



# TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -  
SUBJECT TO  
REVISION

## TOWN COUNCIL MEETING

TOWN HALL  
COUNCIL CHAMBERS-SECOND FLOOR  
360 SOUTH COUNTY ROAD

## AGENDA

WEDNESDAY, JUNE 20, 2012

9:30 AM

**NOTE: ALL ITEMS WERE DEFERRED FROM THE JUNE 13, 2012,  
TOWN COUNCIL MEETING**

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

- I. CALL TO ORDER AND ROLL CALL  
Mayor Gail L. Coniglio  
David A. Rosow, President  
Robert N. Wildrick, President Pro Tem  
William J. Diamond  
Richard M. Kleid  
Michael J. Pucillo
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR GAIL L. CONIGLIO
- IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
- V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE  
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

Post Office Box 2029 \* 360 South County Road \* Palm Beach, Florida 33480  
Telephone (561) 838-5410 \* Facsimile (561) 838-5411 \* [townmanager@townofpalmbeach.com](mailto:townmanager@townofpalmbeach.com)

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

None

2. New Business

- a. **SPECIAL EXCEPTION #6-2012** The application of Rabbi Zalman Levitin, President, The Chabad House Northern Palm Beach Island; relative to property commonly known as **361 South County Road**, Via Rosa; Royal Park Addition Lots 6 & 7, Block 8; located in the C-TS Zoning District. The applicant requests a special exception to allow a 1,962 square feet synagogue containing 40 seats and normal accessory uses such as religious study groups and a child day care facility. [Attorney: Brian M. Seymour]

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- b. **VARIANCE #18-2012** The application of Hibiscus Avenue LLC; relative to property commonly known as **358 Hibiscus Avenue**; described as The South 55 feet of Lots 25, 26, 27, and 28, Block 6, Revised Map of Royal Park Addition to Palm Beach, Florida, according to the Plat thereof, on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, recorded in Plat Book 4, Page 1; located in the R-C Zoning District. The applicant requests a variance to allow the rear yard setback for a swimming pool to be 5 feet in lieu of the 10 foot minimum required. [Attorney: Maura A. Ziska]

- c. **VARIANCE #19-2012** The application of Terry J. Levine and Beth Levine; relative to property commonly known as **2250 Ibis Isle Road**; described as Lot 30, IBIS ISLE, according to the Plat thereof, as recorded in Plat Book 24, Page 84, of the Public Records of Palm Beach County,

Page 18

Florida; located in the R-B Zoning District. The applicant requests variances to allow construction of a two car garage addition with a 9.2 foot north side yard setback in lieu of the 12.5 foot minimum required and to allow construction of a garage addition that will have an angle of vision of 120 degrees in lieu of the 108 degrees maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska]

**Request for Withdrawal Per Letter Dated May 31, 2012, From Maura A. Ziska.**

- d. **VARIANCE #20-2012** The application of Peter T. Grauer and Laurie M. Grauer; relative to property commonly known as **201 El Bravo Way**; described as Lot 7, plus the East 6.14 feet of Lot 8, Supplementary Plat of El Bravo Park, according to the Plat thereof, as recorded in Plat Book 9, Page 9, Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting to construct a 384 square foot loggia addition to the west side of their house. Variances are requested to allow a side yard setback of 7 feet in lieu of the 15 foot minimum setback required and lot coverage of 30% in lieu of the 28% existing and the 25% maximum allowed in the R-A Zoning District. [Attorney: Maura A. Ziska]  
[Landmarks Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject landmark property. Carried 7-0.]  
**Request for Deferral to the August 15, 2012, Town Council Meeting Per Undated Letter Received May 8, 2012, From Maura A. Ziska.**

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- e. **VARIANCE #21-2012** The application of Mary M. Ourisman; relative to property commonly known as **300 Regents Park Road**; described as Lot 2, REGENTS PARK, according to the Plat thereof, as recorded in Plat Book 25, Page 215, of the Public Records of Palm Beach County, Florida; located in the R-AA Zoning District. The applicant is proposing additions to the existing non-conforming house. Variances requested are: 1. Addition of a 962 square foot loggia on the west side of the residence that will have a 6.16 foot north rear yard setback in lieu of the 15 foot minimum setback required; 6.16 foot south front yard setback in lieu of the 35 foot minimum setback required; a building height plane south setback of 6.16 feet in lieu of the 42 foot minimum required for chimney and the 24.25 minimum required for the top of loggia parapet. 2. Addition of two pool pavilions that are each 160 square feet in area with a 10 foot north rear setback in lieu of the

15 foot minimum setback required; 10.3 foot south side yard setback in the lieu of the 30 foot minimum setback required. 3. Addition of a front entry pediment with a south front yard setback/building height plane setback of 9.66 feet in lieu of the 40.58 foot minimum required and 32.5 feet existing. 4. Addition of balustrade on the south side of the roof with a front yard setback/building height plane setback of 11.33 feet in lieu of the 34.25 foot minimum required and 29.1 feet existing. 5. Allow the proposed additions with a landscaped open space of 48% in lieu of the 47% existing and 55% minimum required, and, 6. Allow the proposed additions with a lot coverage of 32% in lieu of the 26% existing and the 25% maximum allowed in the R-AA Zoning District. [Attorney: Maura A. Ziska]  
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]

- f. **VARIANCE #22-2012** The application of 456 WA, LLC (Larry Keller, Manager); relative to property commonly known as **456 Worth Avenue**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to demolish and rebuild the perimeter walls of a landmarked two story residence which will result in the demolition of more than 50% of the cubic footage of the residence which is not allowed. [Attorney: Maura A. Ziska]  
[Landmarks Commission Recommendation: Pending June 13, 2012 meeting.]

- g. **SITE PLAN REVIEW #5-2012 WITH SPECIAL EXCEPTION AND VARIANCES** The application John O. Pickett and Robin R. Pickett; relative to property commonly known as **425 Worth Avenue, PH-A**; described as lengthy legal description on file; located in the R-D(2) Zoning District. The applicant requests a site plan review modification and special exception with variances to allow a 188 square foot awning extension to the west side of the existing awning and a 25 square foot addition to the north side of the unit on the penthouse level of a seven story building. Variances are requested to allow the awning extension and addition at a height of 63.25 feet in lieu of the 60 feet maximum allowed; the awning extension and addition on the existing seventh floor penthouse of a seven story building in lieu of the five story building maximum allowed; the awning extension with a front yard setback of 21.9 feet in lieu of the 126 foot minimum required for a



multi-family building; the awning extension to have a west side yard setback of 37.7 feet in lieu of the 65 foot minimum required for a multi-family building; the proposed addition to have a west side yard setback of 78.7 feet in lieu of the 65 foot minimum required for a multi-family building; the proposed addition a north side yard setback of 34.7 feet in lieu of the 126 foot minimum required for a multi-family building in the R-D(2) Zoning District. [Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]

- h. **SPECIAL EXCEPTION #5-2012 WITH SITE PLAN REVIEW** The application of Noreen S. Dreyer, Esq. for JP Morgan Chase Bank, NA; relative to property commonly known as **411 South County Road**; lengthy legal description on file; located in the C-TS/C-WA Zoning Districts. The applicant requests a special exception to allow a new bank tenant in the C-TS Zoning District to occupy an existing bank building with greater than 3,000 square feet of gross leasable area, with an ATM in the same location, which requires a finding that the bank is town-serving. The existing and proposed gross leasable area is 9,431 square feet. There will be no material changes to the building or site plan except for interior changes as shown on the proposed floor plans and a change in the color of the awnings from red to blue. A special exception is requested to utilize the existing drive-in service facility consisting of two drive-through lanes and one by-pass lane as a result of a change in tenant utilizing the existing drive-in service facility for the same use in the C-WA Zoning District. [Attorney: Noreen S. Dreyer]

D. Other

1. Consideration of Terms and Conditions of the Proposed Declaration of Use Agreement for Pizza Al Fresco, Special Exception No. 4-2012 With Variances.

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VIII. ANY OTHER MATTERS

IX. ADJOURNMENT

## **PLEASE TAKE NOTE:**

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- The progress of this meeting may be monitored by visiting the Town's website ([www.townofpalmbeach.com](http://www.townofpalmbeach.com)) and selecting "Your Government" and then selecting "Live Meeting Audio." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."
- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

## **PROCEDURES FOR PUBLIC PARTICIPATION**

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

**PUBLIC HEARINGS:** Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

**COMMUNICATIONS FROM CITIZENS:** Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

**OTHER AGENDA ITEMS:** Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

# TOWN OF PALM BEACH

Town Council Meeting on: June 20, 2012

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## Section of Agenda

New Business - < 15 Minutes

## Agenda Title

**SPECIAL EXCEPTION # 6-2012** The application of Rabbi Zalman Levitin, President, The Chabad House Northern Palm Beach Island; relative to property commonly known as **361 South County Road, Via Rosa**; Royal Park Addition Lots 6 & 7, Block 8; located in the C-TS Zoning District. The applicant requests a special exception to allow a 1,962 square feet synagogue containing 40 seats and normal accessory uses such as religious study groups and a child day care facility. [Attorney: Brian M. Seymour]

## Presenter

John Page, Director of Planning, Zoning, and Building

## Supporting Documents

- Letter dated April 30, 2012, from Jade Ann Benson
- Letter dated April 30, 2012, from Mr. & Mrs. Michael McDonough
- Email dated May 20, 2012, from Henry Homes III
- Letter dated June 6, 2012, from Howard Amster
- Letter dated June 8, 2012, from Dr. Gary L. Marder
- Email dated June 10, 2012, from Gerald and Helen Marr
- Memorandum dated June 11, 2012, from Thomas G. Bradford, Deputy Town Manager
- Letter dated June 12, 2012, from Richard E. Saleeby
- Email dated June 13, 2012, from Michael Sullivan

MAY 01 2012

April 30, 2012

Town Council  
Town of Palm Beach

Town Manager's Office

Ref: special Exception Application # 6-2012

Dear Sirs:

I do not want a place of worship  
for 40 people, day care center, or adult  
study classes in my neighborhood.

The building <sup>should</sup> stay as it is - designated  
for commercial use or offices and used  
for use serving the majority of the  
neighborhood and town and not

for a few persons.

As per Exhibit C - page 7 I am not  
in accordance with.

No 3. It will cause substantial injury  
to the property value

No 4 I don't believe it to be compatible

No 7 gathering places and day care  
centers result in substantial noise

No 8. I believe there will be parking  
issues - as if we don't have  
enough already with trucks and  
beach goers and all their trash  
on Chilesen Avenue.

Unfortunately I cannot attend the June 13th  
Council meeting

Judi Ann Benson

April 30, 2012

Mrs. Michael P. McDonough

145 Peruvian Avenue, Palm Beach, Florida 33480

TOWN OF PALM BEACH

MAY 01 2012

Town Manager's Office

To: The Town Council of Palm Beach

Re: Zoning Case No. 6-2012

Subject: 361 S. County, Via Rosa

We wish to strongly OPPOSE this application.

Commonsense tells us that the members attending services, adult courses and nursery school will park as near as possible to 361 S. County - on and off all day - and then walk. Few adults or children will be walking from "home".

We are aware that City Hall, the Fire Dept., the Police Station, beach visitors, maintenance and service workers, various area businesses and nearby residents already vie for parking on nearby streets.

We have experience with the "loading space" on South County. We gave up Coconut Palm Cleaners several years ago because both sides were constantly full. How can one not envision several cars "queuing up" to deposit and collect

"Beachmound", 729 Bellevue Avenue, Newport, Rhode Island 02840

Mrs. Michael P. McDonough

children, the elderly or handicapped members.  
The traffic pattern is already very tight all  
around City Hall.

Frankly, we are at a loss to understand  
why the Chabad House is considering this  
location.

Sincerely,

Florence L. McDonough  
Michael P. McDonough



To:  
Cc:  
Bcc:  
Subject: opposition to special exception # 6-2012

From: "Hank Homes" <hhomes@comcast.net>  
To: <JPage@TownofPalmBeach.com>, <CDelp@TownofPalmBeach.com>  
Date: 05/20/2012 09:08 AM  
Subject: opposition to special exception # 6-2012

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I can't think of a worse place to do something like this-no parking- loading zone on a curve- next to a fire station- across from town hall—noise from religious ceremonies-what are they thinking—enough of this religious creep—the next thing we will see is an application on worth ave. please send this to the town council and ask them to reject this request.

Henry homes III  
157 Peruvian ave  
33480

JUN 06 2012

Town Manager's Office

BS "D"  
6/6/2012

JE 6-2012

Dear Mayor and Town Council,

I've lived full time in Palm Beach at 253 OLEANDER AVE, #7 for a few years. I am in the process of purchasing a condo at PALM BEACH TOWERS. I am personally SABBATH observant and look forward to be able to walk to Shul. Over the past two years I have developed a good relationship with Rabbi ZALMAN LEVITAN and his wife HINDEL. I have found them both very caring and knowledgeable JEWISH leaders. They have discussed their dream and vision of having a small synagogue at 361 South COUNTY Rd. with me. Their ideas include adult evening religious study and child day care for a limited number of children.

I really love living in Palm Beach. It is beautiful and an extremely well run town. My opinion is that this existing vacant space will positively enhance the the neighborhood.

Presently there is a void for young Jewish families. Jewish day care fulfills a basic need for young Jewish families living on our Island. My discussions with out Jewish residents confirm this point of view. Presently it is necessary to cross the bridge and expend almost 1 hour of total drive time.

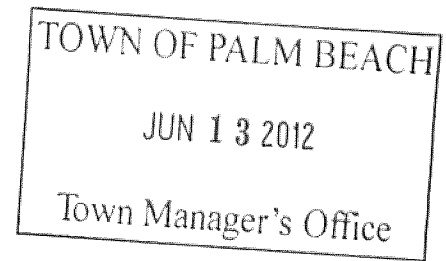
Furthermore because of the projected small scope of this project, I feel there will be very minimal impact on traffic + parking in the area.

Sincerely,  
Howard Amster

HOWARD AMSTER



Dr. & Mrs. Gary Marder  
One Ocean Lane  
Palm Beach, FL 33480



June 8, 2012

To Town Council  
360 South County Road  
Palm Beach, FL 33480

Re: Proposed Chabad synagogue at 361 S. County Road - Special Exception #6-2012

Dear Town Council members:

As a long time resident of Palm Beach and one who deeply care about our town, Please accept this letter on behalf of Rabbi Levitin and his proposal for a small synagogue at 361 South County Road.

The purpose of the synagogue is a house of worship. It will also serve as an adult evening religious study and a child day care for a limited number of children.

I am very much in favor of this project, I feel it will result in positive activity to this part of town.

Sincerely,

A handwritten signature in cursive script that reads "G. Marder".

Dr. Gary L. Marder



To:  
Cc:  
Bcc:  
Subject: Chabad Proposal, 361 South County Road, Palm Beach SE 6-2012

From: Helen Marr <helensmarr@gmail.com>  
To: mayor@townofpalmbeach.com,  
Cc: council@townofpalmbeach.com  
Date: 06/10/2012 10:06 AM  
Subject: Chabad Proposal, 361 South County Road, Palm Beach

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Madame Mayor,

During the past year, we have met with Zalman Levitin, Rabbi of Chabad of North Palm Beach Island, discussing at length his proposal for a small synagogue at 361 South County Road, Palm Beach.

We further discussed his proposal of maximizing the use of the facility to include evening adult study classes, as well as a small day-care centre for a limited number of pre-school children. We deemed that both were appropriate usage, with little, if any impact on traffic and/or parking.

We are indeed in favour of Rabbi Levitin's proposal, and are of the opinion that it is a most productive use of the space, which is currently empty.

As well, we know that Chabad of North Palm Beach Island can, and will enhance the property, as well as having a positive effect in the area.

We urge you and your Council to look favourably on this worthy proposal.

Thanking you for your kind attention and consideration, we remain

Yours truly,

Gerald and Helen Marr.

3140 South Ocean Blvd.,  
Apt.101North,  
Palm Beach, Florida,  
33480.



# TOWN OF PALM BEACH

Office of the Town Manager

## **MEMORANDUM**

To: Mayor and Town Council

From: Thomas G. Bradford, Deputy Town Manager

Thomas  
Bradford

Digitally signed by Thomas Bradford  
DN: cn=Thomas Bradford, o=Town of  
Palm Beach, ou=TMO,  
email=tbradford@townofpalmbeach.  
com, c=US  
Date: 2012.06.11 15:14:38 -04'00'

Subject: Residential Permit Parking (RPP) in 100 Block of Chilean Avenue

Date: June 11, 2012

This is to inform you that on April 30, 2012, I received a call from Dr. Joseph Nasser, 124 Chilean Avenue, inquiring about the process to convert the residential street on which he resides to RPP parking. Dr. Nasser indicated he and his neighbors were exasperated by the influx of beachgoers at all hours, both day and night, and the impacts they bring to the neighborhood including, but not limited to, noise, litter and a general lack of respect for private property. I informed Dr. Nasser of the petition process this office utilizes for this type of request and suggested that he limit the request to the single family homes on the street<sup>1</sup>. Dr. Nasser concurred and on May 11 the petition was transmitted to Dr. Nasser.

On May 22 Dr. Nasser provided me with the signed petition for RPP. On, or about, that same day I confirmed that the petition had the required 50%, plus 1, requirement used by the Town to conduct the parking study required by the Code<sup>2</sup>. On June 4 the Police Department informed me that the parking study confirmed that the 100 block was eligible for the RPP designation. On June 5 I informed the Police Department that I concurred with their conclusion and requested that they prepare the necessary work order that will require the signature of the Director of Public Safety and Director of Public Works prior to Town Manager signature to effect RPP on the 100 block of Chilean Avenue.

