



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on March 5, 2025

I. CALL TO ORDER AND ROLL CALL (01:36)

Chair Lindsay called the Town Council meeting to order at 9:31 a.m. On roll call, all council members were found to be present except for Council Member Julie Araskog.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (01:57)

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE (02:42)

Mayor Moore suggested that the council move through the lunch break if possible. She expressed gratitude on Ash Wednesday, the beginning of Lent.

IV. COMMENTS OF TOWN COUNCIL MEMBERS (04:00)

Council Member Cooney agreed with the mayor and expressed gratitude for the expeditious meeting on Tuesday.

Council President Lindsay stated she would determine if a lunch break was needed around 11 a.m.

V. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (04:54)

Anita Seltzer, 44 Cocoanut Row, expressed concern about one of the items on the consent agenda. Council Member Cooney said he would pull the item from consent for discussion.

VI. APPROVAL OF AGENDA (06:07)

Mr. Bergman announced the following changes to the agenda:

- Resolution No. 005-2025, 1250 N. Ocean Blvd. - deferred to April 9, 2025, with confirmation that the owner waived the time to consider a designation set forth in Chapter 54-164.
- ZON-24-0093, 203 Via Vizcaya - deferred to April 9, 2025
- Three Strikes – Stop Work Order – 201 Queens Lane – added to the agenda

- Three Strikes – Stop Work Order – 1295 S. Ocean Blvd. – added to the agenda
- Resolution No. 014-2025, 163 Seminole Avenue – request to defer to April 9, 2025.

On behalf of the owners at 163 Seminole Avenue, Attorney Maura Ziska requested to defer the item to the April 9, 2025, meeting.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to defer Resolution No. 014-2025, 163 Seminole Avenue, to the meeting of April 9, 2025. The motion was carried unanimously, 4-0.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the amended agenda. The motion was carried unanimously, 4-0.

VII. CONSENT AGENDA (10:04)

- A. Royal Poinciana Plaza - Assignment of Declaration of Use Agreement**
This item was pulled from the consent agenda and not included in the approval of the consent agenda.

- B. RESOLUTION NO. 019-2025: 347 Worth Ave., Everglades Club - Tax Abatement**

RESOLUTION NO. 019-2025: 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."

- C. RESOLUTION NO. 020-2025: 350 Worth Ave., Everglades Club - Tax Abatement**

RESOLUTION NO. 020-2025: 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 President Pro Tem Crampton and seconded by Council Member Cooney to approve the consent agenda as presented. The motion was carried unanimously, 4-0.

VIII. MATTERS PULLED FROM THE CONSENT AGENDA IF NEEDED

- A. Royal Poinciana Plaza - Assignment of Declaration of Use Agreement (10:32)**

Attorney Jamie Crowley, on behalf of Innovate Corporation, stated that the Glazers would now be a party in the Declaration of Use Agreement, replacing Innovate Corporation. He stated that nothing else in the declaration of use would be changed; it was only the parties listed in the agreement, and it needed approval from the Town Council.

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 Member Cooney to approve the change to the declaration of use agreement. The motion carried unanimously, 4-0.

IX. RESOLUTIONS

- A. RESOLUTION NO. 005-2025:** 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.] [This matter was deferred from the January 15, 2025, Town Council meeting.] [At the applicant's request, this was deferred to the March 5, 2025, Town Council meeting.]*

Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- B. RESOLUTION NO. 014-2025:** 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 **163 Seminole Ave.** 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. (PALM BEACH COUNTY LISTS THE PROPERTY AS 165 SEMINOLE AVENUE) Owner: Dale Coudert, 2012 Steven H. Rose Trust. *[The property owner is supportive of this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]*

Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

- C. RESOLUTION NO. 029-2025 (12:37):** 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 **126 Root Trail** 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. Owner: Sheila McHenry and William McHenry. ***[The property owner is opposed to this designation. The Landmarks Preservation Commission voted 7-0 for Landmarking.]***

Council Member Moran and Council President Pro Tem Crampton disclosed ex-parte communications.

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

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

Assistant Director James Murphy stated that the staff supported the ratification because it met the criteria listed in the Code. Ms. Murphy added that the Landmarks Preservation Commission unanimously supported the designation of the property.

A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Crampton to make the designation report part of the record. The motion was carried unanimously, 4-0.

Council President Lindsay called for public comment.

