TOWN OF PALM BEACH

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

I. CALL TO ORDER AND ROLL CALL (01:37)

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE (02:02)

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

III. COMMENTS OF MAYOR DANIELLE H. MOORE (02:46)

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

IV. COMMENTS OF TOWN COUNCIL MEMBERS (3:49)

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

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

V. COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (06:44)

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

VI. APPROVAL OF AGENDA (06:54)

Ms. Churney announced the following changes to the agenda:

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

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

VII. CONSENT AGENDA (09:16)

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

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

VIII. REGULAR BUSINESS (9:37:36)

A. Matters Pulled From Consent Agenda: If Needed

B. Further Discussion Regarding Construction that Deviates from Approved Permit Plans (9:38:02)

C. Code Review Update (9:38:02)

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

IX. RESOLUTIONS (9:38:58)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council Member Moran supported the designation.

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

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

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

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

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

A motion was made by Council Member Cooney and seconded by Council Member Araskog to defer Resolution No. 005-2025 to the meeting on February 12, 2025, with the acknowledgment that the owner's attorney waived the hearing procedures outlined in Chapter 54 and the attorney and owner agreed to the deferral. The motion was carried unanimously, 5-0.

X. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of the Architectural Commission's Approval of a Pedestrian Gate at 203 S. Lake Trail (ARC-24-0027) at their December 20, 2024, Meeting.
   Clerk's note: This item was deferred to the February 12, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

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

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

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

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

Council Member Moran supported the project.

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

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

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

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

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

0.

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

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

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

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

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

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

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

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

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

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

considered a hardship.

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

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

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

c. **ZON-24-0035 (HSB-24-0005) 854 SOUTH COUNTY RD (COMBO) - VARIANCE** The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval for one (1) variance to permit a second guest house with bedrooms and bathrooms on site. The Landmarks Preservation Commission will perform the design review for the proposed structure on-site modifications. *[This project shall be deferred to the February 12, 2025, Town Council meeting pending Landmark Commission design review.]*
Clerk's note: This item was deferred to the February 12, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

d. **ZON-24-0042 (ARC-24-0080) 141 ATLANTIC AVE (COMBO) - VARIANCE (9:41:55)** The applicants, Sloane Family Trust (Brasseur & Drobot Architects, P.A.), have filed an application requesting Town Council review and approval for one (1) variance for a one-story addition of primary structure to encroach into the required east side yard setback. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project. Carried 7-0.]*

There were no disclosures of ex-parte communications.

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

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

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

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

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

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

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

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

TIME CERTAIN 10:30 AM

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

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

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

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

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

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

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

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

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

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

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

Council President Lindsay called for public comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Oyer responded.

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

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

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

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

2. New Business

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

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

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

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

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

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

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

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

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

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

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

Council Member Moran disclosed ex-parte communications.

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

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

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

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

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

There were no disclosures of ex-parte communications.

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

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

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

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

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

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

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

d. **ZON-24-0063 (ARC-24-0106) 260 COLONIAL LN (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicants, Thomas & Meredith Hunt, have filed an application requesting Town Council review and approval of a Special Exception with Site Plan Review to permit the redevelopment of an existing nonconforming parcel of land in the R-B zoning district, which is deficient in lot depth and lot area. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the February 12, 2025, Town Council meeting, pending Architectural design review.]*
Clerk's note: This item was deferred to the February 12, 2025, Town Council meeting at the Approval of the Agenda, Item VI.

e. **ZON-24-0068 (ARC-24-0110) 233 OLEANDER AVE (COMBO) - VARIANCES (10:07:41)** The applicants, Kimmi & David Smick of CWI233 LLC, have filed an application requesting Town Council review and approval for two (2) variances to (1) revest existing nonconforming landscape open space and (2) to revest existing nonconforming perimeter landscape open space; resulting from the substantial improvement of more than 50% of the site. The Architectural Commission shall perform design review of the application. *[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts on the subject property. Carried 7-0.] [The Architectural Commission approved the project for Option 4. Carried 6-0.]*

There were no disclosures of ex-parte communications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council President Lindsay called for public comment.

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

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

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

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

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

boat dock that exceeds the maximum width permitted.