This information is provided to you relative to the Chabad House Northern Palm Beach Island application at 361 South County Road, Via Rosa, as it relates to parking, to be considered by you at the Town Council meeting on June 20. The referenced work order is being held in abeyance pending the outcome of this matter. Should you have any questions, please advise.

Cc: Peter B. Elwell, Town Manager  
Kirk Blouin, Director of Public Safety  
H. Paul Brazil, Director of Public Works  
John Page, Director of Planning, Building and Zoning

Rick Howe, Major, Police Department  
Paul Castro, Zoning Administrator  
Raychel Houston, Manager, Parking and Code Enforcement

<sup>1</sup> See Sec. 134-2295 of the Town of Palm Beach Code of Ordinances authorizing use of a petition.

<sup>2</sup> See Sec. 134-2294 of the Town of Palm Beach Code of Ordinances for parking study requirements.

Post Office Box 2029 · 360 South County Road · Palm Beach, FL 33480

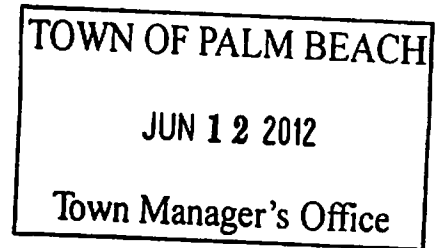
Telephone (561) 838-5410 · Facsimile (561) 838-5411

E-mail: [townmanager@townofpalmbeach.com](mailto:townmanager@townofpalmbeach.com) · Website: [www.townofpalmbeach.com](http://www.townofpalmbeach.com)

RICHARD E. SALEEBY  
RONALD RANSIER (Ret.)  
T. GRAF BUCKENMAIER, JR.

LAW OFFICES  
SALEEBY RANSIER, P.A.  
359 SOUTH COUNTY ROAD  
PALM BEACH, FLORIDA 33480-4494

TELEPHONE (561) 655-5766  
HIP FAX (561) 655-0265



PLEASE REPLY TO

June 12, 2012

Hand Delivered

Town Council  
Town of Palm Beach  
360 South County Road, 2<sup>nd</sup> Floor  
Palm Beach, FL 33480

RE: Zoning Case Special Exception #-6-2012, 361 South County Road

Ladies and Gentlemen:

1. I am writing this letter on behalf of Shirley Saleeby, owner of 359 South County Road, Palm Beach, FL 33480. Mrs. Saleeby is in receipt of Special Exception #-6-2012 Zoning Application regarding 361 South County Road.

2. Mrs. Saleeby is unable to attend the Town Council meeting on June 13, 2012, however she does have some concerns regarding this matter.

3. Her primary concern is the safety of the children, among others. There is a busy driveway located behind 361 South County Road and she is concerned that children may run into the driveway and be injured by vehicles passing through.

4. Also, she is concerned that children will run and play between the buildings at 361 South County Road and 359 South County Road. There are obstacles on the north side of the building at 361 South County Road and on the south side of the building at 359 South County Road that might pose a hazard to children.

5. Please do not hesitate to contact me at (561) 373-1539 with any questions or comments. Thank you for your time in his matter.

Most sincerely,

A handwritten signature in black ink that reads "Richard E. Saleeby". The signature is written in a cursive style with a prominent underline.

Richard E. Saleeby,  
Attorney and Power of Attorney for Shirley Saleeby

Cc: Brian M. Seymour, Esq.  
Via facsimile (561) 671-2542



To:  
Cc:  
Bcc:  
Subject: Zoning case 6-2012

From: Michael <soldbys@aol.com>  
To: "pcastro@townofpalmbeach.com" <pcastro@townofpalmbeach.com>,  
Cc: "ckleen@townofpalmbeach.com" <ckleen@townofpalmbeach.com>  
Date: 06/13/2012 11:22 AM  
Subject: Zoning case 6-2012

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To Paul Elwell  
Town manager

Please oppose the application of Chabod House to lease space at. 361 S County Rd

As a resident and homeowner on Australian Avenue  
I object to the increased traffic and congestion

While congregation members will walk to temple on the sabbath  
There will most likely be parking spaces used on other days for meetings and school classes  
Which will overcrowd our residential neighborhood

Thank you  
Michael sullivan  
Sent from my iPad

# TOWN OF PALM BEACH

Town Council Meeting on: June 20, 2012

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## Section of Agenda

New Business - < 15 Minutes

## Agenda Title

**VARIANCE # 19-2012**The application of Terry J. Levine and Beth Levine; relative to property commonly known as **2250 Ibis Isle Road**; described as Lot 30, IBIS ISLE, according to the Plat thereof, as recorded in Plat Book 24, Page 84, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests variances to allow construction of a two car garage addition with a 9.2 foot north side yard setback in lieu of the 12.5 foot minimum required and to allow construction of a garage addition that will have an angle of vision of 120 degrees in lieu of the 108 degrees maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska]

**Request for Withdrawal Per Letter Dated May 31, 2012, From Maura A. Ziska.**

## Presenter

John Page, Director of Planning, Zoning, and Building

## Supporting Documents

- Letter dated May 31, 2012, from Maura A. Ziska

## KOCHMAN & ZISKA PLC

Ronald S. Kochman\*  
Maura A. Ziska  
Marvin S. Rosen, Counsel\*

\*Also admitted in New York  
\*Also admitted in Michigan

Esperanté  
222 Lakeview Avenue, Suite 1500  
West Palm Beach, Florida 33401

Telephone: (561) 802-8960  
Facsimile: (561) 802-8995

May 31, 2012

**VIA FACSIMILE: 561-835-5411**

Mayor and Town Council  
Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480

**RE: Variance #19-2012/ 2250 Ibis Isle Road East, Palm Beach, Florida**

Dear Mayor and Town Council:

On behalf of the property owner, I would like to **withdraw** the above referenced application that was on the June 13, 2012 Town Council agenda and previously requested to be deferred to the July 11, 2012 Town Council meeting.

Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely yours,

  
Maura A. Ziska

MAZ/jt

cc: Mr. and Mrs. Levine  
Paul Castro  
Gene Pandula

# TOWN OF PALM BEACH

Town Council Meeting on: June 20, 2012

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## Section of Agenda

New Business - < 15 Minutes

## Agenda Title

**VARIANCE #20-2012**The application of Peter T. Grauer and Laurie M. Grauer; relative to property commonly known as **201 El Bravo Way**; described as Lot 7, plus the East 6.14 feet of Lot 8, Supplementary Plat of El Bravo Park, according to the Plat thereof, as recorded in Plat Book 9, Page 9, Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting to construct a 384 square foot loggia addition to the west side of their house. Variances are requested to allow a side yard setback of 7 feet in lieu of the 15 foot minimum setback required and lot coverage of 30% in lieu of the 28% existing and the 25% maximum allowed in the R-A Zoning

District. [Attorney: Maura A. Ziska]

[Landmarks Commission Recommendation: Implementation of the proposed variance will cause negative architectural impacts to the subject landmark property. Carried 7-0.]

**Request for Deferral to the August 15, 2012, Town Council Meeting Per Undated Letter Received May 8, 2012, From Maura A. Ziska.**

## Presenter

John Page, Director of Planning, Zoning, and Building

## Supporting Documents

- Undated Letter from Maura A. Ziska.



## KOCHMAN & ZISKA PLC

---

Ronald S. Kochman\*

Maura A. Ziska

Marvin S. Rosen, *Counsel*\*

\*Also admitted in New York

\*Also admitted in Michigan

Esperanté

222 Lakeview Avenue, Suite 1500  
West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

**VIA FACSIMILE: 561-838-5411**

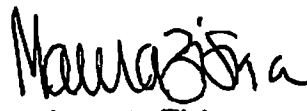
Mayor and Town Council  
Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480

**RE: Variance #20-2012/201 El Bravo Way, Palm Beach, Florida**

Dear Mayor and Town Council:

Please defer the above referenced matter from the June 13, 2012 TOWN COUNCIL agenda to the August 15, 2012 TOWN COUNCIL agenda. The reason for the deferral is to redesign the plan to remove the proposed loggia and replace it with a proposed awning in the courtyard. This would eliminate the need for the side yard setback variance. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

/maz

cc: Mr. and Mrs. Grauer  
Tom Kirchhoff  
Paul Castro

# TOWN OF PALM BEACH

Town Council Meeting on: June 20, 2012

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## Section of Agenda

Development Review - Other

## Agenda Title

Proposed Declaration of Use Agreement for Pizza Alfresco, Special Exception No. 4-2012 with Variances, 8-14 Via Mizner.

## Presenter

John Page, Director of Planning, Zoning, and Building

## Supporting Documents

- Memorandum from John Page, Director of Planning, Zoning, and Building, dated June 1, 2012

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: June 20, 2012

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To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Proposed Declaration of Use Agreement for Pizza Alfresco, Special Exception No. 4-2012 with Variances, 8-14 Via Mizner

Date: June 1, 2012

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## **STAFF RECOMMENDATION**

It is recommended that the Town Council clarify the intended content of the proposed Declaration of Use Agreement for Pizza Alfresco relating to the standard “Remedies for Violation” language. Remedies, including daily fees if violation occur, have been required in the Town’s most recent agreements. In addition, staff is requesting direction on the number of off-site parking spaces required for the additional outdoor seating approved for Pizza Al Fresco.

## **GENERAL INFORMATION**

On May 9, 2012, the Town Council considered Special Exception#4-2012 with Variances to allow additional outdoor seating at the subject restaurant without additional required off-street parking. At that meeting, the applicant had offered to provide 14 off-site, off-street parking spaces for the 40 seats being requested. The Council conditionally approved 25 additional outdoor seats in lieu of the 40 seats requested by the applicant. Two of the conditions of approval were that the applicant provide the off-site parking and enter into a Declaration of Use Agreement. The Council did not specify or enumerate conditions to be included within the Agreement.

Staff met with the applicant subsequent to the May meeting to finalize an Agreement. The applicant does not believe that it should be required to provide the 14 off-site parking spaces originally proffered at the meeting. Since only 25 of the 40 seats were approved, the restaurant believes it is only required to provide 9 of the 14 spaces (which is the amount required for the 25 seats). While staff recognizes that by code there would only be 9 spaces required for the 25 seats, there was no discussion of a parking reduction when the amount of outdoor seating was reduced at the meeting.

In addition, while the Council placed a condition of approval that the applicant enter into a Declaration of Use Agreement, applicant does not believe that the “Remedies for Violation” language (which is in all of the Town’s recent Declaration of Use Agreements) should be in

this Agreement because such provision was not specifically discussed. Staff has been instructed by the Town Council on several occasions during recent years that all Declaration of Use Agreements should have standard provisions that not only outline all conditions of approval and provide for affidavits of compliance, but also contain standard provisions for remedies for any violations to those conditions or any other code provision. The applicant has had outdoor seating violations in the past and staff believes that this provision is a deterrent to further violations. It is recommended that the standard language, as identified below, be required in the Agreement. It provides a tool to ensure compliance without going through the longer code enforcement process. It also provides for an appeal process to the Council if the violation is disputed.

The standard language is as follows:

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to Applicant or Applicant's representative of said violation(s) and the date by which said violations(s) shall be corrected, owner or owner's successor or assigns shall pay to the Town a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this agreement or rescind the approval of the use.

In the event owner disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this agreement, or in the event the owner disputes any code violation, Applicant may appeal the determination of the Director of the Planning, Zoning and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days of the written notice of violation.

2. In addition to the above, the Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the TOWN is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the TOWN shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the TOWN prevails, either before or as a result of litigation, including appeals.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me at 227-6405.

cc: Thomas G. Bradford, Deputy Town Manager  
John C. Randolph, Town Attorney  
Susan A. Owens, Town Clerk  
Paul W. Castro, AICP, Zoning Administrator  
Raychel Houston, Code Enforcement  
pf & zf

# TOWN OF PALM BEACH

Information for Town Council Meeting on: June 20, 2012

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To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: William Bucklew, Acting Building Official 

Re: Request for Time Extension for Project at 95 N. County Rd

Date: June 13, 2012

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## **STAFF RECOMMENDATION**

Staff recommends that this item be added to the Town Council Agenda under "Approval of Agenda" to be heard under "Development Review – Other" at the Town Council meeting on June 20, 2012.

Staff further recommends that the terms of the approved Construction Management Agreement be enforced and a liquidated amount of \$2,000.00 per day be imposed for every day construction continues beyond the 30<sup>th</sup> of June 2012, until the project is completed and a Certificate of Occupancy is issued.

## **GENERAL INFORMATION**

On May 11, 2011 the Town Council approved Site Plan Review #6-2011 with Special Exception and Variances for the renovation of the Property located at 95 North County Rd. (the old post office building). These renovations included interior and exterior work. On December 14, 2011, the Town Council approved the occupancy of the property by the owner prior to completion of the renovation and required that the owner enter into a Construction Management Agreement. This agreement required among other items, that the construction, both interior and exterior be completed by June 30, 2012. The agreement stipulated that if the construction was not completed in the maximum number of days allowed by the Town Council that the owner be required to pay a liquidated amount of \$2,000.00 to the Town for each day past the maximum number of days allowed.

The agreement also included a statement which would allow for an extension of the completion date to be granted in the event of an "Act of God" which would shut down the project for a period of time.

A request for an extension of the completion date under the Construction Management Agreement was received by the Town on June 12, 2012. Although no specific date was

requested, the Contractor's representative requested a date of August 9, 2012 in a subsequent phone conversation with the Building Official.

### **SPECIAL CONSIDERATIONS**

In consideration of this request the Town Council should be aware of the following items.

- 1) The Construction Management Agreement required that the Owner's construction personnel provide to the Building Official a progress report on the schedule on the 1<sup>st</sup> business day of each month starting February 1, 2012. These reports were not received by the Building Official as required in the agreement. All reports were received as a package on June 12, 2012, subsequent to the Town's request.
- 2) The contractor did not notify the Building Official regarding problems or an "Act of God" at the site that would possibly delay the completion of the construction until June 8, 2012, in conjunction with the request for extension.
- 3) Oversight on these types of issues, such as monitoring of a Construction Management Agreement is normally handled by Town inspectors. However, a private provider is being used for inspections on this project.
- 4) The Town staff is currently finalizing its procedures to implement the requirements set forth in Florida Statutes for auditing and oversight of private providers operating within the Town. This will help ensure earlier detection of compliance issues such as the contractor's failure to provide the monthly reports required for this project.

cc: John Page, Director, Planning, Zoning and Building  
Hunter Johnson, Woolems Construction

**HEADQUARTERS**

2900 Hillsboro Road  
West Palm Beach, FL 33405  
(561) 835-0401 Phone  
(561) 835-0403 Fax  
www.woolemsinc.com  
CGC # 010222



RECEIVED

June 11<sup>th</sup>, 2012

JUN 12 2012

TOWN OF PALM BEACH  
PZB DEPT

Mr. John Page  
Town of Palm Beach Building Dept.  
360 S. County Road  
Palm Beach, FL 33480

Re: 95 N. County Road, PB Post Office Renovation - Time Extension

Dear Mr. Page:

I am sending you this letter as a written request for a time extension at the 95 N. County Post Office renovation project. Pursuant to the Construction Management agreement, I am providing you with the information for the delay, based on delays incurred from structural redesigns and structural redesigns based on an "act of God" situation with the crawl space underneath the first floor slab at that building.

Attached to this letter is a copy of the original schedule from Exhibit B of the agreement, an amended schedule showing the impact of the redesign elements and the flooding in the crawl space. Also attached to this are photographs of the flooded areas and emails showing the flow of conversation and information between Woolems, Inc., Carmo Engineering, and Centerpoint Construction.

A letter stating that there were existing conditions that had to be addressed on the structural drawings requiring a redesign, as well as structural design impacts that also required additional redesign based on the abnormally wet winter season here.

We would like to get as much time to finalize this project as possible, please see the attached schedule. We are currently starting our site work this week, with all the necessary demolition, curbing, and concrete work to be completed prior to June 31<sup>st</sup>, but due to high volumes of labor needed to complete the interior renovation as quickly as possible, it has impacted our start on the site work.

Please let me know if there is any additional information that you would like to see regarding this matter. You can reach me by email at [hjohnson@woolemsinc.com](mailto:hjohnson@woolemsinc.com), or by phone at (561) 718-5425. Thank you for your time in this matter.

