Glen Pothier of St. Edwards Church spoke about the importance of faith, and he supported and advocated for the synagogue's expansion.

Pastor Bob Norris of the Royal Poinciana Chapel supported and advocated for the expansion of the synagogue.

Rabbi Michael Resnick of Temple Emanu-El supported and advocated for the expansion of the synagogue.

On behalf of the applicant, Attorney Harvey Oyer introduced the team and provided an overview of the requests for the proposed project.

Council Member Araskog wondered if the Landmarks Preservation Commission (LPC) recommended the variances being shown to the Town Council. Mr. Oyer confirmed that the LPC did see the proposed variances.

Attorney John Eubanks, representing the consortium of nine condominiums, provided arguments against the project's approval.

James Spinks of Volkert Engineering analyzed the traffic and parking provided by the applicant and concluded by asking the Town to look at the inaccuracies he outlined.

Cecelia Ward, consultant and urban planner for the consortium, stated that the revised plan did not comply with the Town's zoning regulations and concurrency requirements and was, therefore, not in compliance with and consistent with the Town's comprehensive plan.

Council President Lindsay called for public comment.

The following individuals spoke in favor of the project:

Al and Josh Moore, 218 Miraflores Drive  
Raya Klein and Ellie Skier, Palm Beach Day Academy Students  
Simone Levinson, 235 Dunbar Road  
Richard Bernstein, 235 Sanford Avenue  
Bill Diamond, 220 Wells Road  
Vincent Cloud, 146 Sunset Avenue  
Adam Platzner, S Ocean Blvd.  
Danny Arbusman, 100 Sunrise Avenue  
Elaine Miller, 3520 Whitehall Drive, Apt. 106, WPB  
Adam Rodman, 126 Beverly Road, WPB  
Michael Scharf, 225 Dunbar Road  
Page Leidy, 229 Edmore Road, WPB  
Bobby Green, 2426 Embassy Drive, WPB  
Marty List, 2425 Embassy Drive, WPB  
Larry Susnow, 156 Sunset Avenue  
Ellen Bank, 622 N. Flagler Drive, 404  
Rob Posner, 230 N. Ocean Dr.  
Barbara Hines, 210 Miraflores Drive  
Harry Lis, 659 S County Road  
Joy Lavin representing Gail Marx, 2252 Ibis Isle W  
Daniel Feinberg, 100 Sunrise Avenue 616 and 618  
A Gentleman Via Poinciana Condo #207, Lake Worth  
Cynthia Goodman, representing Dara Cooper, 100 Sunrise Avenue  
Jacques Kempin, 311 Pendleton Lane  
Richard Miller, 100 Sunrise Avenue  
Florida State Senator Mack Bernard  
Debra Wagner, 491 Saturn Lane, Juno Beach  
Michelle Levbarg Klein, 1060 N. Ocean Blvd.  
Abraham Kamor, 13054 Redon Drive, PBG  
Ronnie Heyman, 150 Bradley Place  
Simon Tarsh, 130 Sunrise, 504  
Max Shapiro, 29<sup>th</sup> Street, WPB  
Sharon O'Neill (Formerly at 100 Worth Avenue)  
Shayna Sehayik, 610 Clematis Ave., 427  
Stephanie Steen, 235 Sunrise Avenue  
Dinie Scheiner, Atlantic Avenue  
Robin Bernstein, 235 Sanford Avenue  
Abe Haruvi, 980 N Lake Way  
M Shadot, 233 Royal Poinciana, 2  
Bob Keets, 2660 S. Ocean Blvd.

Gary Marder, 123 Ocean Lane  
Lisa Kaye, 302 Eden Road  
Paul Boritzer, 100 Sunrise Avenue 509  
Sari Simpson 201 Monceaux Rd, WPB  
Elsa Malinsky, 1801 N Flagler, 135, WPB  
Hindy Scheiner Krasnianski (formally 230 Park Avenue)  
Casey Klein, 2295 S. Ocean Blvd.  
Marvin Fajertag, 177 Windsor Drive, WPB  
Sheryl Davidoff 209 Turnberry Court N., Atlantis  
Rabbi Shneur Minsky, PB Synagogue  
Martin Klein, 1060 N Ocean Blvd.