Aimee Sunny of The Preservation Foundation of Palm Beach agreed that the property met the designation criteria outlined by the Town's consultant and spoke about the importance of Root Trail's history. She thought the property retained its historical character and significance and met the seven aspects of integrity.

Council Member Cooney asked about the owners' feelings on the potential designation. Ms. Murphy stated that while the owners wrote a letter against the designation, they had not actively opposed it. Council Member Cooney thought the street had a wonderful history and might deserve a historic district designation.

Council Member Moran agreed with Council Member Cooney. She said she would support making the street a historic district and fully supported the designation. She hoped the owners viewed the designation as a privilege rather than a punishment.

Council President Pro Tem Crampton asked about the owner's opposition. Ms. Murphy responded, stating that the owners did not provide specific reasons.

Council President Lindsay supported the designation and agreed that a historic district should be considered for this street.

A motion was made by Council Member Cooney and seconded by Council Member Moran to approve Resolution No. 029-2025, designating the property at 126 Root Trail as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1 and 3 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried 3-1, with Mr. Crampton dissenting.

This discussion lasted approximately 14 minutes. To listen, please click the link on the agenda topic above.

X. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. [**ZON-24-0063 \(ARC-24-0106\) 260 COLONIAL LN \(COMBO\) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW \(26:16\)**](#) 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.

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

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

Council Member Moran asked if the setbacks would remain the same if the lot was conforming rather than nonconforming. Ms. Ziska confirmed this statement and added that all the proposed mechanical equipment met the code requirements.

Council President Lindsay called for public comment.

David Kelso, 255 Monterey Road, indicated he was the adjacent neighbor and opposed the special exception for the non-conforming site. He believed the house was too big for the lot and that he would be directly and negatively impacted. He also thought granting the special exception would set a precedent for house flippers. He discussed the number of construction projects on his street that caused excessive traffic and a concentration of construction work on a small street.

Council Member Cooney was empathetic about the traffic and construction in the area but added that if the Town Council did not grant the special exception and allow the homeowner to build a home, the owner would be deprived of property rights. He also added that he believed this section of the code was proposed to be changed in code reform. He asked Planning, Zoning, and Building Director James Murphy to speak on this code section.

Mr. Murphy agreed with Council Member Cooney's statement when the lot was a historically platted subdivision that contained a prior home. This would not apply if the homeowner created the situation.

Council Member Cooney asked if a new home was the objection or the size of the proposed home. Mr. Kelso stated it was the size of the home.

Council President Pro Tem Crampton asked what Mr. Kelso's impact would be if the house was built as proposed. Mr. Kelso discussed the issues with construction traffic and noise.

Mayor Moore wondered if a two-story house could be built on the lot. Mr. Murphy responded that a two-story home could be built and was 300 square feet under the allowable lot coverage. Mayor Moore pointed out these issues and stated the design had spent several months with the Architectural Commission. While she empathized with Mr. Kelso, she said nothing in the code prevented the homeowner from developing her lot and added that she believed there was a hardship that ran with the lot.

Council Member Moran empathized with Mr. Kelso and stated there had been a conversation the day before about limiting construction in the Town. Town Attorney O'Connor stated that the town council could not restrict the number of permits in one area. She stated that the project was not breaking any code regulations and believed the project should be approved.

Council President Lindsay understood Mr. Kelso's concerns about construction and traffic in the area. She noted the efforts to reduce the building height, reduce the allowable lot coverage, and increase the landscape open space calculations. For all those reasons, she supported the project.

Council President Pro Tem Crampton confirmed the amount of construction indicated by Mr. Kelso. Since the project did not request a variance, he stated he would support the project.

Town Attorney O'Connor stated that they could not limit the number of permits on any given street but were working to manage the construction with the construction management agreements.

Attorney Maura Ziska stated that Tim Givens was the contractor for the home and lived close to the site. She said he would also do his best to manage the construction traffic. Ms. Ziska added that no laws prohibited her client from building her home.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Special Exception No. ZON-24-0063 and Site Plan Review No. ZON-24-0063 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. The motion was carried unanimously, 4-0.

Council Member Cooney asked Ms. Ziska to make an introduction between Mr. Kelso and Mr. Givens.

This discussion lasted approximately 21 minutes. To listen, please click the link on the agenda topic above.