Sincerely,

Hunter Johnson  
Woolems, Inc.

cc: Bill Lanthier  
Cindy Doll  
Doug Taylor



| ID | Task Mode | Task Name                         | Duration          | Start               | Finish             | Predecessors    | 6/19 | 6/26 | July |
|----|-----------|-----------------------------------|-------------------|---------------------|--------------------|-----------------|------|------|------|
| 1  |           | <b>USPO Palm Beach</b>            | <b>109.7 days</b> | <b>Tue 12/20/11</b> | <b>Wed 6/27/12</b> |                 |      |      |      |
| 2  |           | Complete Structural Design        | 10 days           | Tue 12/20/11        | Thu 1/5/12         |                 |      |      |      |
| 3  |           | Structural Steel Shop Drawings    | 15 days           | Tue 12/20/11        | Fri 1/13/12        |                 |      |      |      |
| 4  |           | Fabricate Steel                   | 5 days            | Fri 1/13/12         | Mon 1/23/12        | 3               |      |      |      |
| 5  |           | Postal Service Move Out           | 0 days            | Fri 6/24/11         | Fri 6/24/11        |                 |      |      |      |
| 6  |           | <b>Start Construction</b>         | <b>82.5 days</b>  | <b>Tue 12/20/11</b> | <b>Thu 5/10/12</b> |                 |      |      |      |
| 7  |           | Demolition                        | 3 days            | Wed 12/28/11        | Mon 1/2/12         | 4FS-15 days     |      |      |      |
| 8  |           | Structural Work                   | 30 days           | Tue 1/3/12          | Thu 2/23/12        | 7               |      |      |      |
| 9  |           | Interior Framing                  | 10 days           | Fri 2/17/12         | Wed 3/7/12         | 8FS-3 days      |      |      |      |
| 10 |           | MEP Rough in's                    | 20 days           | Thu 3/1/12          | Thu 4/5/12         | 9FS-3 days      |      |      |      |
| 11 |           | Fire Sprinkler Rough In           | 5 days            | Thu 3/1/12          | Fri 3/9/12         | 9FS-3 days      |      |      |      |
| 12 |           | Hang Drywall                      | 7 days            | Wed 3/28/12         | Mon 4/9/12         | 10FS-5 days     |      |      |      |
| 13 |           | Tape and Finish                   | 7 days            | Thu 4/5/12          | Wed 4/18/12        | 12FS-2 days     |      |      |      |
| 14 |           | Paint                             | 5 days            | Fri 4/13/12         | Mon 4/23/12        | 13FS-2 days     |      |      |      |
| 15 |           | ACT Grid                          | 5 days            | Thu 4/19/12         | Fri 4/27/12        | 14FS-2 days     |      |      |      |
| 16 |           | MEP Trims                         | 5 days            | Wed 4/25/12         | Thu 5/3/12         | 15FS-2 days, 11 |      |      |      |
| 17 |           | Final Inspection                  | 3 days            | Thu 5/3/12          | Wed 5/9/12         | 16              |      |      |      |
| 18 |           | Substantial Completion            | 1 day             | Wed 5/9/12          | Thu 5/10/12        | 17              |      |      |      |
| 19 |           | TCO (Ground Floor Office Space)   | 0 days            | Thu 5/10/12         | Thu 5/10/12        | 18              |      |      |      |
| 20 |           | <b>Completion of Construction</b> | <b>27 days</b>    | <b>Thu 5/10/12</b>  | <b>Wed 6/27/12</b> |                 |      |      |      |
| 21 |           | Complete Build Out                | 25 days           | Thu 5/10/12         | Fri 6/22/12        | 19              |      |      |      |
| 22 |           | Final CO                          | 2 days            | Fri 6/22/12         | Wed 6/27/12        | 21              |      |      |      |

Task

Split

Milestone

Summary

Project Summary

External Tasks

External Milestone

Start-only

Finish-only

Deadline

Critical

Critical Split

Progress

Slack

[illegible]

| ID | Task Mode | Task Name                                                                            | Duration   | Start        | Finish      | Predecessors   | 5/22 | 5/29 | June | 6/5 | 6/12 | 6/19 | 6/26 | July | 7/3 | 7/10 | 7/17 | 7/24 | 7/31 | August | 8/7 | 8/14 | 8/21 | 8 |  |
|----|-----------|--------------------------------------------------------------------------------------|------------|--------------|-------------|----------------|------|------|------|-----|------|------|------|------|-----|------|------|------|------|--------|-----|------|------|---|--|
| 1  |           | <b>USPO Palm Beach</b>                                                               | 109.7 days | Tue 12/20/11 | Wed 6/27/12 |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 2  |           | Complete Structural Design                                                           | 10 days    | Tue 12/20/11 | Thu 1/5/12  |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 3  |           | Structural Redesign for Shops                                                        | 35 days    | Mon 1/16/12  | Thu 3/15/12 |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 4  |           | Structural Steel Shop Drawings                                                       | 13 days    | Fri 3/16/12  | Mon 4/9/12  | 3              |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 5  |           | Bar Joist Shop drawings                                                              | 7 days     | Mon 4/9/12   | Thu 4/19/12 | 4              |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 6  |           | Fabricate Steel                                                                      | 5 days     | Mon 4/9/12   | Tue 4/17/12 | 4              |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 7  |           | Fabricate and Deliver Bar Joists and Decking                                         | 9 days     | Fri 4/20/12  | Mon 5/7/12  | 5              |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 8  |           | Postal Service Move Out                                                              | 0 days     | Fri 6/24/11  | Fri 6/24/11 |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 9  |           | <b>Start Construction</b>                                                            | 82.5 days  | Tue 12/20/11 | Thu 5/10/12 |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 10 |           | Demolition                                                                           | 3 days     | Wed 3/21/12  | Tue 3/27/12 | 6FS-15 days    |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 11 |           | <b>Layout For Structure. Conflicts present</b>                                       | 1 day      | Wed 1/11/12  | Thu 1/12/12 |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 12 |           | <b>Structural Engineer Site Visit on Conflicts</b>                                   | 0.8 days   | Thu 1/12/12  | Thu 1/12/12 |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 13 |           | Redlines of Existing Structure Requested/New Soil Report                             | 4 days     | Thu 1/12/12  | Wed 1/18/12 |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 14 |           | Revised Structural Design Completed                                                  | 12 days    | Wed 1/18/12  | Tue 2/7/12  |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 15 |           | New Soil Test and Report                                                             | 9 days     | Thu 1/19/12  | Fri 2/3/12  | 13             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 16 |           | <b>Structural Work</b>                                                               | 58.6 days  | Wed 2/8/12   | Mon 5/21/12 |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 17 |           | Layout new footings from 2/7/12 Design                                               | 2 days     | Wed 2/8/12   | Fri 2/10/12 | 14,15          |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 18 |           | Crawl Space Flooding                                                                 | 1 day      | Fri 2/10/12  | Mon 2/13/12 | 17             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 19 |           | Crawl space flooding requires new design at footings                                 | 1 day      | Mon 2/13/12  | Tue 2/14/12 | 18             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 20 |           | Information sent to Structural Engineer on Flooding                                  | 2 days     | Wed 2/15/12  | Fri 2/17/12 | 19             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 21 |           | New Structural Design Cost Approved                                                  | 0 days     | Fri 2/24/12  | Fri 2/24/12 | 20             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 22 |           | Structural engineer Site visit. Raise footing elevation and add 52 rock to footings. | 4 days     | Mon 2/27/12  | Fri 3/2/12  | 21             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 23 |           | Additional Costs for Rock approved.                                                  | 0 days     | Thu 3/8/12   | Thu 3/8/12  |                |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 24 |           | Additional Excavation of footings 12" for rock                                       | 6 days     | Thu 3/8/12   | Mon 3/19/12 | 23             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 25 |           | Pour Footings                                                                        | 1 day      | Mon 3/19/12  | Tue 3/20/12 | 24             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 26 |           | Form Columns, conflicts remain                                                       | 11 days    | Fri 3/23/12  | Wed 4/11/12 | 25FS+2 days    |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 27 |           | Pour Columns                                                                         | 1 day      | Thu 4/12/12  | Fri 4/13/12 | 26             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 28 |           | Structural Steel Delivery                                                            | 1 day      | Wed 4/18/12  | Thu 4/19/12 | 6              |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 29 |           | Set Column imbeds                                                                    | 1 day      | Fri 4/20/12  | Mon 4/23/12 | 28             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 30 |           | Install Steel Columns and Beams                                                      | 3 days     | Mon 4/23/12  | Thu 4/26/12 | 29             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 31 |           | Install Bar Joists                                                                   | 4 days     | Mon 5/7/12   | Mon 5/14/12 | 7,30           |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 32 |           | Install Metal Decking and Pour Slab                                                  | 4 days     | Mon 5/14/12  | Mon 5/21/12 | 31             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 33 |           | Interior Framing                                                                     | 10 days    | Mon 5/21/12  | Wed 6/6/12  | 16             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 34 |           | MEP Rough in's                                                                       | 20 days    | Fri 6/1/12   | Thu 7/5/12  | 33FS-3 days    |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 35 |           | Fire Sprinkler Rough In                                                              | 5 days     | Fri 6/1/12   | Mon 6/11/12 | 33FS-3 days    |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 36 |           | Hang Drywall                                                                         | 7 days     | Wed 6/27/12  | Tue 7/10/12 | 34FS-5 days    |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 37 |           | Tape and Finish                                                                      | 7 days     | Fri 7/6/12   | Wed 7/18/12 | 36FS-2 days    |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 38 |           | Paint                                                                                | 5 days     | Mon 7/16/12  | Tue 7/24/12 | 37FS-2 days    |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 39 |           | ACT Grid                                                                             | 5 days     | Fri 7/20/12  | Mon 7/30/12 | 38FS-2 days    |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 40 |           | MEP Trims                                                                            | 5 days     | Wed 7/25/12  | Thu 8/2/12  | 39FS-2 days,35 |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 41 |           | Final Inspection                                                                     | 3 days     | Fri 8/3/12   | Wed 8/8/12  | 40             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |
| 42 |           | Substantial Completion                                                               | 1 day      | Wed 8/8/12   | Thu 8/9/12  | 41             |      |      |      |     |      |      |      |      |     |      |      |      |      |        |     |      |      |   |  |

6/24

Page 1

| ID | Task Mode | Task Name                       | Duration | Start       | Finish      | Predecessors | 5/22 | 5/29 | June | 6/5 | 6/12 | 6/19 | 6/26 | July | 7/3 | 7/10 | 7/17 | 7/24 | August | 7/31 | 8/7 | 8/14 | 8/21 | 8 |
|----|-----------|---------------------------------|----------|-------------|-------------|--------------|------|------|------|-----|------|------|------|------|-----|------|------|------|--------|------|-----|------|------|---|
| 43 |           | TCO (Ground Floor Office Space) | 0 days   | Thu 8/9/12  | Thu 8/9/12  | 42           |      |      |      |     |      |      |      |      |     |      |      |      |        |      |     |      |      |   |
| 44 |           | Completion of Construction      | 27 days  | Fri 8/10/12 | Wed 9/26/12 |              |      |      |      |     |      |      |      |      |     |      |      |      |        |      |     |      |      |   |
| 45 |           | Complete Build Out              | 25 days  | Fri 8/10/12 | Mon 9/24/12 | 43           |      |      |      |     |      |      |      |      |     |      |      |      |        |      |     |      |      |   |
| 46 |           | Final CO                        | 2 days   | Mon 9/24/12 | Wed 9/26/12 | 45           |      |      |      |     |      |      |      |      |     |      |      |      |        |      |     |      |      |   |

HEADQUARTERS

2900 Hillsboro Road  
West Palm Beach, FL 33405  
(561) 835-0401 Phone  
(561) 835-0403 Fax  
www.woolemsinc.com  
CGC # 010222



February 1<sup>st</sup>, 2012

Mr. Bill Bucklew  
Town of Palm Beach Building Dept.  
360 S. County Road  
Palm Beach, FL 33480

Re: 95 N. County Road, PB Post Office Renovation - Progress Report

Dear Bill:

Pursuant to the Construction Management agreement, Woolems, Inc. is providing this monthly progress report.

Woolems will include as back up, daily logs subsequent to any important milestone dates, as well as any photos confirming this information.

1/5/12 – Permit released. Temporary partition installed to separate construction from Owner's staff.

1/9/12 – Woolems occupied site. Owner moved into front office area on 1/6/12. Woolems began safe offs on electrical, plumbing, and began demolition. 1/11/12 Footings layout started, conflicts with existing structure, additionally, excavation proved extremely difficult. Dave Carmo visited site on 1/12/12 to see the existing conditions of the additional structural beams in crawl space, not on original as-builts. An additional soil test was requested.

1/16/12 – Demolition continued on the interiors. HVAC established to service the front offices during construction. Main drywall and framing demolition completed. Begin demolition on center catwalk. Redlined drawing requested from Dave Carmo on existing structural conditions in the crawl space. Structural redesign is required before moving forward.

1/23/12 – Continued demolition on catwalk. Removal of the red iron structure and haul off. Soil Test set up. New Structural design still pending from Carmo Engineering.

1/30/12 - Woolems saw cut for footing excavation for additional testing, a layer of concrete 5" thick present throughout the crawl space. Additional labor required for excavations.

Sincerely,

Hunter Johnson  
Woolems, Inc.

cc: Bill Lanthier  
Cindy Doll  
Doug Taylor

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PZB DEPT

HEADQUARTERS

2900 Hillsboro Road  
West Palm Beach, FL 33405  
(561) 835-0401 Phone  
(561) 835-0403 Fax  
www.woolemsinc.com  
CGC # 010222



March 1<sup>st</sup>, 2012

Mr. Bill Bucklew  
Town of Palm Beach Building Dept.  
360 S. County Road  
Palm Beach, FL 33480

Re: 95 N. County Road, PB Post Office Renovation - Progress Report #2

Dear Bill:

Pursuant to the Construction Management agreement, Woolems, Inc. is providing this monthly progress report.

Woolems will include as back up, daily logs subsequent to any important milestone dates, as well as any photos confirming this information.

2/1/12 – Interior Layout started. Transferred centerlines to basement level. Original footing layout in crawl space finished and additional conflicts noted.

2/6/12 – Heavy rain and moisture throughout the week. Revised structural drawings received on 2/7/12 for final footing layout. Layout started, but due heavy rain on 2/10, which led to crawl space flooding, work was delayed. Photos attached showing footings full of water. Soil test confirmed that over digging the footings by 12" and installing 57 rock at the bottom for compaction would suffice for the structural design. Carmo Engineering to update their details for footings.

2/13/12 – Structural work resumed. Water is still standing inside the foundations. Dave Carmo to raise elevation of the footings based on site visit on 2/16/12.

2/20/12 – Shell contractor currently price updated drawings from 2/7/12. Price was approved on 2/24/12 by owner for the structural changes dated 2/7/12. This has delayed red iron imbeds and steel shop drawings.

2/27/12 - Dave Carmo to visit site again this week. Set up for 3/2/12. Awaiting approval on footing elevation changes. Additional time delay on the foundation work for structural engineer approvals due to rain and flooding.

Sincerely,

Hunter Johnson  
Woolems, Inc.

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cc: Bill Lanthier  
Cindy Doll  
Doug Taylor

JUN 12 2012

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## Hunter Johnson

---

**From:** Carmo Engineering Associates, Inc. <carmoeng@bellsouth.net>  
**Sent:** Monday, February 06, 2012 11:52 AM  
**To:** Hunter Johnson  
**Cc:** 'Gui Vazquez'  
**Subject:** Greene Post Office pdfs  
**Attachments:** Greene post office revised fnd.pdf

Hunter/Gui,

As discussed here is the revised foundation drawing for your review. We should set up a site meeting to review any questions you may have once you have studied the drawings.

Thanks,  
Dave  
dg

CARMO ENGINEERING ASSOCIATES, INC.  
228 E. Ocean Ave.  
Lantana, FL 33462  
T. 561-586-1111  
F. 561-586-5003  
carmoeng@bellsouth.net

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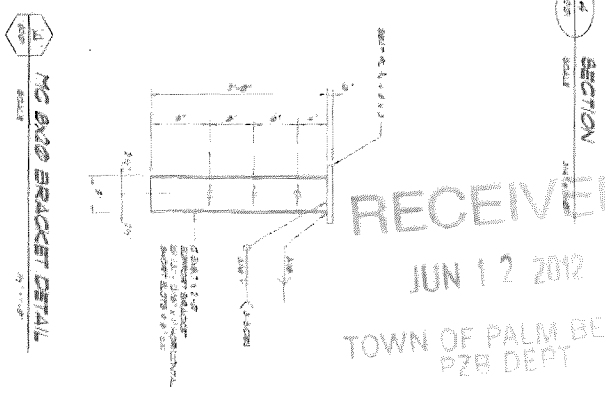
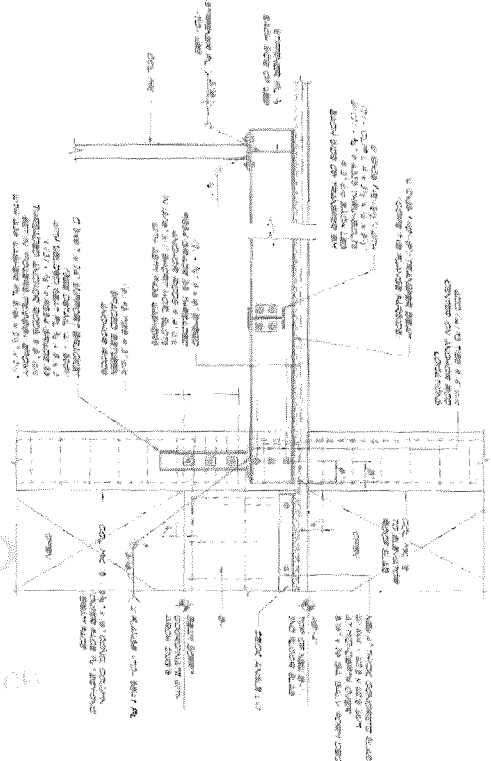
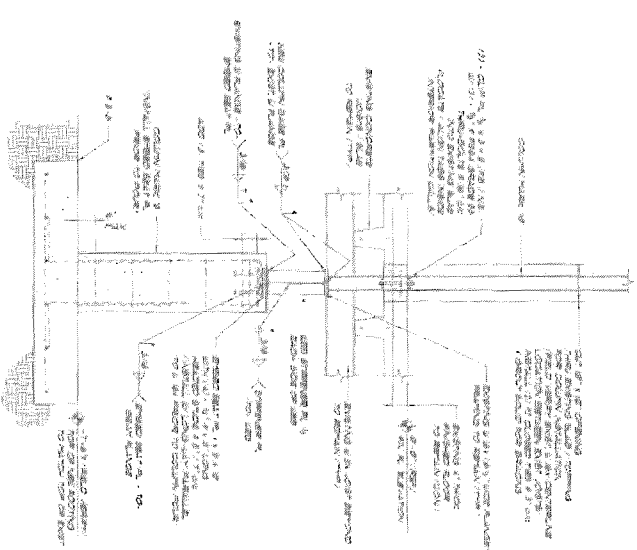
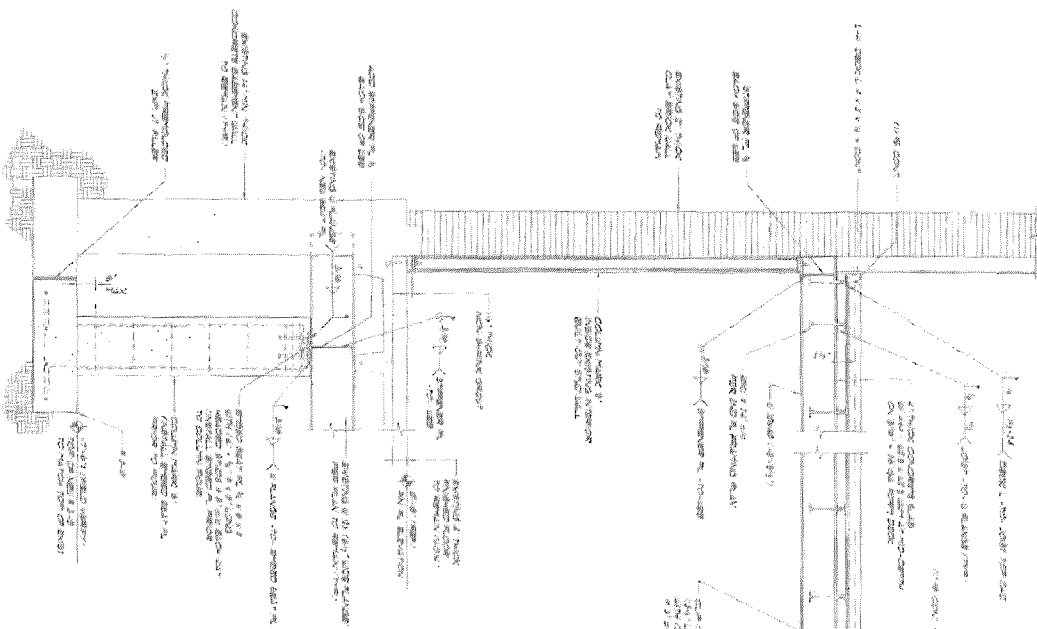
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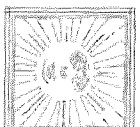
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**BRIDGES MARSH  
& ASSOCIATES, INC.**  
CHARTERED ACCOUNTANTS  
2000 Lakeside, 5th Floor, Northbrook, IL 60062  
Tel: 847/577-1000 Fax: 847/577-1001  
Telex: 250000 BRIDGES MARSH