The following individuals spoke in opposition to the project:

Art Indursky, 200 Bradley Place  
Beryl Simonson, 130 Sunrise Avenue  
Robert Spatt, 150 N. Ocean Blvd.  
Steven Levy, 150 N. Ocean Blvd.  
Bob Grinberg, 130 Sunrise Avenue  
Jerry Zaro, 100 Sunrise Avenue  
David Mack, 958 N Lake Way  
Carlos Cardow, 130 Sunrise Avenue  
Denise Budnitz, 44 Cocoanut Row  
Anne Pepper, 333 Seaspray Avenue  
Tony Stepanski, 130 Sunrise Avenue  
Anita Seltzer, 44 Cocoanut Row

On behalf of the applicant, Attorney Alan Dershowitz spoke on the constitutional issues of the application.

*Clerk's note: A lunch break was taken at 3:18 p.m. and resumed at 3:53 p.m.*

Aimee Sunny, Preservation Foundation of Palm Beach, spoke about the architecture and its sensitive design. She added that the variances did not impact the building's architectural design.

Mr. Oyer provided rebuttal arguments to the points made by the opposition. He then outlined how the application met the code requirements, and he explained the hardship for the application.

*Clerk's note: A short break was taken at 5:22 p.m. and resumed at 5:28 p.m.*

Council Member Cooney asked Town Attorney O'Connor to speak to the pending litigation to the Paramount and the constitutional questions raised.

Town Attorney O'Connor spoke about the litigation with the Paramount and added that she did not believe that any decision on the synagogue would affect the litigation related to the Paramount; however, she did point out a similarity related to the intensification of use.

Attorney O'Connor addressed Mr. Oyer's last point suggesting that there be an equal protection claim because other houses of worship have been allowed in the same zoning district. She said to bring an equal protection plan, the courts would look strictly upon the situation being similarly situated in all material respects. The courts have held that it is not similarly situated if different forms of zoning relief were being sought.

Council Member Cooney asked if any of that changed Attorney O'Connor's opinion about the Town Council going easier on a religious request versus a typical commercial request. Attorney O'Connor noted that she had specifics from Mr. Dershowitz on how there would be a free exercise issue. She provided further explanation of the law. She advised that she did not see any religious issues; the ordinances were neutrally drafted, and the Town Council knows how to apply even handedly.

Council Member Cooney asked which two zoning districts allowed religious institutions as of right, Attorney O'Connor responded C-B and C-PC.

Mayor Moore asked Mr. Oyer for his opinion on Town Attorney O'Connor's legal summary about religious institutions. Mr. Oyer asked Attorney Cliff Hertz to weigh in on the Town's litigation related to Paramount.

Attorney Cliff Hertz of Nelson Mullins Riley & Scarborough LLP opined that the FLUDRA letter would not impact the equal protection claim.

Attorney O'Connor advised that the Paramount could resubmit their application, and the same arguments would be used.

Attorney Eubanks offered Cecelia Ward, who has 45 years of experience in planning, to share her expert opinion.

Mr. Oyer weighed in on the RLUIPA (Religious Land Use and Institutionalized Persons Act) Federal Law. He explained what prompted the law prohibiting a religious institution from being treated differently from a non-religious institution, and that a religious institution may not be treated differently from another religious institution. It also states that a government cannot inhibit the free practice of religion. He explained how RLUIPA applied in this instance. Mr. Oyer submitted to the Town Council that there was an RLUIPA claim because this religious institution was being treated differently than non-religious institutions and differently than other religious institutions.

Mr. Murphy noted that in both the C-PC and C-B zoning districts where religious use is permitted, the floor area was not a regulating lot, yard, or air requirement.

Council Member Moran asked if any other project had requested an increase in size like Synagogue's request.