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

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

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

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

C. Time Extensions and Waivers (10:36:54)

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

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

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

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

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

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

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

3. Requesting a Waiver of Town Code Section18-237, for Building Permit Extension at 224 S. Ocean Blvd. [Received a two-month extension at the November Town Council meeting. Returning to provide further information and request approval.] (10:50:54)

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

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

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

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

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

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

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

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

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

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

XI. ORDINANCES (10:54:25)

A. Second Reading

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

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

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

XII. ANY OTHER MATTERS

There were no other matters discussed at this time.

XIII. ADJOURNMENT (10:56:26)

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

APPROVED:

Bobbie D. Lindsay

Bobbie D. Lindsay, Town Council President

ATTEST:

Kelly Churney

Kelly Churney, Town Clerk

Date: 2-11-25

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME COONEY EDWARD AUSTIN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN COUNCIL
MAILING ADDRESS 251 Royal Poinciana Way #A	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: PALM BEACH COUNTY: PALM BEACH	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 01/15/~~2024~~25 EAC	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Edward A Cooney, hereby disclose that on January 15, 20 25:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, Gary Pohrer;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

My colleague & employer, Gary Pohrer, is listing this house for sale.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

01/15/25
Date Filed

Edward A Cooney
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

TOWN OF PALM BEACH
TOWN COUNCIL MEETING
JANUARY 15, 2025
10:30 A.M. - 8:10 P.M.

360 SOUTH COUNTY ROAD
PALM BEACH, FLORIDA 33480

Reporting Solutions, LLC
yourreportingsolutions@gmail.com
Reported by Paul Wassel
Notary Public, State of Florida

COUNCIL IN ATTENDANCE:

DANIELLE MOORE, MAYOR

BOBBIE LINDSAY, PRESIDENT

JULIE ARASKOG, COUNCILMEMBER

TED COONEY, COUNCILMEMBER

LEW CRAMPTON, COUNCILMEMBER

BRIDGET MORAN, COUNCILMEMBER

P R O C E E D I N G S

- - -

PRESIDENT LINDSAY: Thank you everybody. We're going to try and get ready for the 10:30 time certain. So, I'd like to call my colleagues back to the dais, please.

We did try to put some extra seats back in the rear. I did want to point out to everybody, there's a room in there with the swivel chairs which we really can't bring out, but you can hear everything in there.

So, if you'd like to -- if you're standing and you'd like to sit down you can hear everything in there and if you want to speak, you can come in here and be sworn in and speak. But there are probably eight to ten more chairs there. I think the benches are looking very full and we did -- without, hopefully -- I talked to our police officer who's here -- you guys leave that corridor open, or the Fire Marshall will come in and scold me. So please respect that.

But welcome everybody. And we're here to discuss item number, let me see. It's the 10:30 time, certain. And why can't I see it?

COUNCILMEMBER ARASKOG: Well, Zoning 24055COA.4-022.

PRESIDENT LINDSAY: Oh, thank you. And it is the Palm Beach Synagogue, and we will -- we're going to just say a few things today. So, I'll set the table a little

bit about how we're going to try to do this.

We've all been together before, many of us, so this is another round to hear that hearing. I have spoken to a number of attorneys and principles on both sides. We'd like to keep the professional comments, you know, your attorneys, your professionals, to 10 to 12 minutes if possible. We do have a 12:30 lunch. We've allowed two hours for this. Obviously, we will move that if we have to. But we'd like to do that with the professionals.

And then of course, the public has the right to speak. We will be timing that for three minutes. Everyone who would like to speak will be sworn in. And we will go through ex parte up here before we start.

Let's see, is there anything else I should have said? I'm going to ask my colleagues on the dais.

COUNCILMEMBER COONEY: I think you covered it.

PRESIDENT LINDSAY: Okay --

COUNCILMEMBER ARASKOG: Oh, I know the clapping and all of that.

PRESIDENT LINDSAY: Okay. Yeah. Thank you. It is really important that we be professional here. So, if you are against something, don't boo, please. If you're for something, don't cheer. We just would like everybody to remain the civil people we know we all are. And thank you for that.

COUNCILMEMBER ARASKOG: And then, Bobbie, the last thing you might want to add is sometimes people think exactly like someone, if they want to raise their hand. We've done that before.