**CASMO**  
**ENGINEERING**  
**ASSOCIATES INC.**  
1018 North 7th Street, Suite  
200, St. Petersburg, FL 33705  
TEL: 813/486-4141  
FAX: 813/486-4141  
WWW.CASMO.COM

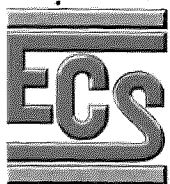
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 PAUL BRACH  
 U.S.P.O.  
 100 N. CENTRE ST.  
 PAUL BRACH, ST. LOUIS

21025

1. The first step is to identify the problem. In this case, the problem is that the system is not working properly.







February 3, 2012

Mr. Hunter Johnson  
Woolems, Inc.  
2900 Hillsboro Road  
West Palm Beach, FL 33405

ECS Project No. 25-1906

Reference: Preliminary Subsurface Exploration and Geotechnical Engineering Services, Post Office  
Renovation, 95 North County Road, Palm Beach, Florida

Dear Mr. Johnson:

As requested ECS - Florida, LLC (ECS) performed the Subsurface Exploration and Geotechnical Engineering services for the above mentioned site.

We understand the project will consist of the renovation of a +/- 20,700 square feet post office facility with site improvements. Footing bottoms are proposed to be about 5 feet below the exterior ground surface, because the interior floor has about a 4 feet tall crawl space beneath it.

### **Subsurface Exploration Scope**

Pursuant to ECS Proposal No. 25-2818-GP dated 01-26-2012, ECS performed the following:

- Drill 2 Standard Penetration Test (SPT) borings advanced to a depth of 20 feet below existing land surface (bls) in the proposed building foundation footprint.
- Visual classification of each soil sample on the basis of texture and plasticity in accordance with the Unified Soil Classification System (USCS).

The boring locations were selected by ECS, and located in the field by ECS. The approximate locations of the borings are shown on the Boring Location Plan in the Appendix of this report.

### **Subsurface Soil Conditions**

The below table is a general description of the subsurface soil profile encountered. Please refer to the above Scope of Services section for the depths of soil borings. Ground surface elevations were not available at the time of drilling or submittal of the report.

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| GENERAL SOIL PROFILE |                                                                                                                 |                   |
|----------------------|-----------------------------------------------------------------------------------------------------------------|-------------------|
| Depth                | Soil Description                                                                                                | Range of N-values |
| 0 to 4 feet          | 8" of concrete<br>Sand, with Shell and Rock Fragments, Grayish Tan to Brown, Moist, Loose to Medium Dense, (SP) | 4 - 11 bpf        |
| 4 to 8 feet          | Sand, with Shell, Tan, Moist to Wet, Medium Dense, (SP)                                                         | 9 - 18 bpf        |
| 8 to 16              | Sand, With Shell, Tan to Gray, Saturated, Medium Dense, (SP)                                                    | 14 - 25 bpf       |
| 16 to 21             | Sandy, with Shell and Rock Fragment, Saturated, Medium Dense, Gray, (SP)                                        | 28 - 30 bpf       |

Note: ( ) Unified Soil Classification System-See Appendix  
bpf – Blows per Foot

Groundwater levels were estimated based on moisture of the samples. All boreholes were backfilled shortly after completion to avoid leaving hazards to pedestrian and vehicular traffic. The groundwater levels measured in the borings ranged from 7.5 to 8.2 feet below land surface (bls).

### Foundations

Based on the results of the subsurface exploration, our recommendations outlined in the "Earthwork Operations" and "Structural Fill Placement" sections, and our engineering analysis, we recommend that the proposed building addition be supported on spread footing foundations or a monolithic foundation.

We assume the total columns and wall loads will not exceed 50 kips. The geotechnical analyses of the test boring data indicate the sand soils expected at subgrade levels should be suitable for a net allowable bearing pressure of 2,500 pounds per square foot (psf).

Settlement of individual footings designed in accordance to recommendations outlined above is expected to be small and within tolerable limits for the proposed structure. Within the proposed building, total allowable settlements of less than 1 inch are anticipated with differential settlements of wall footing expected to be on the order of ½ inch or less. These settlement estimates are based on our engineering experience with these soils and are provided to guide the structural engineer with their design.

Footings should be compacted and compliance tests for compaction should be performed to a depth of 1 foot below footing bottom in each column footing. Materials should be compacted to at least **95 percent** of the maximum dry density as determined by the Modified Proctor Test Method (ASTM D-1557). Generally, the footing materials should be moisture conditioned to within +/-2 percent of the optimum moisture content as determined by ASTM D-1557.

If difficult compaction operations are encountered beneath the footings due to loose sands and/or wet conditions, saturated soils should be over-excavated at least 1 foot below footing bottom and replaced with FDOT No. 57 stone wrapped in non-woven geotextile fabric. Concrete should not be place in standing water and the water should remain depressed below the footing bottom until the concrete has adequately cured.

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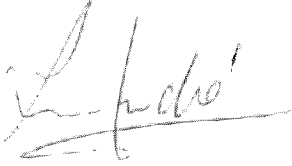
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We appreciate this opportunity to be of service to Woolems, Inc. on this project. Please contact us if you have any questions or comments regarding this report. We are available to discuss our recommendations or offer assistance as necessary during design or construction of this project.

Respectfully,  
**ECS - FLORIDA, LLC**  
Florida Certificate of Authorization No. 26152



Lucrece Riche  
Staff Engineer



G. Ryan Bridger, PE  
Vice President  
PE 64660

Enclosures: Unified Soil Classification System  
Boring Logs

I:\DEPARTMENTS\3 GEOTECHNICAL PROJECTS - GEO-2012 Projects 1906 - 11906 - Post Office Renovation - 95 N County Road - Palm Beach  
FL\1906 Post Office Renovation - Letter Bearing Pressure.doc

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HEADQUARTERS

2900 Hillsboro Road  
West Palm Beach, FL 33405  
(561) 835-0401 Phone  
(561) 835-0403 Fax  
www.woolemsinc.com  
CGC # 010222



April 2<sup>nd</sup>, 2012

Mr. Bill Bucklew  
Town of Palm Beach Building Dept.  
360 S. County Road  
Palm Beach, FL 33480

Re: 95 N. County Road, PB Post Office Renovation - Progress Report #3

Dear Bill:

Pursuant to the Construction Management agreement, Woolems, Inc. is providing this monthly progress report.

Woolems will include as back up, daily logs subsequent to any important milestone dates, as well as any photos confirming this information.

3/2/12 – Dave Carmo site visit confirmed the over dig and rock use in the footings. Engineer also approved raising the footing elevations. Detail to be priced by shell sub.

3/5/12 – Price for additional structural work was approved by Owner on 3/8/12 for the rock in the footings, and the over dig. Additional time may be needed due to hand carrying all of the rock down into the crawl space. Impact not determined at this time. Shell contractor started on additional excavations on 3/9/12.

3/12/12 – Form and install rebar in the footings. Additionally, structural design conflicts on existing steel beams with new elevator beam and footings. Inspection on footings 3/16/12. Pouring footings on 3/19/12.

3/19/12 – Pour footings in crawlspace, photos attached. Strip forms and begin forming columns on 3/20/12. Tentative pour on columns for 3/28. Dave Carmo visited site on 3/20/12 to go over columns locations and verify steel and placement.

3/26/12 – Dave Carmo confirmed column relocates on 3/28/12. Forming of relocated columns started on 3/29/12.

Sincerely,

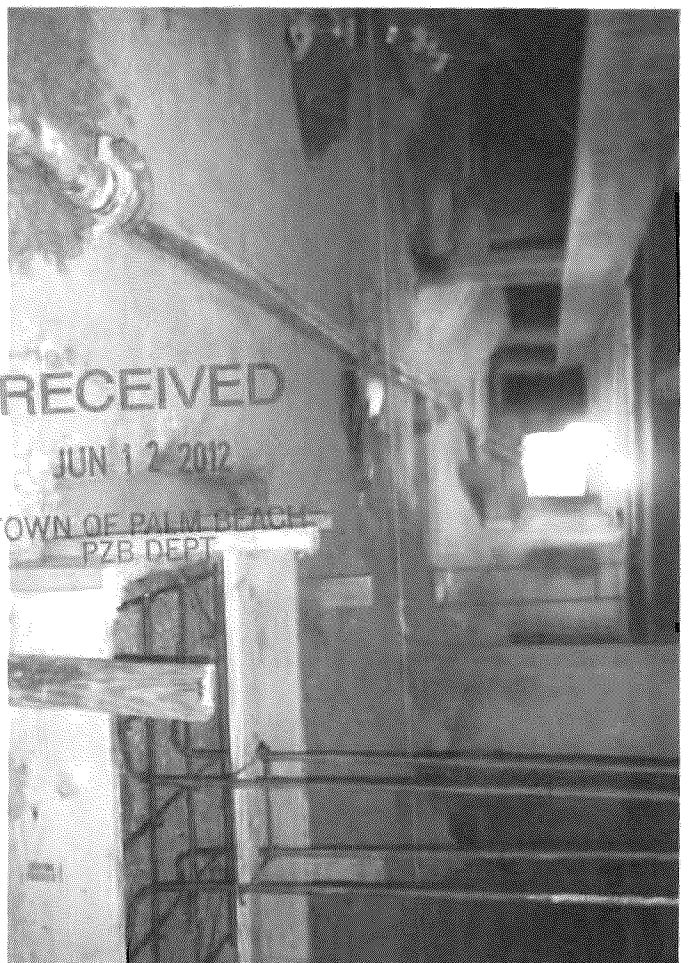
Hunter Johnson  
Woolems, Inc.

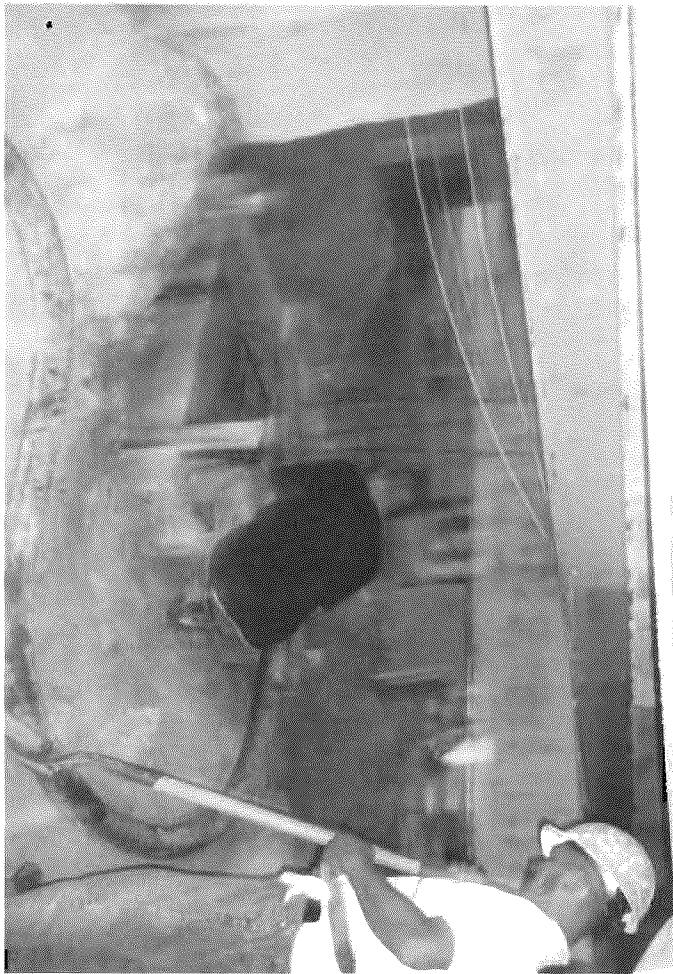
cc: Bill Lanthier  
Cindy Doll  
Doug Taylor

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## Hunter Johnson

---

**From:** celeste willard <celeste.willard@centerpointconst.com>  
**Sent:** Tuesday, March 06, 2012 3:15 PM  
**To:** Hunter Johnson  
**Cc:** 'Bill Daly'; 'Richard Lancaster'  
**Subject:** Palm Beach Post Office - Footer Pad Revised Change Order  
**Attachments:** Change Order #2 - Plan Change Footer Pad Revised.pdf

Hunter,

Attached is our revised change order for the footer pads. Please process for approval.

Regards,

**Celeste Willard, Contract Manager**

**Centerpoint Construction Corp**

7551 Wiles Road, Suite 206

Coral Springs, FL 33067

Office: 954.346.4066

Direct Line: 954.214.3017

Fax: 954.206.6153

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West Palm Beach, FL 33405  
(561) 835-0401 Phone  
(561) 835-0403 Fax  
www.woolemsinc.com  
CGC # 010222



May 1<sup>st</sup>, 2012

Mr. Bill Bucklew  
Town of Palm Beach Building Dept.  
360 S. County Road  
Palm Beach, FL 33480

Re: 95 N. County Road, PB Post Office Renovation - Progress Report #4

Dear Bill:

Pursuant to the Construction Management agreement, Woolems, Inc. is providing this monthly progress report.

Woolems will include as back up, daily logs subsequent to any important milestone dates, as well as any photos confirming this information.

4/2/12 – Revised Structural Steel shop drawings submitted on 4/4/12. Approval sent on 4/6/12. Forming columns per relocates and conflicts. Started Interior framing and plumbing rough in 1<sup>st</sup> floor east bathrooms.

4/9/12 – Poured columns on 4/12/12. Slab imbed plates be fabricated for installation.

4/16/12 – Awaiting structural steel delivery, confirmed date week of 4/23/12. Set imbed plates at Interior columns on 4/20/12.

4/23/12 – Installed interior steel columns at first floor starting on 4/23/12. Steel beams delivered on 4/24/12 and installation started. Bar joists to be delivered first week of May. Beam installation completed 4/30/12. Photos attached.

Sincerely,

Hunter Johnson  
Woolems, Inc.

cc: Bill Lanthier  
Cindy Doll  
Doug Taylor

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## Hunter Johnson

---

**From:** celeste willard <celeste.willard@centerpointconst.com>  
**Sent:** Wednesday, April 04, 2012 12:08 PM  
**To:** Hunter Johnson  
**Cc:** bill.daly@centerpointconst.com  
**Subject:** Palm Beach Post Office Structural Shop Drawings  
**Attachments:** PALM BEACH POST OFFICE - 4-1-12.zip

Hunter,

Attached are the latest revision of the shop drawings for the Post Office, for review and approval. I will send the bar joist shop drawings as soon as I receive them.