- b. **ZON-24-0093 (ARC-24-0128) 203 VIA VIZCAYA (COMBO) - SPECIAL EXCEPTION&VARIANCE** The applicant, PAUL Z. OKEAN (Trustee, under Trust Agreement dated 5/21/91 as the Paul Z. Okean Revocable Living Trust), has filed an application requesting Town Council approval for a special exception for redevelopment of a nonconforming parcel and one (1) variance for deficient landscape open space as it relates to development of a new residence. The Architectural Commission shall perform design review of the application.
Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.
- 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 854 So County Rd., LLC, 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 April 9, 2025, Town Council meeting pending Landmark Commission design review.]*
Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.
- d. **ZON-24-0066 (ARC-24-0108) 1519 N OCEAN WAY (COMBO)— SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES** The applicant, 1519 N Ocean Way #1 LLC & 1519 N Ocean Way #2 LLC (Maura Ziska, Attorney), has filed an application requesting Town Council review and approval for a special exception with site plan review for redevelopment of an existing parcel which is nonconforming to minimum lot width requirements in the R-A zoning district. Additionally, three variances are requested to (1) exceed maximum building height and (2) to exceed maximum overall building height for the portions of the structure located west of the CCCL and (3) to permit improvements (steps) within the 50' ocean bulkhead setback area. The Architectural Commission shall review the application as it pertains to zoning relief/approval. *[This project shall be deferred to the April 9, 2025, Town Council meeting pending Architectural Commission design review.]*
Clerk's note: This item was deferred to the April 9, 2025, Town

Council meeting at the Approval of the Agenda, Item VI.

- e. **ZON-24-0092 (ARC-24-0114) 1010 N LAKE WAY (COMBO) – VARIANCES** The applicant, 1010 North Lake Trust LLC, has filed an application requesting Town Council review and approval for five (5) variances to exceed maximum lot coverage, encroach into side setbacks and construct a lower equipment screening wall that required, as part of an application for elevation, shifting and renovation of a two-story house, addition of a loggia, new pool, hardscape. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the April 9, 2025, Town Council meeting pending Architectural Commission design review.]*
Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

2. New Business

- a. **ZON-24-0062 (ARC-24-0109) 1739 S OCEAN BLVD (COMBO) - SPECIAL EXCEPTION (47:44)** The applicant, Peter Eyckeler, has filed an application requesting Town Council review and approval for one (1) special exception to reduce required vehicle stacking dimensions for a new vehicular gate. The Architectural Commission shall perform design review of the application.

Council Member Moran disclosed ex-parte communications.

Attorney M. Timothy Hanlon, representing the applicant, provided an overview of the project and the zoning requests and discussed the proposed hardships associated with the project. Kyle Fant of Bartholomew + Partners presented the architectural plans for the proposed project, and Dustin Mizell of Environment Design Group presented the landscape and hardscape plans for the site.

Mayor Moore favored the plan and was glad to see the gates moved further into the property.

Council Member Cooney thought the gate was perfectly reasonable in the estate section. He thought the modifications were more in scale and neighborly.

Council Member Moran and Council President Lindsay agreed with Council Member Cooney.

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 Special Exception No. ZON-24-0062 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, 4-0.

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

b. [ZON-24-0067 \(ARC-24-0111\) 175 BRADLEY PL \(COMBO\) SPECIAL EXCEPTIONS AND SITE PLAN REVIEW AND VARIANCES \(1:00:21\)](#)

The applicant, DOCPALMBEACH PPLC, has filed an application requesting Town Council review and approval for a Special Exception for a second floor in the C-TS zoning district and four (4) variances including (1) to not provide the required parking for a new residential unit, (2) to reduce the required open space for two-story buildings, (3) to reduce the required front (west) setback, and (4) to reduce the required rear (east) setback, for the construction of a new second-floor addition for a residential unit to the existing one-story commercial building with existing nonconforming setbacks and landscape open space. The Architectural Commission shall perform design review of the application.

Council Members Cooney, Moran, Council President Pro Tem Crampton, Council President Lindsay, 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 proposed hardships associated with the project. Jaime Torres of Fairfax and Sammons presented the architectural plans for the proposed project.

Council Member Cooney provided his first impressions of the building. He was thrilled to see someone improving the aesthetics of the block but thought the Architectural Commission should review the design. He cautiously supported the project but requested that one parking space be added to the site.