Council President Pro Tem Crampton asked for more explanations on the synagogue's calendar. Rabbi Scheiner spoke about the special events on the calendar, many of which are held in private residences or locations other than the synagogue. When asked which events were over 100 people, he replied none were that large. Council Member Moran asked about the event that occurred in the prior week, to which Rabbi Scheiner responded.

Council Member Araskog read an excerpt from the minutes of 1999 when parking was a problem. She felt this was a huge intensification of use and a huge request. She also questioned the setbacks being met and the variances. She did not believe that, legally, the Town Council had a right to approve the variances or the special exception uses. Council Member Araskog also thought the council should look at the town code on parking. She could not understand how the project could be approved with only eight parking spaces.

Council President Lindsay asked Rabbi Scheiner about a satellite Palm Beach synagogue in West Palm Beach. Rabbi Scheiner said yes, the service was opened in West Palm Beach to alleviate people leaving their communities.

Council Member Cooney stated he was ready to weigh in on the issue. He acknowledged that 7 of the 9 variances were to retest their existing conditions. He said the principle of equivalency could not be used for parking because 50% of the building was being demolished. He did not believe there was an issue of mass on the street and favored that the building on County Road was virtually unchanged. He thought the building was consistent within the C-TS zoning district. Council Member Cooney did not believe the request was an intensification of use and stated the request only resulted in a loss of a few parking spaces. He acknowledged that the institution had offered a declaration of use agreement to limit and restrict their membership and events. Council Member Cooney supported the application.

Council President Pro Tem Crampton agreed with Council Member Cooney's assessment. He believed that the existing code was broken and noted that the Town was currently undergoing a code reform. He believed that a religious institution met the intent of the comprehensive plan, and he believed the application should be approved.

Council Member Moran thought the proposal was a large request; she thought the architect could have reduced the building more than had been proposed. She thought the public comments were mostly split between supporters and opponents of the project. She thought it would be important to consider how the declaration of use would be written.

Council President Lindsay thought Palm Beach was a built-out environment. There has been an effort to reduce the number of trips to the island to lower the traffic impacts. She thought the classrooms, as proposed, could be reduced in size. She also expressed concern about the parking variance, as requested. She asked the Rabbi to clarify his recent comments from the newspaper in October 2024 regarding establishing a PB synagogue in WPB. Would those members be coming over here, and how would he cap the Sunday school to 150 children if the membership keeps growing? He answered that he could because the West Palm Beach synagogue would be a separate entity, and they would have their services in West Palm Beach. He also confirmed he was willing to put these restrictions in the Declaration of Use Agreement.

Council Member Araskog asked about the morning services and who attended. Rabbi Scheiner responded. She had an issue with the parking variance. She asked staff if the request was an intensification of use, and Director Bergman confirmed that it was. She did not believe she could approve the building as proposed; she thought it needed to be reduced. She recommended a deferral.

Mayor Moore agreed with Council Member Cooney that the addition of seats would control the use. She empathized with the security concerns and was not worried about the parking issues raised. She supported the project.

Council Member Cooney did not believe there was a violation of the comprehensive plan and outlined his reasons. He wanted to approve the project and have the applicant return to negotiate a declaration of use and parking agreements.

Council President Pro Tem Crampton was a proponent of the declaration of use to manage the intensities of use. He was pleased with how the building looked from the street and felt the project was pretty good. He acknowledged that the Sunset Street building was vulnerable to security incidents. He felt it needed to be walled up for protection. Secondly, the ugly visual impact would be covered by the extension. He agreed with Council Member Cooney that the project needed approval pending negotiation of a declaration of use.

Council Member Moran had nothing else to add. She was okay with the proposed classroom sizes.

Council Member Araskog asked Attorney O'Connor about the interpretation of the comprehensive plan given the decisions that had been made. Attorney O'Connor responded.

Council President Lindsay asked about the size of the classrooms. Kyle Fant of Bartholomew + Partners presented the architectural plans for the classrooms.

Council Member Araskog asked where the teachers would park. Mr.