Regards,

**Celeste Willard, Contract Manager**

**Centerpoint Construction Corp**

7551 Wiles Road, Suite 206

Coral Springs, FL 33067

Office: 954.346.4066

Direct Line: 954.214.3017

Fax: 954.206.6153

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## Hunter Johnson

---

**From:** celeste willard <celeste.willard@centerpointconst.com>  
**Sent:** Thursday, April 12, 2012 5:18 PM  
**To:** Hunter Johnson  
**Cc:** bill.daly@centerpointconst.com  
**Subject:** Palm Beach Post Office - Bar Joist Shop Drawings  
**Attachments:** N00163 2012-04-12 PALM BCH PO 2ND APP.pdf

Hunter,

Attached are the bar joist shop drawings for re-submittal. Please process for review/approval.

Regards,

**Celeste Willard, Contract Manager**

**Centerpoint Construction Corp**

7551 Wiles Road, Suite 206

Coral Springs, FL 33067

Office: 954.346.4066

Direct Line: 954.214.3017

Fax: 954.206.6153

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2900 Hillsboro Road  
West Palm Beach, FL 33405  
(561) 835-0401 Phone  
(561) 835-0403 Fax  
www.woolemsinc.com  
CGC # 010222



June 1<sup>st</sup>, 2012

Mr. Bill Bucklew  
Town of Palm Beach Building Dept.  
360 S. County Road  
Palm Beach, FL 33480

Re: 95 N. County Road, PB Post Office Renovation - Progress Report #5

Dear Bill:

Pursuant to the Construction Management agreement, Woolems, Inc. is providing this monthly progress report.

Woolems will include as back up, daily logs subsequent to any important milestone dates, as well as any photos confirming this information.

5/1/12 – Awaiting bar joist for second floor. Delivery scheduled for 5/4/12.

5/7/12 – Installation of bar joist started on 5/7/12. Completed on 5/8/12. Metal deck started on 5/9/12. Welds to be verified by Structural engineer prior to pouring deck, Carmo confirmed welds on 5/11/12. Photos of installation attached.

5/14/12 – Poured second floor topping deck. Set metal pan stairs on north and south on 5/16-5/18/12. Photos attached.

5/21/12 – Interior framing at first floor started on 5/22/12. Electrical rough, HVAC rough and plumbing rough started in office areas. Electrical and HVAC rough started in east bathrooms, break room, and kitchen area. Second floor roughs started 5/25/12. Photos Attached.

5/28/12 – Memorial day on 5/28/12. Framing started on 2<sup>nd</sup> floor office area on 5/30. Drywall one side started on 5/31/12. Photos attached.

Site work pushed back from starting in April/May due to increased manpower on the site. Trying to compress time frames on activities in observance of 6/31 deadline. Additional time may be required based on delay impacts from structural redesign and crawl space flooding issues.

Sincerely,

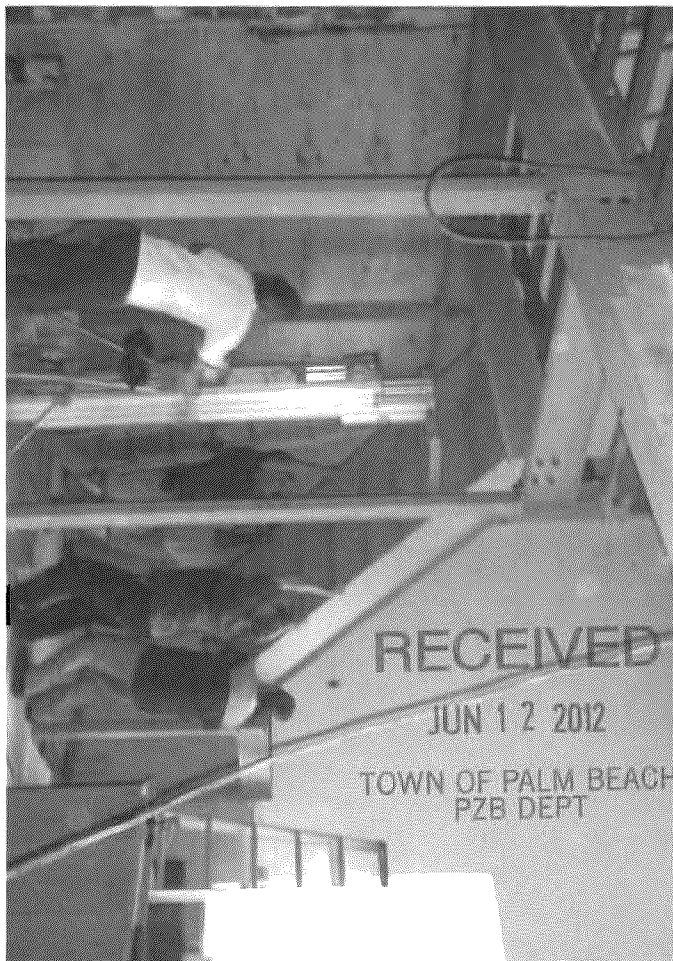
Hunter Johnson  
Woolems, Inc.

cc: Bill Lanthier  
Cindy Dole  
Doug Taylor

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# CARMO ENGINEERING ASSOCIATES, INC.

June 11, 2012

Mr. Jeff Taylor  
Town Of Palm Beach  
360 S. County Rd.  
Palm Beach, FL 33480

**RE: Palm Beach Post Office  
95 N. County Rd.  
Palm Beach, FL  
Structural Obstacles & Resolution Timeline Report**

Dear Mr. Taylor:

As requested, the following is a brief outline of the sequence of events which required an extensive re-evaluation and coordination of the new structural foundations, columns and floor framing for the mezzanine floor at the existing Post Office structure.

January 12, 2012 – The contractors layout of the new structural columns presented many 'in situ' conflicts with an existing structural steel shoring system, in the crawl space under the main floor, which was not shown on the original Post Office drawings. This floor shoring/framing was installed at some later date to bolster the corroding structural concrete floor system.

January 15<sup>th</sup> thru February 28<sup>th</sup> – Structural foundations and framing were redesigned and drawings reissued to the GC to work around the existing foundations.

Late February 2012 – GC encounters problems with excavation of the new footings and the high water table.

March 1, 2012 – I made a jobsite visit to review water/foundation issue and reevaluate column locations.

March 2 thru March 19<sup>th</sup> – Reanalysis and redrafting of foundations and framing plans.

March 20, 2012 – I made a jobsite visit to coordinate final column and foundation layouts required to avoid conflicts and check redesigned dimensions.

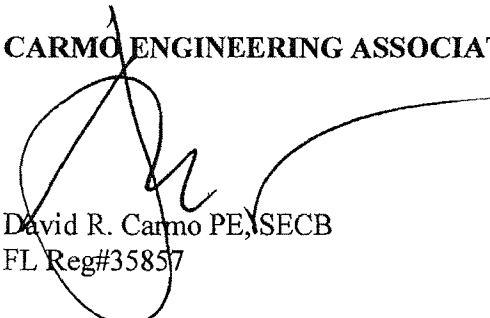
March 21, 2012 – Reissue foundation and framing plans.

March 28, 2012 – Final column conflict and foundation 'as built' resolved.

Please contact me if you have any questions concerning the report presented above.

Respectfully submitted,

**CARMO ENGINEERING ASSOCIATES, INC.**



David R. Carmo PE, SECB  
FL Reg#35857

cc: Bridges, Marsh & Associates  
Woolems, Inc.

**Construction Management Agreement**  
**95 North County Road, Palm Beach, Florida**

Little Broad Beach Partners, L.P. ("Owner") and the Town of Palm Beach, Florida ("Town") enter into the following Agreement on this 21 day of December, 2011.

WHEREAS, Owner owns property located at 95 North County Road in the Town of Palm Beach ("Property") as identified in the legal description (Exhibit A attached); and

WHEREAS, Owner received approval by the Town Council of Site Plan Review #6-2011 with Special Exception and Variances on May 11, 2011 ("Approval") for the renovation of Property; and

WHEREAS, at the Town Council meeting on December 14, 2011, the Town approved the Owner to occupy the Property prior to the completion of the renovation and has required that the Owner enters into this Construction Management Agreement ("Agreement") prior to the Owner's occupancy.

NOW THEREFORE, Owner and Town agree as follows:

**RECITALS**

1. The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

**CONDITIONS**

2. The Owner shall follow the Schedule of Construction as set forth in Exhibit B ("Schedule") attached hereto. The completion date in said Schedule may only be modified with the consent of the Town Council. The dates within the schedule may be modified with the consent of the Building Official provided that construction does not exceed the maximum number of days allowed by the Town Council as provided for in the attached Schedule. The Town shall use its best efforts to expedite review and issuing of the building permit and/or any modifications to the building permit. Such modifications shall be monitored and approved by the Building Official. The Owner's construction personnel shall provide to the Town's Building Official a progress report on the Schedule on the 1<sup>st</sup> business day of each month starting February 1, 2012.

The construction is approved subject to the following conditions

- A. **Exterior Improvements.** Upon occupancy, Owner agrees to commence the exterior improvements per the plan approved by the Town Council on May 11, 2011. Exterior improvements shall be completed by June 30, 2012.
- B. **Interior Improvements.** The interior improvements as per the plan approved by the Town Council on May 11, 2011 shall be completed by June 30, 2012.

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SUBJECT TO COMPLIANCE WITH  
ALL CODES AND ORDINANCES  
IN EFFECT IN THE TOWN OF  
PALM BEACH, FLORIDA



C. Violations

1. If the Owner fails to complete the construction in the maximum number of days allowed by the Town Council, the Owner shall pay to the Town a liquidated amount of \$2,000.00 per day for each calendar day past the maximum number of days allowed. An extension of the completion date shall be granted in the event of an "Act of God" which would shut down the project for a period of time, to be determined by the Town.

2. All outstanding amounts imposed under this provision shall be paid by the Owner prior to the issuance of a certificate of occupancy for any building.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above. Signed, sealed and delivered in the presence of:

By: Gail L. Coniglio  
Gail Coniglio, Mayor

By: David D. Rosow  
David Rosow, President Town Council

By: Peter B. Elwell  
Peter B. Elwell, Town Manager

Little Broad Beach Partners, L.P.

By: [Signature]  
Its: Paul C.

RECOMMEND APPROVAL:

12/21/11

Paul Castro  
Paul Castro, AICP  
Zoning Administrator

Approved as to Legal Form and Sufficiency:

John C. Randolph  
John C. Randolph, Town Attorney

STATE OF FLORIDA  
COUNTY OF PALM BEACH

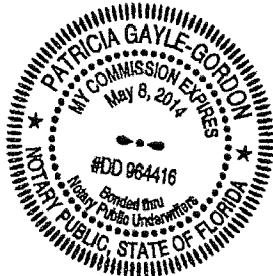
The foregoing instrument was acknowledged before me this 24th day of January, 2012, by Gail Coniglio, Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.



Patricia Gayle Gordon  
Signature of Notary Public  
Printed Name of Notary Public  
Commission No: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 4th day of January, 2012, by David Rosow, President of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



Patricia Gayle-Gordon  
Signature of Notary Public  
Printed Name of Notary Public  
Commission No: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF PALM BEACH

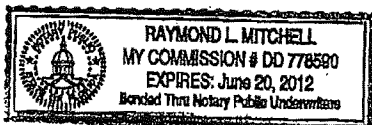
The foregoing instrument was acknowledged before me this 4th day of January, 2012, by Peter B. Elwell, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



Patricia Gayle-Gordon  
Signature of Notary Public  
Printed Name of Notary Public  
Commission No: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of December, 2011, by Jeff Greene, on behalf of Little Broad Beach Partners, L.P., a Florida limited partnership. He is personally known to me and did not take an oath.



Raymond Mitchell  
Signature of Notary Public  
Printed Name of Notary Public  
Commission No: DD 778590  
Commission Expires: 06/20/2012

EXHIBIT "A"

LEGAL DESCRIPTION

A part of Government Lot One (1), in Section Twenty-three (23), Township Forty-three (43) South, Range Forty-three (43) East, situated in the Town of Palm Beach, Florida, more particularly described as follows:

For a point of beginning, commence at the Northwest corner of Section Twenty-three (23), Township Forty-three (43) South, Range Forty-three (43) East, Palm Beach County, Florida;

run thence South One Degree, Twenty-five Minutes, Fifty Seconds East (South  $01^{\circ}25'50''$  East) along the West line of said Section Twenty-three (23), which line is also the center line of Palm Beach Avenue, so-called, a distance of Four Hundred Fifty-Two and  $17/100$  (452.17) feet to a point;

thence South Eighty-Eight Degrees, Twenty-Eight Minutes, Ten Seconds East (South  $88^{\circ}28'10''$  East) a distance of Thirty and  $03/100$  (30.03) feet to the Southeast corner of said Palm Beach Avenue and Main Street, so-called, said point being hereinafter known as the POINT OF BEGINNING;

thence continue South Eighty-Eight Degrees, Twenty-Eight Minutes, Ten Seconds East (South  $88^{\circ}28'10''$  East) along the South line of said Main Street a distance of One Hundred Eighty-Two and  $97/100$  (182.97) feet;

thence South One Degree, Thirty-One Minutes, Fifty Seconds West (South  $01^{\circ}31'50''$  West) a distance of One Hundred and Fifteen and  $00/100$  (115.0) feet;

thence North Eighty-Eight Degrees, Twenty-Eight Minutes, Ten Seconds West, (North  $88^{\circ}28'10''$  West) a distance of One Hundred Seventy-Seven and  $03/100$  (177.03) feet;

thence North One Degree, Twenty-Five Minutes, Fifty Seconds West, (North  $01^{\circ}25'50''$  West) along the East line of said Palm Beach Avenue, a distance of One Hundred Fifteen and  $15/100$  (115.15) feet to the POINT OF BEGINNING.

EXHIBIT "B"

[illegible]

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE  
MEETING HELD ON WEDNESDAY, MAY 30, 2012**

**I. CALL TO ORDER AND ROLL CALL**

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Wednesday, May 30, 2012, at 9:30 a.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

**II. APPROVAL OF AGENDA**

The following change was made to the Agenda:

**ADDITION:** Whitefly Enforcement Update was added as Item IV.A.2.e.

**Motion was made by Committee Member Pucillo and seconded by Chairman Diamond to approve the Agenda, as amended. On roll call, the motion carried unanimously.**

**III. PUBLIC COMMENT**

Ted Cooney, 495 North Lake Way, spoke regarding the omission of his comments at the February 8, 2012, ORS meeting.

Chairman Diamond requested that Mr. Cooney meet with Town Clerk Owens to make that correction.

**IV. REGULAR AGENDA**

**A. Old Business**

1. Final Review of Proposed Amendments to Chapter 18 – Buildings and Building Regulations; ARCOM Project Designation document; and Proposed Amendments to the Florida Building Code, Chapter 1, Administration.[Veronica Close, Assistant Director of Planning, Zoning and Building]

Assistant Planning, Zoning Building Director Close provided an overview of Staff's recommendations.

**Motion was made by Chairman Diamond and seconded by Committee Member Pucillo, to approve Staff's recommendations to Town Council regarding Chapter 18 – Buildings and Building Regulations. On roll call, the motion carried unanimously.**

**Staff was directed to work with Town Attorney Randolph to add language to provide notice to the neighbors across the street and review the Village of Wellington's regulations regarding violations by contractors.**

**Motion was made by Committee Member Pucillo and seconded by Chairman Diamond, to approve Staff's recommendations to Town Council regarding Exhibit B, the ARCOM Project Designation manual in a easier-to-use format with larger print. On roll call, the motion carried unanimously.**

**By consensus, the Committee approved Staff's recommendations for Chapter 103 and 105 to Town Council, as presented.**

**Staff was directed to provide more clarification regarding Exhibit C, Section 105.1.4.c.; provide a Resolution that incorporates the reactivation fees, and other related fees; in Exhibit A, Section 18.237(a), that the language be changed to "...that notice to neighbors within 250 feet..." rather than "200 feet" for consistency purposes.**

*(Clerk's Note: Item IV.A.2.e., Whitefly Enforcement Update was heard next.)*

2. Parking Related Matters:

- a. Review of Options for Temporary Group Parking Permits in the Controlled Parking Residential Areas. [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford provided an overview of Staff's recommendations.

Discussion ensued regarding the following options: the Police Department issue the permits or the permits could be obtained via the website. Also discussed items were the cost, feasibility, whether or not a resident should be required to obtain a Residential Parking Permit (RPP) prior to obtaining a Temporary Group Parking Permit, that Temporary Group Permits should be free, and that the residents should have at least a Visitor Parking Permit.

**Committee consensus was to recommend to Town Council that a resident would not be required to obtain a Regular Parking Permit in order to apply for a Temporary Group**

1 **Permit, but would be required to obtain at least two Visitor Parking Permits before**  
2 **applying for a Temporary Group Permit; there would be no charge for a Temporary**  
3 **Group Permit.**

4  
5 Richard Strothers, 211 Seaspray Avenue, asked for clarity  
6 regarding the time of day when the Temporary Group Parking  
7 Permits can be used.

8  
9 Deputy Town Manager Bradford responded that it was only in the  
10 areas designated RPP, Residential Permit Parking and the  
11 Temporary permits would be for a time of day during which RPP  
12 is in effect.

13  
14 Major Howe stated that the group permit parking would only be  
15 required if permit parking is enforced during time of event. There  
16 are some places that permit parking ends at 6:00 p.m.

- 17  
18 b. Review of Options for Designating Individual On-Street Parking  
19 Spaces as Commercial or Residential In Lieu of Current Block  
20 Designation Practice. [Thomas G. Bradford, Deputy Town  
21 Manager]

22  
23 Deputy Town Manager Bradford provided an overview regarding  
24 the problem with designating parking on a per space basis versus  
25 the current designation of spaces per block.