Mr. Torres pointed out that they were requesting two parking spaces. He asked if Council Member Cooney supported a parking space on the north side of the home. Council Member Cooney stated he did not believe Public Works would allow another curb cut in that location. He also did not want to worsen the safety issues for pedestrians.

Mayor Moore thought any changes would be a vast improvement. She agreed with Council Member Cooney's suggestion to add a parking space on site. She wondered about the current parking for patrons, to which Mr. Torres responded.

Council President Lindsay agreed with her colleagues. She asked if shade trees could be added to increase the landscape open space and to create shade for the sidewalk.

Council Member Moran asked about the cladding on the building's walls and agreed that one parking space should be added on site. She asked if a variance would be required for the second floor, to which Mr. Torres responded no.

A short discussion ensued about the path of 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 Member Moran to defer the project to the meeting on April 9, 2025, with the direction to send it for review by the Architectural Commission with further direction to increase the green space with shade trees and to incorporate on a parking spot on site. The motion was carried unanimously, 4-0.

This discussion lasted approximately 20 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A short break was taken at 10:50 a.m. and resumed at 10:59 a.m.

- c. [**ZON-24-0073\(ARC-24-0121\) 1030 N LAKEWAY \(COMBO\) – VARIANCE \(1:21:47\)**](#) The applicant, David and Jennifer Fischer, has filed an application requesting Town Council review and approval for one (1) variance to exceed maximum cubic content ratio as part of an application to enclose a second-story terrace. The Architectural Commission shall perform design review of the application.

Council Member 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 and discussed the proposed hardships associated with the project. Leslie Pearce of Smith Architectural Group presented the architectural plans for the proposed project.

Council Member Cooney confirmed the scope of the project. Ms. Pearce responded.

Council Member Moran thought the addition seemed small and unnoticeable.

Council President Lindsay agreed with her colleagues.

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

Council Member Cooney thought many of the land use projects on the agenda were minimal and would not need relief after the zoning

code rewrite.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-0073 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, 4-0.

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

- d. [**ZON-24-0075 \(ARC-24-0127\) 210 VIA LINDA \(COMBO\) - VARIANCE \(1:28:05\)**](#) The applicants, Diana Wood and Robert Pinkney, have filed an application requesting Town Council review and approval for one (1) variance to reduce the minimum required side setback as part of a garage addition. The Architectural Commission shall perform design review of the application.

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

Kyle Fant of Bartholomew + Partners presented the architectural plans for the proposed project.

Council Member Cooney confirmed that the roof would be slightly adjusted due to the comments made at the Architectural Commission. He thought the project was not different from the existing condition.

Council Member Moran thought the change was very small and was unfortunate that a small part of the building was being cut off.

Council President Lindsay asked about the landscaping changes. Mr. Fant mentioned the roots growing under a site wall, which had been addressed.

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-24-0075 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, 4-0.

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

- e. **ZON-25-0001 (ARC-24-0066) 324 PLANTATION RD (COMBO) - VARIANCES (1:33:34)** The applicant, Wendy Schriber Trust (Environment Design Group), has filed an application requesting Town Council review and approval for one (1) variance to exceed the maximum allowable height of a pergola within a setback. The Architectural Commission shall review the application as it pertains to zoning relief/approval.

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

Dustin Mizell of Environment Design Group presented the plans for the proposed project.

Council Member Cooney asked if the Architectural Commission suggested the applicant seek a variance with the new design. Mr. Mizell responded. Council Member Cooney thought the commission provided good architectural suggestions; he concurred that the pitched roof was a better plan.

Mr. Murphy 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-24-0001 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, 4-0.

This discussion lasted approximately 11 minutes. To listen, please click the link on the agenda topic above.

- f. **ZON-24-0091 (COA-24-0033) RIGHT-OF-WAY IMPROVEMENTS - WELLS RD/CRESCENT DR/N COUNTY RD (COMBO) - SPECIAL EXCEPTION AND SITE PLAN REVIEW** The applicant, Town of Palm Beach, has filed an application requesting Town Council review and approval for Special Exception and Site Plan Review right-of-way and park improvements consisting of hardscape and landscape changes along the intersection of Wells Road, Crescent Drive and North County Road within the Wells Road Scenic Vista. The Landmarks Preservation Commission shall perform design review of the application. *[This project shall be deferred to the April 9, 2025, Town Council meeting, pending Landmark Commission design review.]*
Clerk's note: This item was deferred to the April 9, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

B. Time Extensions and Waivers

1. [Requesting a Waiver of Town Code Section 18-237, for Building Permit Extension at 86 Middle Road. \(1:53:45\)](#)

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

Mayor Moore stated that contractors should ask for the length of time that they need at their first request. She thought that additional extensions hurt the neighbors.