Oyer responded.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0055 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met and with the following conditions: the applicant shall return to the Town Council to negotiate a Declaration of Use Agreement and provide the Town Staff the written parking agreements for legal review, a deed restriction shall be placed on the property that limits the use of the classroom space to be used only as Sunday school classrooms, and to encourage the Town Manager to provide right-of-way parking to the applicant. The motion was carried 3-2, with Council Member Araskog and Council President Lindsay dissenting.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Special Exception and Site Plan Review No. ZON-24-0055 meets the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finds that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met, and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329, and with the following conditions: the applicant shall return to the Town Council to negotiate a Declaration of Use Agreement and provide the Town Staff the written parking agreements for legal review, a deed restriction shall be placed on the property that limits the use of the classroom space to be used only as Sunday school classrooms, and to encourage the Town Manager to provide right-of-way parking to the applicant. The motion was carried 4-1, with Council Member Araskog dissenting.

*This discussion lasted approximately 9 hours. To listen, please click the link on the agenda topic above.*

- g. **ZON-24-0057 (ARC-24-0097) 334 CHILEAN AVE (COMBO) - VARIANCE** The applicants, Overflow Pad Too LLC (Environment Design Group), have filed an application requesting Town Council review and approval for one (1) variance to exceed the maximum allowable height for a wall. The Architectural Commission (ARCOM) shall perform a design review of the application. *[This project has been withdrawn.]*  
***Clerk's note: This item was withdrawn at the Approval of the Agenda, Item VI.***

## **2. New Business**

- a. **ZON-24-0053 (ARC-24-0086) 240 EL DORADO LANE (COMBO) – SITE PLAN REVIEW & VARIANCES (9:48:20)** The applicant, Henry and Laura McNamara (B1 Architect) have filed an application requesting Town Council review and approval for a site plan review and two (2)

variances related to angle of vision and rear yard setback resulting from significant demolition and additions to a single-family house. The Architectural Commission (ARCOM) shall perform a design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.]*  
*[The Architectural Commission approved the project. Carried 5-2.]*

Council Member Moran disclosed ex-parte communications. *Council Member Cooney declared a conflict of interest for the project and left the dais during the discussion.*

Gregory Bonner of B1 Architect presented the architectural plans for the proposed project.

Assistant Director of Planning, Zoning and Building James Murphy provided staff comments.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council President Pro Tem Crampton and seconded by Council Moran that Variance No. ZON-24-0053 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 3-1, with Council Member Araskog dissenting.**

**A motion was made by Council President Pro Tem Crampton and seconded by Council Moran that Site Plan Review No. ZON-24-0053 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certified that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. The motion was carried unanimously, 4-0.**

***This discussion lasted approximately 7 minutes. To listen, please click the link on the agenda topic above.***

- b. **[ZON-24-0056 \(COA-24-0021\) 225 S COUNTY RD \(COMBO\) - VARIANCES \(9:55:01\)](#)** The property owner, Sphinx Properties LLC, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the minimum front yard setback and 2) increase the angle of vision associated with new trellises for the property currently under consideration to be Landmarked. The Landmarks Preservation Commission shall perform a design review of the application impacting the property under consideration to be Landmarked. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.]*

*[The Landmarks Preservation Commission approved the project. Carried 7-0.]*

Council Member Moran disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests. Patrick Segraves of SKA Architect + Planner presented the architectural plans for the proposed project. Ms. Ziska discussed the hardships associated with the project.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0056 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.***

- f. [\*\*ZON-24-0061 \(ARC-24-103\) 1247 S OCEAN BLVD \(COMBO\) - SPECIAL EXCEPTION AND VARIANCE \(10:01:59\)\*\*](#) The applicant, Providencia Partners LLC (Maura Ziska, Authorized Signatory) has filed an application requesting Town Council review and approval for a special exception (1) to construct a pickleball court and a variance (1) to exceed maximum wall height permitted within the front yard setback, as part of a previously approved application for development of a residential estate. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 7-0.]*

There were no disclosures of ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project.