26  
27 Discussion ensued regarding the cost of fines for commercial  
28 parking spaces versus residential spaces, the complexity of  
29 developing a process to assist the Police Department in  
30 determining which spaces are commercial and residential when  
31 writing citations, and the costs associated with it, the software  
32 designates the tickets as residential or commercial based on the  
33 address of the ticket, regardless what the patrol officer writes.

34  
35 Leslie Evans, 214 Brazilian Avenue, spoke regarding keeping the  
36 process simple and that he was only asking that the 200 Block of  
37 Brazilian Avenue be designated differently.

38  
39 **Committee consensus was to keep the current block designation practice the way it is for**  
40 **now and to look for software upgrades with more flexibility in the future.**

- 41  
42 c. Population Estimated to be Eligible for RPP Parking. [Thomas G.  
43 Bradford, Deputy Town Manager]



- 1 d. Residential Permit Parking (RPP) on the Web. [Thomas G.  
2 Bradford, Deputy Town Manager]  
3 Deputy Town Manager Bradford provided an overview of Staff's  
4 recommendations.  
5

6 **Motion was made by Chairman Diamond and seconded by Committee Member Pucillo, to**  
7 **approve the use of the web pages for the Gainesville and Arlington Residential Permit**  
8 **Parking Plans. On call for a vote, the motion carried unanimously.**  
9

- 10 e. Whitefly Enforcement Update  
11

12 Parking/Code Enforcement Manager Houston provided a status of  
13 the whitefly infestation enforcement. She stated that there have  
14 been 34 cases whereby the property owners have been cited for  
15 whitefly infestation, of which none have gone to the Code  
16 Enforcement Board, due to the cooperation of the residents.  
17

18 *(Clerk's Note: Item IV.B.6. was heard next.)*  
19

20 B. New Business  
21

- 22 1. Ordinance amending Chapter 78 - Charitable solicitation permits; maximum  
23 number per entity per annum; permit for each day of solicitation; evidence of  
24 charitable solicitation activity.[Susan A. Owens, Town Clerk]  
25

26 Town Clerk Owens provided Staff's revised recommendations regarding  
27 Charitable Solicitation Permits. The following recommendations are: three  
28 permits allowed in a 12-month period, an after-the-fact penalty of 300% of the  
29 permit fee, that each day of solicitation be considered a single solicitation, and  
30 the Town charge for each permit.  
31

32 **By consensus, the Committee approved Staff's revised recommendations amending**  
33 **Chapter 78 of the Ordinance to the Town Council regarding the allowance of three permits**  
34 **in a 12-month period, an after-the-fact penalty of 300% of the permit fee, and that each**  
35 **day of solicitation be considered a single solicitation.**  
36

- 37 2. Request for waiver of Par-3 events from charitable solicitation permit  
38 requirements. [Jay Boodheshwar, Director of Recreation and Special Projects]  
39

40 Director of Recreation Boodheshwar provided Staff's recommendations  
41 requesting a waiver from charitable solicitation permit requirements, as the  
42 process is too onerous and would require additional fees thereby detracting  
43 from their venue and result in a potential loss of business.  
44  
45

Discussion ensued regarding whether or not a Charitable Solicitation Permit should be required.

By consensus, the Committee approved Staff's recommendations to the Town Council requesting a waiver from Charitable Solicitation Permit requirements for now, as it could detract from Par 3's venue and result in a potential loss of business, with the caveat that more information about Charitable Solicitation events occurring at the golf course would be provided in next year's required Recreation Enterprise Fund report to the Town Council as the Committee was concerned about the potential impact the new clubhouse could have on the demand for Charitable Solicitation events at the location once constructed.

3. Escalating penalties for late filing of permit applications with Town Clerk.  
[Susan A. Owens, Town Clerk]

Town Clerk Owens provided an overview of Staff's recommendations.

Motion was made by Committee Member Pucillo and seconded by Chairman Diamond, to approve Staff's recommendations amending Sections 106 and 10-10 of the Town Code of Ordinances to the Town Council regarding the authorization of a penalty fee of 200% of the application fee for late filing of special event and temporary display of animals permit applications. On call for a vote, the motion carried unanimously.

4. Review of Time of Day and Time of Validity for Peddler Permits, Chapter 78 Code of Ordinances. [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford stated that, lately, the peddlers have become aggressive and returned to houses after being told that they were not interested. He contacted the Police Department and spoke to Raychel Houston.

Parking/Code Enforcement Manager Houston provided an overview of Staff's recommendations.

Chairman Diamond recommended changing the hours of solicitation from 10:00 a.m. to 5:00 p.m., Monday through Friday, no Saturdays, Sundays, and no holidays.

Deputy Town Manager Bradford indicated that they would like to bring back recommendations of the time limit on life of permit, revocation procedures, limited hours and days to bring back at the future meeting.

5. Request for ORS Approval of Ordinance(s) Amending Code Provisions Applicable to the Recreation Advisory Commission at Chapter 74-1(d) and the Board of Trustees of the Palm Beach Retirement System at Section 82-57

(b) (4) – to add the 3 Strike Rule Language for Absences applicable to Regular Meetings and Requiring Absence Excusal Requests To be Made to the Director of Recreation for the Recreation Advisory Commission and the Plan Administrator for the Board of Trustees of the Palm Beach Retirement System [Thomas G. Bradford, Deputy Town Manager]

**Motion was made by Committee Member Pucillo and seconded by Chairman Diamond, to approve the amendment of code provisions applicable to the Recreation Advisory commission and the Board of Trustees of the Palm Beach Retirement System to add the Three Strike Rule language for absences applicable to Regular Meeting and requiring absence excusal requests. On call for a vote, the motion carried unanimously.**

6. Animal Leash Law Ordinances [William J. Diamond, Town Council Member]

Chairman Diamond provided an overview of the Town's Animal Leash Law and the handling of animals and dogs on the Town's beaches.

a. Town of Palm Beach Leash Ordinance

Discussion ensued regarding clarification of the current Town code Section 74-191 that prohibits animals and dogs on the beaches, which included the four public beaches, the mean high water mark demarcation line, and excluded the north end private beaches.

Chairman Diamond provided his proposed changes of the Town code Section 74-191 for easier enforcement by regularizing the use of the beaches. He suggested substituting as follows:

1. "No person shall take any animal upon the public beaches." for "It shall be unlawful for any dog to be on any unguarded public beach unless the dog is under the restrain or control of a person by means of a chain, leash, or other device or is sufficiently near its handler to be under his direct control and is obedient to that handler's commands or is caged or crated."

2. "It should be unlawful for any dog to be on any publicly guarded beach at any time."

3. "It shall be a requirement that every handler of a dog on the aforesaid public beaches pick up and deposit in the sanitary receptacle, any excrement from said dog."

4. "Fines for violating any part of this section shall be as follows:

1 First offense, \$100  
2 Second offense, \$250  
3 Third offense, \$500  
4 Any subsequent offense \$1000  
5

6 Major Howe expressed concern regarding “voice control”, as it is  
7 difficult for the police officers to know whether or not the dog will  
8 respond to the commands. He also stated that it is not 100%, and the  
9 preference is for a leash only.  
10

11 Judy Schrafft, 325 Crescent Drive, spoke in favor of dogs on the  
12 beaches without leashes; she also spoke regarding other municipalities  
13 that have dog beaches and would be in favor of the Town having a dog  
14 beach, a dog park, and a litter law. She suggested designating a dog  
15 beach from Sunset Avenue to Dunbar Road.  
16

17 Discussion ensued regarding the modification of the code to allow  
18 dogs without a leash during certain hours. For example, sunrise to  
19 9:00 a.m., a dog is allowed without a leash, and from after 5:00 p.m. to  
20 sunset.  
21

22 Marlene Silver, 125 Seminole Avenue, spoke regarding the public  
23 beach that she lives near, is very crowded, the people do not pick up  
24 after themselves or their dogs, and that she would like to hear the  
25 enforcement plans.  
26

27 Joanne Paull, 309 Dunbar Road, spoke regarding the difficulty in the  
28 enforcement of not picking up the occasional dog excrement on the  
29 beaches, as it is a huge area to enforce.  
30

31 Gene Fusz, 223 Park Avenue, spoke regarding the people not picking  
32 up after their dogs, as it should be the number one issue to be given  
33 attention. He also stated that dogs should be allowed on the beach and  
34 that voice command should be allowed.  
35

36 Richard Strother, 211 Seaspray Avenue, spoke regarding allowing  
37 dogs on the beach without leashes on the low water mark and use of  
38 voice command.  
39

40 George Kallop, 1570 N. Ocean Blvd., spoke in support of the change  
41 of language in the code. The dogs that are not on a leash, are mostly in  
42 close proximity to their owners and under voice control. However, he  
43 was not in support of the change of hours.  
44  
45

Lynn Lorentzen, 250 Sanford Avenue, spoke in favor of dogs on the beach and was in opposition to having leashes on dogs and the change of hours.

Kooshe Aiken, 145 Seagate Road, spoke in favor of dogs on the beach and was in opposition of the leash law and the change of hours.

Leigh Failing, 221 El Bravo Way, spoke in favor of the compromise of the leash law change of hours.

David Leavitt, 1480 Via Manana, spoke regarding the need for police presence on Lake Trail, where dogs are not on a leash and out of control. He stated that the change of hours for the leash law on the beach is a great effort, but in reality the people would not respect the law.

Leslie Evans, 135 Seminole Avenue, spoke regarding the problems of the dogs on the beaches in the area near St. Edward's and the Paramount, including the possible health problems, due to the feces and bacteria in the water.

Joanne Powell, 148 Seagate Road, spoke regarding opposition of the limited hours, as it could create a hardship for some people.

**By consensus, the Committee recommends to the Town Council to codify the status quo, where dogs are allowed on unguarded public beaches, dawn to 9:00 a.m., and in the evening from 5:00 p.m. to dusk, where dogs can be off-leash. Public Works Staff to add stations which are critical to compliance by the people.**

b. Palm Beach County Leash Ordinance

County allows voice command in lieu of a leash.

Town Attorney Randolph stated that the County code is irrelevant in the Town, as it only applies to the unincorporated areas of Palm Beach County, and not in the confines of any municipality.

c. Enforcement of Town Leash Law Ordinance on Public Beaches  
Vis-a-Vis Federal, State, County and Town Jurisdictional  
Boundaries

*(Clerk's Note: Item IV.B.2., was heard next.)*

**V. ANY OTHER MATTERS - None**

1 **VI. ADJOURNMENT**

2  
3 There being no further business, the Ordinances, Rules, and Standards Committee  
4 Meeting of Wednesday, May 30, 2012 was adjourned at 12:23 p.m.  
5

6  
7 APPROVED:  
8

9  
10  
11 \_\_\_\_\_  
12 William J. Diamond  
13 Chairman

# Truffies

☎ 561 • 659 • 2284

FAX 561 • 659 • 4429

PLEASE INITIAL EACH LINE BELOW FOR SPELLING AND TEXT, AND SIGN OFF.  
ONCE SIGNED, CUSTOMER BEARS ALL COSTS FOR REPRINTS.

To the Mayor and Fellow Members of the Council, <sup>full of joy</sup>  
I come before you with a ~~heavy~~ heart <sup>in hopes</sup>  
you will grant you a permit for the shoul. Rabbi Zelman  
Levitin ~~and Hadel~~ is a man of the cloth who lives  
every minute of the day practicing what judiasm  
teaches. In these modern times he, his family  
and Chabad members practice old values of  
respect and moral character. The majority  
of the members will walk to service, as this  
is part of the practice of judiasm, and would have  
no need to parkacase. When they wash hands  
before meals they follow old traditions, men and  
women are not touch. So many times I have wanted  
to shake Rabbi Zelman's hand or give a hug, but  
as I woman I respect his traditions.

we should embrace his drive to build a shoul  
here, as in these times these values many of us  
were taught and have lost. This town is a community  
of many brotheress and sisters and regardless of religion  
we are all god's children and should walk with  
his spirit in us doing his work.

Sue Ellen Clarke  
President of  
Truffies

☐ 350 SOUTH COUNTY ROAD ★ PALM BEACH ★ 33480

SIGN BELOW

Submitted at Mtg

6/20/12 TC

June 19, 2012

Mayor and Town Council  
360 South County Road  
Palm Beach, FL. 33480

Re:  
Proposed Chabad Synagogue at 361 County Road

Special Exception #6-2012

Honorable Mayor Coniglio and esteemed Town Council Members,

I am writing in support and favor of the proposed Synagogue. As a year round resident of Palm Beach, I am enlivened and enriched by the programming that Chabad has to offer. Like so many, I walk to their services and meetings. Having a religious institution of this caliber adds much to the social fabric of what makes this island the paradise that it is. I can't think of a better, more productive use of this space. It most certainly will embellish and add to the diversity of what we call our home.

I thank the Mayor and Town Council Members for their consideration in these matters and urge their approval of this project.

Most Sincerely,

Malka Amster, TPM  
270 Seminole Ave.  
Palm Beach, Florida 33480



B'H  
18 June 2017

Shoshana Yaskbeck  
250 Seminole Ave.  
Calm Beach, Fl. 33480

Mayor Coniglio & Town Council  
360 So. County Rd.  
Calm Beach, Fl. 33480

Dear Mayor Coniglio & Town Council

I am a member of Chabad and I have met with Rabbi Zalman Levitin. I understand there is a proposal for a necessary synagogue on/at 361 So. County Rd (FBI). I understand also that the purpose of religious adult education at this synagogue will fill a need in our community and is, in my opinion, necessary for myself and others living on this island (as we enjoy walking as Shabbath observers). We do not ride from sundown Friday eve until sundown Saturday eve so I therefore believe there will be NO parking problem at all near this synagogue. I am therefore very much in favor of the Rabbi Zalman Levitin's desire to occupy an "empty place" and fill it with joy and children's study and Adult education and social activity for those who need this leadership and positive activities as part of this town. Thank you in advance for your approval.

Jonathan S. Gilbert  
234 Oleander Ave. #3  
Palm Beach, FL 33480

RECEIVED

JUN 19 2012

TOWN OF PALM BEACH  
PZB DEPT

June 18, 2012

Hon. Gail L. Coniglio  
Hon. David A Rosow, President  
Hon. Robert N. Wildrick, President Pro Tem  
Hon. William J. Diamond  
Hon. Richard M. Kleid  
Hon. Michael J. Pucillo  
360 South County Road  
Palm Beach, FL 33480

re: Support for Proposed Chabad Center at 361 S. County Road  
Special Exception #6-2012

Dear Mayor Coniglio, President Rosow, and other members of the Town Council,

I write in support of proposed Special Exception #6-2012 to permit the proposed use of 361 S. County Road as a Chabad Center.

As you may be aware, Chabad (or sometimes, Chabad Lubavitch) emissaries are Chasidic Jews who are sent into very specific communities to teach the Jewish residents there more about Judaism and how a rich Jewish life is available to all Jews who are interested, without regard to their upbringing or current level of observance. In this sense, it is their mission to bring a greater understanding of Jewish tradition, learning and practice to Jewish members of the communities in which they live. The Chabad emissaries, husband and wife, and their children, serve as examples to their Jewish community of how to lead a life according to what we would consider Orthodox Jewish principles, and they are available to help community members at any stage in their Jewish learning and practice. The Levitins, Rabbi Zalman, his wife Hindel, and their children are exemplary shining examples of this idea.

Because of the Orthodox character of Chabad, it is common for members of the community to walk to worship services on Shabbat. I typically attend Shabbat services Palm Beach Synagogue or with Rabbi Levitin, walking to each, often with several other people. Because of foot travel, parking should be less of a concern on Friday evening through Saturday night than it would for other

Mayor Coniglio  
Town of Palm Beach Town Council  
June 18, 2012  
Page 2

possible uses of the property.

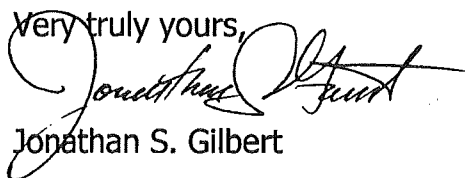
The Levitins have also mentioned other proposed uses of the property to me. First, Rabbi Levitin has mentioned that the proposed use of the space would include adult evening religious study. While religious study is important for all Jews and interesting for those who actually undertake it, in reality, classes are typically not very large but are very important and fulfilling to those who attend. The second use the Levitins mentioned is to provide limited child day care. It is the goal of every Jewish community to be able to provide this type of service for the young families who live there, and I don't believe any other Jewish-based day care is currently being offered on the Island. Given the limited nature of both of these proposed uses, I believe they would have a minimal effect on traffic and parking.

As a resident of the town, I am in favor of the project because it will serve Town residents, including me, and because it will allow for the productive use of currently-vacant space and make a positive contribution to the general area.

I urge the Mayor and the Town Council to approve the proposed Special Exception.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan S. Gilbert", written over the typed name.

Jonathan S. Gilbert

Josef Bauer  
350 Coconut Row  
Apt. 3A  
Palm Beach, Florida 33480

June 18, 2012

Mayor Gail L. Coniglio  
Council Members  
Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480

Dear Mayor and distinguished Town Council members,

Rabbi Levitin has been a good friend since he came to Palm Beach, I study with him and have been to several functions and dinners that they have hosted, during which I also became acquainted with his entire family.

They are a lovely family, whose life is filled with good deeds.

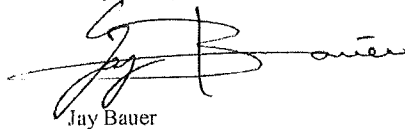
I understand that Rabbi Levitin is planning to open a small Synagogue at 361 South County Road. His plans include using the rented property for evening adult religious studies and a child day care center for a limited amount of toddlers.

This would make good use of the property that is vacant and since it is in walking distance from so many condos and homes, as well as parking lots, it would have a minimal impact on parking spots at the building.