Tom Keller with Wildes Builders explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension.

When asked how much time the contractor needed to finish the job, Mr. Keller replied that the job would be completed in July. Council President Pro Tem Crampton confirmed that would be enough time for the contractor, to which Mr. Keller replied that it would.

Council Member Moran asked if any further approvals would be needed for any of the modifications. Mr. Keller stated he did not believe so.

Council Member Cooney asked that the homeowners be told that indecisiveness, which consequently extends the permit time, is not neighborly.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to grant the extension of the building permit for 86 Middle Road as requested. The motion was carried unanimously, 4-0.

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

2. [Requesting a Waiver of Town Code Section 42-199, for Construction Hours at 500 S. County Road. \(1:44:31\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the waiver for construction work hours and provided recommendations.

Attorney Maura Ziska explained the reason for requesting a waiver from Town Code Section 42-199 for construction hours.

Mayor Moore stated the work would be on the golf course and would not affect any residents. The mayor suggested approval with the condition that Mr. Bergman address any issues.

Ms. Ziska stated that she contacted three of the residents with concerns. She further explained the project, which alleviated their concerns.

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 Lindsay to grant the waiver of Town Code Section 42-199 for construction hours at 500 S County Road as requested, with the condition that allows the Director of Planning, Zoning, and Building to address any issues that arise. The motion was carried unanimously, 5-0.

This discussion lasted approximately 3 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 128 Seabreeze Ave. \(1:57:15\)](#)

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

Tom Keller with Wildes Builders explained the reason for requesting a waiver from Town Code Section 18-237 for a Building Permit extension and spoke about the three strikes that the project had received.

Council Member Cooney asked about the illegal discharge to the sewers. Mr. Keller responded.

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

Mayor Moore confirmed that the extension requested was enough to finish the job. Mr. Keller responded that it was enough time.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to grant the building permit extension for 128 Seabreeze Avenue as requested. The motion was carried unanimously, 4-0.

4. [Three Strike - Stop Work Order - 128 Seabreeze Ave. \(1:57:15\)](#)

This item was heard concurrently with the request for a waiver of Town Code Section 18-237 for a building permit extension of the same address.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to waive the third strike for 128 Seabreeze Avenue, that right-of-way permits may be issued again, work can resume, and applicable fines must be paid. The motion was carried unanimously, 4-0.

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

5. [Three Strike - Stop Work Order – 201 Queens Lane \(1:47:51\)](#)

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

Josh Pertnoy of Shapiro Pertnoy Companies discussed the strikes they had received and what they have been doing to mitigate further strikes.

Mayor Moore asked about the time it would take to complete the project. Mr. Pertnoy responded. Mayor Moore recommended that the Town Council waive the third strike.

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

Council Member Cooney thanked Mr. Pertnoy for keeping the job site clean.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to waive the third strike for 201 Queens Lane, that right-of-way permits may be issued again, work can resume, and applicable fines must be paid. The motion was carried unanimously, 4-0.

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

6. [Three Strike - Stop Work Order – 1295 S Ocean Blvd. \(2:03:03\)](#)

Wayne Bergman, Director of the Planning, Zoning, and Building Department, described the strikes and asked the contractor to outline the issues:

Attorney Maura Ziska discussed the third strike that they had received.

When asked about strikes one and two, Gerard Garry of Dowbuilt discussed the first and second strikes.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to waive the third strike for 1295 S. Ocean Blvd., that right-of-way permits may be issued again, work can resume, and applicable fines must be paid. The motion was carried unanimously, 4-0.

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

XI. [ANY OTHER MATTERS \(2:06:54\)](#)

There were no other matters discussed at this time.

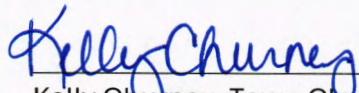
XII. ADJOURNMENT (2:06:57)

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to adjourn the meeting at 11:45 a.m. The motion was carried unanimously, 5-0.

APPROVED:


Bobbie D. Lindsay, Town Council President

ATTEST:


Kelly Churney, Town Clerk
Date: 4/8/25