Council Member Araskog asked Mr. Bergman about the varied wall height. Mr. Bergman replied.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council Member Araskog that Special Exception No. ZON-24-0061**

shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. The motion was carried unanimously, 5-0.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-24-0061 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.

*This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.*

- d. **ZON-24-0063 (ARC-24-0106) 260 COLONIAL LN (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicants, Thomas & Meredith Hunt, have filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review to permit the redevelopment of an existing nonconforming parcel of land in the R-B zoning district, which is deficient in lot depth and lot area. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the February 12, 2025, Town Council meeting, pending Architectural design review.]*  
***Clerk's note: This item was deferred to the February 12, 2025, Town Council meeting at the Approval of the Agenda, Item VI.***
- e. **ZON-24-0068 (ARC-24-0110) 233 OLEANDER AVE (COMBO) - VARIANCES (10:07:41)** The applicants, Kimmi & David Smick of CWI233 LLC, have filed an application requesting Town Council review and approval for two (2) variances to (1) revest existing nonconforming landscape open space and (2) to revest existing nonconforming perimeter landscape open space; resulting from the substantial improvement of more than 50% of the site. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project for Option 4. Carried 6-0.]*

There were no disclosures of ex-parte communications.

Robert Bell of Bell Design, Inc. presented the architectural plans for the proposed project and discussed its hardships.

Director Wayne Bergman of Planning, Zoning, and Building provided staff comments.

Council President Lindsay called for public comment. No one indicated a desire to speak.

**A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-0068 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 4-1, with Council Member Araskog dissenting.**

***This discussion lasted approximately 3 minutes. To listen, please click the link on the agenda topic above.***

- f. [\*\*ZON-24-0069 343 EL BRAVO WAY – VARIANCE \(10:10:46\)\*\*](#) The applicant, Hilarie L. Morgan as Trustee of The Mitchell and Hilarie Morgan Palm Beach Trust Dated May 21, 2007, has filed an application requesting Town Council review and approval of a variance to reconstruct a marine structure (dock) with a deficient south side setback.

Council Members Araskog, Moran, Cooney, Council President Pro Tem Crampton, Council President Linday, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests.

Director Wayne Bergman of Planning, Zoning, and Building provided staff comments.

Matt Butler of Isiminger Stubbs provided further information on the proposed dock. Ms. Ziska discussed the hardship of the proposed project.

**A motion was made by Council Member Cooney and seconded by Council Member Araskog that Variance No. ZON-24-0069 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.***

- g. [\*\*ZON-24-0071 \(ARC-24-0118\) 239 WORTH AVE \(COMBO\) VARIANCES AND SITE PLAN REVIEW \(10:20:47\)\*\*](#) The applicant, CSPB WORTH LLC has filed an application requesting Town Council review and approval for Variances to reduce the required on-site parking for a retail addition, to exceed the maximum allowable lot coverage for a one-story commercial building, and to reduce the required overall landscape open space in order to construct a new one-story addition to the rear of an existing one-story commercial

building in the C-WA district. The Architectural Commission shall perform design review of the application.

Council Members Moran, Cooney, Council President Pro Tem Crampton, Council President Linday, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests.

Council Member Moran asked staff to weigh in on the variance request.

Assistant Director of Planning, Zoning, and Building James Murphy provided staff comments.

Council President Pro Tem Crampton asked about the hardship, to which Ms. Ziska responded. Spencer Schlager, representing the owners, stated that they had spoken with the existing tenant. He said two existing employees already had parking arrangements, and no additional employees would be added. He did not anticipate that parking would become an issue. He also noted that other parking options may be offered if necessary.

Council Member Cooney wondered if the owners would be willing to provide parking in other locations. Mr. Schlager stated they would be amenable.

Council Member Araskog did not believe there was a hardship for the request. Mr. Schlager replied and further explained the request.

Council President Lindsay called for public comment.

Daren Rubenfeld, 247A Worth Avenue, questioned the legal need for the request. He stated the ongoing problem on Worth Avenue was the parking shortage.