It would also attract people from the south of the Island and bring business traffic to Worth Avenue and South County Road.

I have a store on Worth Avenue and live nearby and totally support this project as it will bring only positive activity to this part of town.

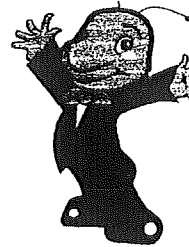
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jay Bauer', with a stylized flourish extending to the right.

Jay Bauer

# Cricket Cleaners

361 S. County rd 561-832-8832



Proposed Chabad synagogue at 361 S. County Road  
Special Exception #6-2012

Dear Mayor Coniglio and Town Council members:

I have discussed with Rabbi Levitin his proposal for a small synagogue at 361 South County Road. We also discussed his desire to use the property for related uses such as evening religious classes and child day care for a limited number of children. I would be very happy to see this come about. I do not think it will have very much of an impact to the traffic or parking. It is a very appropriate use for this space.

It is my understanding that the parents of the day care children may use the public loading space in front of Via Rosa to drop off and pick up children on weekdays, especially in the mornings and afternoons. This will not conflict with my business because the primary times of my use of the loading space are different than the drop off and pick up times of the proposed day care.

I am in favor of this project because it will result in the productive use of space which is currently vacant and will bring positive activity to this part of town.

I very much look forward to the Town Council's approval of this beautiful project.

Sincerely,

*Matthew Simha*

Mark Zeidman  
229 Barton Avenue  
Palm Beach, FL 33480  
(561) 366-0024

Mayor and Town Council  
360 South County Road  
Palm Beach, Florida 33480

June 17, 2012

Re: Proposed Chabad synagogue at 361 S. County Road  
Special Exception #6-2102

Dear Mayor Coniglio and Town Council members,

My wife and I have been friends of Rabbi Zalman Levitin for six years. During the course of our friendship we have had the opportunity to share holidays with the Rabbi and his family. We have also come to understand his mission in Palm Beach and have admired him as a person of goodwill and ecumenical outreach. Anyone who wishes to participate in the activities of his congregation is welcome to attend.

The Rabbi recently spoke to me about his desire to establish a small synagogue at 361 South County Road, within a few blocks of where I live. I support this proposal and also his desire to use the facility for adult evening religious study and as a child day care site. Granting approval for this center will give the Rabbi a place for his congregation to assemble and practice their faith. Therefore we urge the Town Council to approve this project.

Sincerely,

Mark & Maggie Zeidman

June 15, 2012

Eric Sikes  
234 Oleander Ave.  
Unit 4  
Palm Beach, FL 33480

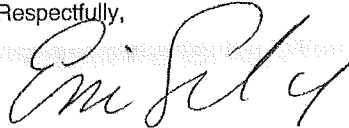
**Subject: Special Exception #6-2012, Chabad Synagogue at 361 S. County Road**

Dear Town Council Members:

It is my honor and privilege as a member of the palm beach community and Chabad Synagogue to write you this letter. After meeting in person with Rabbi Levitin and hearing his plans for establishing a respectable small synagogue at 361 South County Road I feel the special exception should be granted, passed and approved.

It appears his vision and mission will not hinder or hurt the quality of life for any neighbor or business owner in the community. On the contrary, Rabbi Levitin has demonstrated on many occasion his willingness to help fellow local neighbors, families and business owners. We can all learn from his hard work and dedication to family values and business ethics.

Respectfully,

A handwritten signature in cursive script, appearing to read "Eric Sikes", written in dark ink.

Eric Sikes  
[ericsikes@gmail.com](mailto:ericsikes@gmail.com)  
561-542-0399

June 15, 2012

TO: Mayor and Town Council  
360 South County Road  
Palm Beach, FL 33480

Re: Proposed Chabad Synagogue at 361 S. County Road  
Special Exception #6-2012

Dear Mayor Coniglio and Town Council members:

We the undersigned are very much in favor of the proposal for a Synagogue which includes accessory related uses such as child day care for a limited number of children at 361 South County Road. This is not something very large and will not have much of an impact to the traffic or parking.

We are in favor of this project because it will result in the productive use of space which is currently vacant and will bring positive activity to this part of town. The space will allow our Jewish residents a place to worship and learn Jewish History and the teachings of the Torah. Chabad always makes everyone feel welcome.

We urge the Mayor and the Town Council to approve this project.

Sincerely,

Jocelle Schumer 170 Chilean Ave, Palm Beach 33480  
Jonathan Schumer 170 Chilean Ave. Palm Beach, FL 33480  
Reshe Feldman 2965 County Rd Palm Beach FL 33480



From: Susan and Harvey Sherzer  
2600 South Ocean Blvd. #102S  
Palm Beach, FL 33480

Re: Proposed Chabad Synagogue at 361 S. County Road  
Special Exception #6-2012

Dear Mr. Mayor and Town Council:

We are part-time residents of Palm Beach -- hopefully, very soon to be officially Florida residents upon our retirement at the end of 2012.

We love most everything about Palm Beach. One of the very special and wonderful things about the Town that we remark upon time and again is the drive down South and North County Road. Going North from our condominium on the ocean we first come upon the magnificent Bethesda-By-The-Sea Church (Episcopal), surely one of the most beautiful churches in America; then we see the Palm Beach Synagogue (Orthodox Jewish), a lovely building which resulted from the combination and development of existing streetside buildings all in traditional Palm Beach style; then we see St. Edward's (Catholic), which for those of us old enough to remember the 1950's recalls the iconic pictures of President and Mrs. Kennedy leaving the church; and then Temple Emanuel (Conservative Jewish), a beautiful structure in the modern style of many synagogues but very much in keeping with the surrounding architecture. By granting the exception -- Special Exception #6-2012, Chabad of Northern Palm Beach Island (Orthodox Jewish but NOT the same as the Orthodox or Conservative synagogues) will be joining the other houses of worship along County Road. How appropriate and fitting! The Chabad synagogue will be smaller, more intimate, in keeping with Chabad houses of worship and learning places, which tend to be more intimate and "homey" than many larger synagogues.

We are very much in favor of the project because it is 1) in keeping with the existing use of space along County Road; 2) maintains Palm Beach's estimable tradition of openness to those of all faiths and persuasions, and 3) results in the productive use of space which currently is vacant. Traffic, even from a house of worship, brings life and business to the neighborhood and is also good economically for the Town.

Sincerely,

Susan and Harvey Sherzer

304-980-7667

Proposed Chabad Synagogue at 361 S. County Road,  
Special Exception #6-2012

Madame Mayor

I have been in contact with Rabbi Levitin for more than a year regarding a small synagogue at 361 South County Road. We discussed the facility to include classes in the evening and also a small day care center for a small number of pre-school children. We know that all of the above will have very little impact on parking or traffic. We are 100% in favor of Rabbi Levitin's proposal for proper use of space that is empty at the present time and should more than enhance the surrounding area. We would appreciate that you and your council would look favorably on Rabbi Levitin's proposal

Thank you for your special attention on this worthy matter.

Yours truly,

LOUIS and HELEN KERZNER  
3475 SOUTH OCEAN BLVD  
APT 715  
PALM BEACH FLORIDA 33480

2860 South Ocean Blvd.  
Palm Beach, FL 33480  
June 14, 2012

Mayor Coniglio and Town Council  
360 South County Road  
Palm Beach, FL 33480

Re: Proposed Chabad synagogue at 361 S. County Road  
Special Exception #6-2012

Dear Mayor Coniglio and Town Council Members,

We understand there is an opportunity for a synagogue to be housed in 361 South County Road. Rabbi Levitan discussed with us his desire to use this property for related services such as a small child day care center and evening adult religious study as well. We have attended evening study in the past; attendance is usually not very large. We don't think these services will have much of an impact on parking or traffic. Rather, this project should enhance the area and provide a productive use of a currently vacant space.

We urge the mayor and the town council to approve this project.

Sincerely,  
George and Gayle Monaster

## HAROLD ABRAHAM MATHESON

44 COCOANUT ROW, B128  
PALM BEACH, FLORIDA 33480

June 11, 2012

Mayor and Town Council  
360 South County Road  
Palm Beach, FL 33480

Re: Proposed Chabad Synagogue at 361 S. County Road  
Special Exception #6-2012

Dear Mayor and Town Council Members:

I recently met with Rabbi Levitin and discussed his proposal for a small synagogue at 361 South County Road. We also discussed his desire to use the property for related uses such as adult evening religious study and child day care for a limited number of children. These programs are never very large, and I don't believe will have very much of an impact on the traffic or parking.

I am in favor of this project because it will result in the productive use of space which is currently sitting vacant. Approving this project will also help bring positive activity to this part of town. I know Rabbi Levitin and his family personally. Rabbi Levitin and his wife, Hindel, are truly exceptional people. Their classes and activities are both fun and inspirational to all who attend.

I respectfully urge the Mayor and the Town Council Members to approve this project.

Thank you for your consideration in this matter.

Sincerely,

  
Harold Matheson

Proposed Chabad Synagogue at 361 S. County Road, Special Exception #6-2012

Dear Mayor and Town Council,

As a resident of Palm Beach, I write with great enthusiasm to support the proposal of Rabbi Zalman Levitan for a small synagogue on South County Road.

Rabbi Levitin and his wife do such good work and are already known and beloved by the community as refined and respectful citizens who care about every person with whom they come into contact. This synagogue is a logical next step for them to continue their uplifting, wholesome and admirable outreach to adults and children in Palm Beach.

I understand that there is some concern about the impact of the synagogue on traffic and parking in the area. Please understand that this will NOT be an issue, considering that most people who will attend will be walking, not driving, to the building!! I personally am very excited at the prospect of walking from my home to the new center to continue studying and worshipping with the Levitins.

I hope you will approve the proposal and I look forward to seeing you and my neighbors at the grand opening of the proposed synagogue! If there are any questions, please don't hesitate to contact me.

Sincerely yours,

Mindy Martin  
235 Sunrise Avenue #2241  
Palm Beach, Florida 33480  
561 315-6378

Proposed Chabad Synagogue  
361 S. County Road,  
Special Exception #6-2012

Madame Mayor,

During the past year, we have met with Zalman Levitin, Rabbi of Chabad of North Palm Beach Island, discussing at length his proposal for a small synagogue at 361 South County Road, Palm Beach.

We further discussed his proposal of maximizing the use of the facility to include evening adult study classes, as well as a small day-care centre for a limited number of pre-school children. We deemed that both were appropriate usage, with little, if any impact on traffic and/or parking.

We are indeed in favour of Rabbi Levitin's proposal, and are of the opinion that it is a most productive use of the space, which is currently empty.

As well, we know that Chabad of North Palm Beach Island can, and will enhance the property, as well as having a positive effect in the area.

We urge you and your Council to look favourably on this worthy proposal.

Thanking you for your kind attention and consideration, we remain  
Yours truly,  
Gerald and Helen Marr.

3140 South Ocean Blvd.,  
Apt. 101 North,  
Palm Beach, Florida,  
33480.

VIVIAN GRACE KRONER

MONDAY  
JUNE 11 2012

2295 SOUTH OCEAN BLVD APT. 603  
PALM BEACH FL 33480

TO: THE MAYOR AND TOWN COUNCIL,

I UNDERSTAND THAT A NEW SYNAGOGUE MAY BECOME  
A REALITY AT 361 SOUTH COUNTY RD HERE  
IN PALM BEACH AND HAVE A SMALL DAY SCHOOL  
FOR TODDLERS AND VERY YOUNG CHILDREN.

I AM NOT ONLY VERY EXCITED WITH THIS NEWS  
AND WILL BE FOREWARD TO THIS DEVELOPMENT.

I STRONGLY URGE THE MAYOR AND TOWN  
COUNCIL TO VOTE IN FAVOR FOR THIS  
PROPOSAL.

Sincerely,

Vivian Grace Kroner

Proposed Chabad Synagogue at 361 S. County Road. Special Exception #6-2012

Madame Mayor,

I have in the recent past met with Rabbi Zalman Levitin to discuss establishing a small synagogue in the area of my home--330 S. Ocean Blvd. I was delighted to hear that there is a proposal for this at 361 South County Road. My family and I would be very happy to be able to walk to this proposed synagogue on the Sabbath and holidays. The premises could also be used for evening adult study classes as well as a small day care facility for pre-school children. Both the synagogue and the classes would have very limited impact on traffic and parking in the area and would be positive usage of the currently empty space.

I urge you and your council to look favourably at this worthy proposal from Chabad of North Palm Beach.

Sincerely,  
Miriam Kerzner  
330 South Ocean Blvd., #4E,  
Palm Beach, Florida  
33480



Proposed Chabad Synagogue at 361 S. County Road,  
Special Exception #6-2012

From: [DPopow4614@aol.com](mailto:DPopow4614@aol.com)  
To: [mayer@townofpalmbeach.com](mailto:mayer@townofpalmbeach.com), [council@townofpalmbeach.com](mailto:council@townofpalmbeach.com),  
Date: 06/11/2012 04:54 PM  
Subject: (no subject)

---

*To Whom It May Concern:*

*We reside at 301 Australian Ave and have heard that a synagogue and child day care center are to be built (or opened) at 361 S. County Road.*

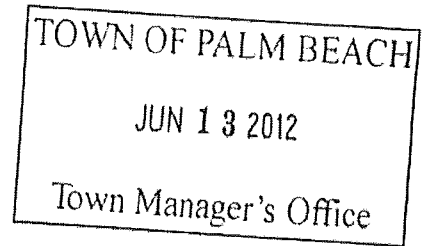
*We are totally in favor of this as it will be within easy walking distance for us and we will not have to worry about parking.*

*Thank you for your kind consideration to approve this.*

*Sincerely,*

*David and Lorraine Popowich*

Dr. & Mrs. Gary Marder  
One Ocean Lane  
Palm Beach, FL 33480



June 8, 2012

To Town Council  
360 South County Road  
Palm Beach, FL 33480

Re: Proposed Chabad synagogue at 361 S. County Road - Special Exception #6-2012

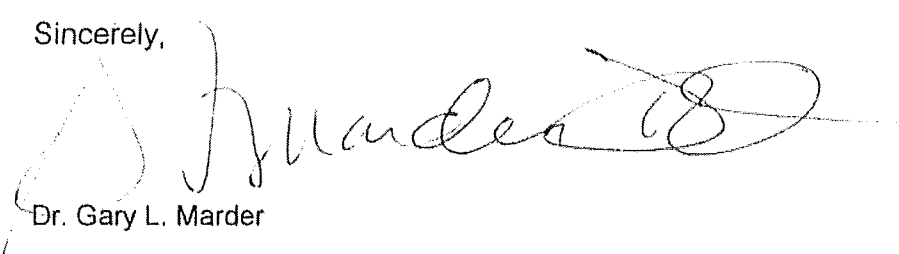
Dear Town Council members:

As a long time resident of Palm Beach and one who deeply care about our town, Please accept this letter on behalf of Rabbi Levitin and his proposal for a small synagogue at 361 South County Road.

The purpose of the synagogue is a house of worship. It will also serve as an adult evening religious study and a child day care for a limited number of children.

I am very much in favor of this project, I feel it will result in positive activity to this part of town.

Sincerely,



Dr. Gary L. Marder

TOWN OF PALM BEACH

JUN 06 2012

Town Manager's Office

BS'D"  
6/6/2012

SE 6-2012

Dear Mayor and Town Council,

I've lived full time in Palm Beach at 253 OLEANDER AVE, #7 for a few years. I am in the process of purchasing a condo at PALM BEACH TOWERS. I am personally SABBATH observant and look forward to be able to walk to Shul. Over the past two years I have developed a good relationship with Rabbi ZALMAN LEVITAN and his wife HYDEL. I have found them both very caring and knowledgeable JEWISH leaders. They have discussed their dream and vision of having a small synagogue at 361 South COUNTY Rd. with me. Their ideal include adult evening religious study and child day care for a limited number of children.

I really love living in Palm Beach. It is beautiful and an extremely well run town. My opinion is that this existing vacant space will positively enhance the the neighborhood.

Presently there is a void for young Jewish families. Jewish day care fulfills a basic need for young Jewish families living on our Island. My discussions with out Jewish residents confirm this point of view. Presently it is necessary to cross the bridge and expend almost 1 hour of total drive time.

Furthermore because of the projected small scope of this project, I feel there will be very minimal impact on traffic + parking in the area.

Sincerely,  
Howard Amster  
HOWARD AMSTER



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

Submitted at Mtg  
6/20/12 TC

TOWN OF PALM BEACH  
JUN 15 2012  
Town Manager's Office

Our File Number: 34653.00001  
Writer's Direct Dial Number: (561) 655-1980  
Writer's E-Mail Address: bseymour@gunster.com

**VIA HAND-DELIVERY**

June 15, 2012

Mayor & Town Council  
Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480

Re: Proposed Chabad Synagogue at 361 S. County Road

*Special Exception #*  
*6-2012*

Dear Mayor Coniglio and Town Council Members:

As you know, the referenced project is on the June 20, 2012 Town Council Agenda as Special Exception #6-2012. Our client, Chabad House of Northern Palm Beach Island proposes a small synagogue and accessory uses.

Chabad is an orthodox branch of Judaism. It is organized to strongly encourage close-knit local congregations which are centered on "Chabad houses." Each congregation comes from and is limited to an identified "territory" which is kept as small as possible to encourage orthodox practices, including walking on the Sabbath and Jewish holidays. Education for both adults and children is also central to Chabad's mission.

There are a number of active Chabad congregations in Palm Beach County, including Palm Beach Gardens, Wellington and Jupiter. You may have noted the recent approval of a Chabad facility for Chabad of Palm Beach Gardens that was reported in the Palm Beach Post. That applicant commissioned a parking evaluation by Kimley-Horn and Associates, Inc. (attached). In order to evaluate the parking demand for such an unusual land use where the congregational area is limited and congregants are strongly encouraged to walk to services, Kimley-Horn undertook observations of parking demand on a Saturday at an orthodox facility in Boca Raton. Kimley-Horn determined that there was an "observed parking requirement of 1 space per 27 seats" at that facility. Since houses of worship normally have a parking requirement of 1 space per 3 seats (City of Palm Beach Gardens) to 1 space per 4 seats (Town of Palm Beach), it is clear

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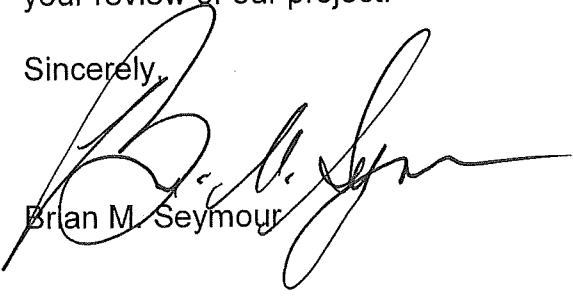
Mayor and Town Council  
June 15, 2012  
Page 2

that the vast majority of congregants at the Boca Raton shul really are walking to services.

Chabad is not like any of the other synagogues in Palm Beach. By its nature and restrictions imposed on the individual Chabad houses by the governing body, Chabad focuses on small areas to fill gaps in Jewish observance and learning that may exist in those limited areas. They are designed to remain small and walkable.

We hope that this letter and the attached parking data help allay any concerns you may have about the proposed facility. We look forward to providing a full presentation and your review of our project.

Sincerely,



Brian M. Seymour



Kimley-Horn  
and Associates, Inc.

February 3, 2012

Rabbi Dovid Vigler  
Chabad of Palm Beach Gardens, Inc.  
445 Woodview Circle  
Palm Beach Gardens, Florida 33418

■  
Suite 200  
1920 Wekiva Way  
West Palm Beach, Florida  
33411

Re: The Gardens Shul  
Palm Beach Gardens, Florida  
KHA # 144077001

Dear Rabbi Vigler:

Kimley-Horn and Associates, Inc. was retained to determine if the previously approved parking study for the Gardens Shul site is consistent with the currently proposed site plan. The site is located on the north side of Fairview Lane, east of Fairview Drive in Palm Beach Gardens, Florida.

The previously approved study indicated that the site would be developed with 110 seats, 500 square feet of office space, and 17 parking spaces. To determine the parking demand for a Chabad use, parking observations were conducted on Saturday, November 22, 2008 at the Young Israel of Boca Raton site. A parking rate of 1 space per 27 seats was calculated based on these observations.

It is now proposed to develop the Gardens Shul site with 100 seats and 21 parking spaces (12 paved / 9 grass). The parking demand that was previously observed at the Boca Raton site can be applied to the proposed plan; the parking characteristics for this type of use would not have changed.

Based on the observed parking requirement of 1 space per 27 seats, 4 parking spaces would be required. Therefore, the proposed parking supply exceeds the expected parking demand.

We appreciate this opportunity to work with you on this project. Please contact me at 561-845-0665 if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Adam B. Kerr, P.E.  
Transportation Engineer

Florida Registration Number 64773  
Certificate of Authorization Number CA00000696

■  
TEL 561 845 0665  
FAX 561 863 8175



Kimley-Horn  
and Associates, Inc.

# Final Approval City of Palm Beach Gardens

Project Name: Gardens Shul

Petition #: CUNY-08-06-000013

Development Order: Res. 26, 2009

Date: 4/28/09

Project Manager: Steph M. Rye

1690 S. Congress Avenue  
Suite 100  
Delray Beach, Florida  
33445

November 26, 2008

Rabbi Dovid Vigler  
Chabad of Palm Beach Gardens, Inc.  
445 Woodview Circle  
Palm Beach Gardens, Florida 33418

Re: The Gardens Shul  
Palm Beach Gardens, Florida  
KHA # 144077001

Dear Rabbi Vigler:

Kimley-Horn and Associates, Inc. was retained to prepare a parking evaluation for the above-mentioned Chabad site. The site is located on the north side of Fairview Lane, east of Fairview Drive in Palm Beach Gardens, Florida. The site location is shown in Figure 1. This analysis analyzes the parking requirements of the proposed development.

## *Parking Analysis*

Based on the Palm Beach Gardens Code of Ordinances, the number of parking spaces required for this land use is 1 space per 3 seats, plus 1 space per 250 square feet of office space. No additional uses are proposed for the site. The proposed site will include 110 seats, plus an additional 500 square feet of office space. This equates to a parking requirements of 39 spaces.

It is proposed to provide 17 parking spaces on-site. Because this is less than the number required per the Palm Beach Gardens Code of Ordinances, a parking reduction is required.

This facility serves Orthodox Jews, who are prohibited from driving during the Sabbath. As such, during services, very few vehicles will be parked at the facility. The majority of congregants walk to and from the site for services. This has been observed at several different Chabad sites throughout the area. To demonstrate that a reduction in the provided parking is appropriate, and at the request of the City of Palm Beach Gardens Planning Department, observations were performed at one other Chabad site in Palm Beach County.

Observations were made on Saturday, November 22, 2008 at the Young Israel of Boca Raton site. This site is located at 7200 Palmetto Circle North, in Boca Raton, Florida. The site is shown in Figure 2. A total of 48 parking spaces are supplied for this 250-seat site. While The Gardens Shul site will offer one service, the Young Israel of Boca Raton site offers two services on Saturdays. Both services were



observed; the data is presented in Table 1. As shown, the peak parking demand of nine spaces occurred during the first service.

Based on these observations, a peak demand of 9 parking spaces per 250 seats is sufficient to account for demand at a Chabad site. This equates to a rate of approximately 1 parking space per 27 seats, exclusive of any ancillary office use. Application of this rate to The Gardens Shul site shows that peak demand would require five parking spaces. The office space at the site requires an additional two parking spaces, per the Palm Beach Gardens Code of Ordinances. Therefore, a total of seven parking spaces is expected to meet demand. The site plan shows that 17 parking spaces will be provided. Therefore, sufficient parking would be provided.

### *Conclusion*

The foregoing analysis demonstrates that the proposed parking requirement for The Gardens Shul site per the Palm Beach Gardens Code of Ordinances is more than would be required to meet peak demand. Based on the religious beliefs of the congregants and the parking demand for similar South Florida Synagogues, it is requested that the parking demand be reduced for this site. Observations collected from a similar site in the area were used to determine an appropriate parking rate for this site. This analysis demonstrates that seven parking spaces will be sufficient to meet demand on the site. A total of 17 parking spaces are proposed on the site plan.

We appreciate this opportunity to work with you on this project. Please contact me at 561-330-2345 if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Adam B. Kerr, P.E.  
Transportation Engineer  
26 Nov 2008  
Florida Registration  
Number 64773  
Certificate of Authorization  
Number CA00000696

ABK/MJL





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© 2003 GDT, INC



Kimley-Horn  
and Associates, Inc.

**FIGURE 1: SITE LOCATION**  
**THE GARDENS SHUL**  
**PALM BEACH GARDENS**





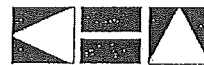
**FIGURE 2: SITE LOCATION**  
**YOUNG ISRAEL OF BOCA RATON**  
**BOCA RATON**



Kimley-Horn  
and Associates, Inc.

| Table 1                                 |                              |          |                                |          |
|-----------------------------------------|------------------------------|----------|--------------------------------|----------|
| Young Israel of Boca Raton Observations |                              |          |                                |          |
| Location: 7200 Palmetto Circle N.       |                              |          |                                |          |
| Date: November 22, 2008                 |                              |          |                                |          |
| Time                                    | First Service (7:30-9:30 am) |          | Second Service (8:45-11:00 am) |          |
|                                         | Inbound                      | Outbound | Inbound                        | Outbound |
| 7:00-7:15 am                            | 3                            | 0        | 0                              | 0        |
| 7:15-7:30 am                            | 1                            | 0        | 0                              | 0        |
| 7:30-7:45 am                            | 1                            | 0        | 0                              | 0        |
| 7:45-8:00 am                            | 0                            | 0        | 0                              | 0        |
| 8:00-8:15 am                            | 0                            | 0        | 0                              | 0        |
| 8:15-8:30 am                            | 0                            | 0        | 0                              | 0        |
| 8:30-8:45 am                            | 0                            | 0        | 2                              | 0        |
| 8:45-9:00 am                            | 0                            | 0        | 2                              | 0        |
| 9:00-9:15 am                            | 0                            | 3        | 1                              | 0        |
| 9:15-9:30 am                            | 0                            | 2        | 0                              | 0        |
| 9:30-9:45 am                            | 0                            | 1        | 0                              | 0        |
| 9:45-10:00 am                           | 0                            | 3        | 0                              | 0        |
| 10:00-10:15 am                          | 0                            | 0        | 1                              | 2        |
| 10:15-10:30 am                          | 0                            | 0        | 0                              | 0        |
| 10:30-10:45 am                          | 0                            | 0        | 0                              | 1        |
| 10:45-11:00 am                          | 0                            | 0        | 0                              | 0        |
| 11:00-11:15 am                          | 0                            | 0        | 0                              | 2        |
| 11:15-11:30 am                          | 0                            | 0        | 0                              | 0        |
| Total                                   | 5                            | 9        | 6                              | 5        |

Total Supply: 48 spaces



Kimley-Horn  
and Associates, Inc.

k:\bcd\_tpto\1440\77001\november 2008\observations.xls]sheet1

VIVIAN GRACE KRONER

MONDAY  
JUNE 11 2012

2295 SOUTH OCEAN BLVD APT. 603  
PALM BEACH FL 33480

TO: THE MAYOR AND TOWN COUNCIL,

I UNDERSTAND THAT A NEW SYNAGOGUE MAY BECOME  
A REALITY AT 361 SOUTH COUNTY RD HERE  
IN PALM BEACH AND HAVE A SMALL DAY SCHOOL  
FOR TODDLERS AND VERY YOUNG CHILDREN.

I AM NOT ONLY VERY EXCITED WITH THIS NEWS  
AND WILL LOOK FORWARD TO THIS DEVELOPMENT.

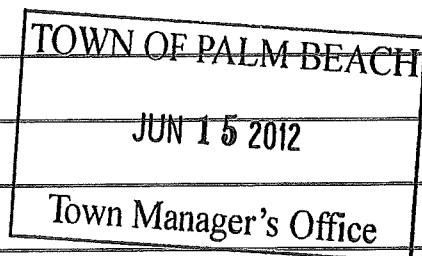
I STRONGLY URGE THE MAYOR AND TOWN  
COUNCIL TO VOTE IN FAVOR FOR THIS  
PROPOSAL.

Sincerely

Vivian Grace Kroner

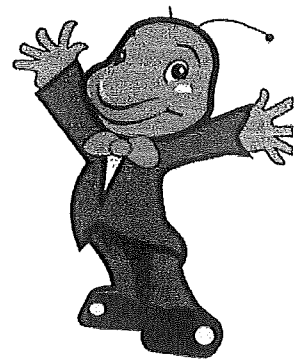
Submitted at Mtg

6/20/12 TC



# Cricket Cleaners

361 S. County rd 561-832-8832



Proposed Chabad synagogue at 361 S. County Road  
Special Exception #6-2012

Dear Mayor Coniglio and Town Council members:

I have discussed with Rabbi Levitin his proposal for a small synagogue at 361 South County Road. We also discussed his desire to use the property for related uses such as evening religious classes and child day care for a limited number of children. I would be very happy to see this come about. I do not think it will have very much of an impact to the traffic or parking. It is a very appropriate use for this space.

It is my understanding that the parents of the day care children may use the public loading space in front of Via Rosa to drop off and pick up children on weekdays, especially in the mornings and afternoons. This will not conflict with my business because the primary times of my use of the loading space are different than the drop off and pick up times of the proposed day care.

I am in favor of this project because it will result in the productive use of space which is currently vacant and will bring positive activity to this part of town.

I very much look forward to the Town Council's approval of this beautiful project.

Sincerely,

TOWN OF PALM BEACH

JUN 15 2012

Town Manager's Office

April 30, 2012

Mrs. Michael P. McDonough

145 Peruvian Avenue, Palm Beach, Florida 33480

To: The Town Council of Palm Beach

Re: Zoning Case No. 6-2012

Subject: 361 S. County, Via Rosa

We wish to strongly OPPOSE this application.

Commonsense tells us that the members attending services, adult courses and nursery school will park as near as possible to 361 S. County - on and off all day - and then walk. Few adults or children will be walking from "home".

We are aware that City Hall, the Fire Dept., the Police Station, beach visitors, maintenance and service workers, various area businesses and nearby residents already vie for parking on nearby streets.

We have experience with the "loading space" on South County. We gave up Coconut Palm Cleaners several years ago because both sides were constantly full. How can one not envision several cars "queuing up" to deposit and collect

"Beachmont", 729 Bellevue Avenue, Newport, Rhode Island 02840

Mrs. Michael P. McDonough

children, the elderly or handicapped members.  
The traffic pattern is already very tight all  
around City Hall.

Frankly, we are at a loss to understand  
why the Chabad House is considering this  
location.

Sincerely,

Florence S. McDonough  
Michael P. McDonough

Michael and Florence M'Donough

Anne Keresy

Richard and Lotzie Holton

Davis and Barb Sezna

David and Penny Benham

Joe and Mary Webster

Susan Byrd

Edward B. W. Setz

Harold + James Paul

Gordon P. + Mary G. Bee

Sona V. P. H. S.

Denise G. Swan

Cynthia Gillman

Nancy E. Schubert

Lisa Jordan

Beverly Jordan

Deanne Kessen (NO PARKING!)

Al. D. M.

John K. Aderson



DP 2002

H. H. H. H.

AK

Helen Bell

Leo Amore

Ege Petersen

Wendy

Wendy Jones

Roger Duff

Margaret Hedder

Mr

Samuel Back

Jeffrey & Anne Clomington

**Petition to Support Palm Beach's Downtown Retail Space for Merchants, Shoppers and Residents and Disallow Use of Such Space for Houses of Worship (i.e., Deny Synagogue Request for Use of Downtown Commercial Space). May 9, 2012**

This Petition serves to counter the current application requesting permit for a church, synagogue or other house of worship to occupy Palm Beach's central shopping district [space]. In particular, we, the Public, request the Town of Palm Beach to reject the synagogue permit request for Bays D, E, F, G and H of 361 South County Road, which is the 2-story building named Via Rosa. **A synagogue proposes to utilize 1962 square feet of downtown commercial space for worship, adult study and daycare.**

Such a permit, if granted, would be directly contrary to Palm Beach public interest. This geographic space and corridor are approved for commercial use. Houses of worship do not comply with the commercial need for a strong mix of retail-type stores so economically vital to the survival of our town-serving merchants. Similarly, granting such permitting causes decreased economic value to current and future critical space necessary to retain a vibrant downtown "Palm Beach" retail vicinity. This proposal places a greater burden upon, and economically injures, retail merchants by using up the limited remaining space critical to the economic survival of store owners, managers and customers. The resulting substantial economic burden to retailers creates major negative impact to adjacent and district community-serving retail stores. Further, imposing the granting of such a permit for any house of worship [at this location] serves to deny the residents of the Town of Palm Beach the opportunity to purchase locally (i.e., within our own community). Further, given the attraction of "Palm Beach mercantile" to local and world-travelers who specifically visit the Town of Palm Beach to shop *in* Palm Beach, the allowance of any house of worship to occupy Palm Beach's treasured downtown shopping district directly intercepts the value, intensity and desire to shop here.

Represented by the signature(s) [below] in support of this Petition, we request the Town of Palm Beach **To Deny Permitting** for the proposed use of downtown commercial space for a house of worship (i.e., synagogue):

Town Hall Meeting June 20<sup>th</sup> 9:30 am

Submitted at Mtg

6/20/12 TC

Sque Datz Owen  
Lybertz

Samuel M  
Mury Anthony White  
Monica Cabrera  
[Signature]

[Signature]  
Alto

Kar [Signature]  
[Signature]  
[Signature]

Stephanie [Signature]  
[Signature]  
[Signature]

Munich Car

[Signature]  
Sander  
[Signature]

Sasha Durnoga  
Antonio [Signature]

[Signature]  
[Signature]

[Signature]  
Dall [Signature]

[Signature]

[Signature]

Jayce M Belch  
COLDRIDGE

[Signature]  
[Signature]  
[Signature]

## Stores Done

- 1) Fashionista. ✓
- 2) Wolf Gang Bakery ✓
- 3) Hamburger heaven ✓
- 4) Rapunzel's closet ✓
- 5) Sequin jewelry ✓
- 6) Corriqo Boutique ✓
- 7) Sunoco Gas ✓
- 8) Buccan ✓
- 9) All brand vacuums ✓
- 10) Pastry Heaven ✓
- 11) Scotti ✓
- 12) Cortes ✓
- 13) Aristo Kids ✓
- 14) PB Boys Club ✓
- 15) Shoe Inn
- 16) Bonano Sandals ✓ → attending the meeting
- 17) Salon W ✓
- 18)
- 19)
- 20)

~~Adriano Costa~~

~~PTT~~

Samuel Costa

Luilla

Justo Lourenço SABONIM.

~~Musa~~

Group P  
Smaulito

~~SE~~

Oliver

~~SE~~

Mark Christy

Mark Roems

Tangela Felton

Lillian Viera