Mr. Schlager responded that they were willing to provide parking as needed.

**A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0071 shall be denied for the reason that the application does not meet criteria 2, 3, and 5 set forth in Section 134-201 (a), items 1 through 7. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 15 minutes. To listen, please click the link on the agenda topic above.***

- h. [\*\*ZON-24-0070 306 MADDOCK WAY – VARIANCE \(10:14:58\)\*\*](#) The applicant, Cecilia L. Kemble, has filed an application requesting Town Council review and approval of a variance to construct a



boat dock that exceeds the maximum width permitted.

Council Members Araskog, Moran, Cooney, Council President Pro Tem Crampton, Council President Linday, and Mayor Moore disclosed ex-parte communications.

Attorney Maura Ziska, representing the applicant, provided an overview of the project and the zoning requests and discussed the hardship of the proposed project.

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0070 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 5 minutes. To listen, please click the link on the agenda topic above.***

**C. [Time Extensions and Waivers \(10:36:54\)](#)**

1. [Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at 441 Seaview Ave. \(10:46:12\)](#)

**A motion was made by Council Member Cooney and seconded by Council Member Araskog to defer the project to the meeting on February 12, 2025. The motion was carried unanimously, 5-0.**

2. [Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at 336 West Australian Ave. \(10:48:43\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request and provided recommendations.

Scott of Watermark Contractors explained the reason for the request for a waiver from Town Code Section 18-237 for a Building Permit extension. He said their permit expired on December 12, 2024, and hurricane damage had affected their ability to obtain landscaping materials.

**A motion was made by Council Member Araskog and seconded by Council Member Moran to grant a three-month extension to the building permit for 336 West Australian Avenue. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 2 minutes. To listen, please click the link on the agenda topic above.***

3. [Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at 224 S. Ocean Blvd. \[Received a two-month extension at the November Town Council meeting. Returning to provide further information and request approval.\] \(10:50:54\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request and provided recommendations.

Gustavo Rodriguez of Eco Building Solutions Inc. explained that the Architectural Commission had reviewed and approved the design, and the contractor was submitting it to the Building Department for approval. He said the waiver would allow time to complete the project.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to extend the building permit for 224 S. Ocean Boulevard to June 30, 2025. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.***

4. [1025 N. Lake Way – Three Strike & Stop Work Order \(10:37:22\)](#)

Homeowner David Fischer explained the reason he was requesting a waiver for the third strike.

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the strikes and asked Mr. Eison to outline the issues.

Mike Eison of Eison Construction stated that offsite parking had been acquired, and workers for the job were being shuttled onto the island.

**A motion was made by Council Member Cooney and seconded by Council Member Moran to waive the third strike for 1025 N. Lake Way, right-of-way permits may be issued again, work can resume, and the Director of Planning, Zoning and Building will handle any complaints. The motion was carried unanimously, 5-0.**

***This discussion lasted approximately 9 minutes. To listen, please click the link on the agenda topic above.***

XI. [ORDINANCES \(10:54:25\)](#)

A. **Second Reading**

1. [Proposed ordinance to amend the Town's Comprehensive Plan \(10:54:30\)](#)

**ORDINANCE NO. 015-2024** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Comprehensive Plan By Amending The Data & Analysis, As Well As The Goals, Objectives, And Policies Within The Plan Based On The Town's Recent Evaluation And Appraisal Of The Comprehensive Plan; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Herewithin; Providing For Codification; Providing An Effective Date.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to defer the ordinance to the meeting on February 12, 2025. The motion was carried unanimously, 5-0.

**XII. ANY OTHER MATTERS**

There were no other matters discussed at this time.

**XIII. ADJOURNMENT (10:56:26)**

A motion was made by Council Member Araskog and seconded by Council Member Cooney to adjourn the meeting at 9:50 p.m. The motion was carried unanimously, 5-0.

APPROVED:

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Bobbie D. Lindsay, Town Council President

ATTEST:

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Kelly Churney, Town Clerk

Date: \_\_\_\_\_