PRESIDENT LINDSAY: Well, yes. If you're going to say the same exact thing as somebody before, I'm talking to the public now, it's okay if you just say, I agree with him, or, you know, ditto, whatever you feel like. I mean, you don't have to come up here and be sworn in if you just want to say I agree.

So, we'll try to do the best we can. I apologize for the chairs. I know our officer is trying to see if there's anything else we can do, but we didn't expect this big a crowd.

But anyway, welcome everybody. And what we'll do, we're going to start, I'm going to turn it over to staff to set the table for us where we are --

COUNCILMEMBER COONEY: Should we do ex parte first?

PRESIDENT LINDSAY: Oh, first, we have to do ex parte.

CLERK CHURNEY: And President Lindsay, if you don't mind, I'd like to re-swear everyone in because I think there's been many people that have joined.

PRESIDENT LINDSAY: There are.

CLERK CHURNEY: If you plan on speaking today and

have not been sworn in, please stand, raise your right hand and be sworn in for your testimony.

PRESIDENT LINDSAY: Wow. Thank you, Kelly.

CLERK CHURNEY: Yeah. Okay. Do you swear or affirm that the testimony which you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

SPEAKERS IN UNISON: I do.

CLERK CHURNEY: Thank you. Ex parte, Mr. Cooney.

COUNCILMEMBER COONEY: Thank you. Yes, I can start. And I will try to be as thorough as possible, but I have a lot of ex parte on this matter which shouldn't surprise anyone given the room's full.

I have had -- I have met on -- since our last hearing, I have met twice with Mr. Oyer, who's counsel for the synagogue. One of those meetings Rabbi Scheiner was in attendance. Both of those meetings Casey Klein was in attendance. At both of those meetings, they -- forgive me. At both of those meetings, they outlined their request before the Town and advocated for approval.

I've also had a phone call with Jerry Zaro from the Sun & Surf, who outlined and summarized to me his concerns and objections about to the application and the request. And I have read a huge stack of reports and studies and letters from residents on all sides of this matter. And I

don't think we have time for me to list all those names, but almost all of them are in the public record and/or in our backup.

PRESIDENT LINDSAY: Well, thank you, Ted. Julie?

COUNCILMEMBER ARASKOG: I listened to the meetings. I did speak last. I should say that this is, basically, I'm adding what I did last month.

PRESIDENT LINDSAY: You mean the LPC meeting and --

COUNCILMEMBER ARASKOG: Yes, the LPC, both of them. And I re-listened to the council meeting. And on top of that, though, I'm just going to, don't we just say that our ex parte from last month still remains the same? I did read all the letters. Most of what I read was against the project, but for zoning reasons, and parking, and all of that.

I did read a letter from Mr. Stepanski, and it mentioned two articles in there. So, I did call Jerry Zaro to ask him if he had the articles. He called Mr. Eubanks, who sent -- and I asked that it be sent to all the council members. Those were two articles, I believe. One was in The Post perhaps, and one was in The Palm Beach Daily News, in regard to the synagogue, perhaps expansion.

And then I spoke to Jerry Zaro, who outlined everything that was a concern which I think we can -- we'll hear it today. If we don't, I'll add to my ex

parte. But he was obviously bringing up concerns.

Most of the people who wrote in opposition mentioned that this was very hard for them. Some of them, it was a first-time letter. Many of them said because of their faith being aligned with this temple, that it was, particularly, difficult for them to write against it but they were doing it to protect the neighborhoods, and to follow the laws.

Ann Pepper, I believe, spoke to me. I'm going to think for a few minutes because people were often just in passing will say, that's too big or I hope you support this. I should add Rabbi Scheiner, today, said, I hope you'll support it, which is part of my ex parte. And I think that's it. And I think there were about a hundred letters. What would you all say? Sixty?

PRESIDENT LINDSAY: Several.

COUNCILMEMBER ARASKOG: Several. I think one was in support.

COUNCILMEMBER COONEY: And I need to briefly amend my ex parte.

PRESIDENT LINDSAY: I'm assuming we all may be doing this.

COUNCILMEMBER COONEY: Yeah, I did attend the Landmarks Preservation Hearing and watch -- watched the hearing after we sent it there. I was in attendance to

that meeting. And I'll just note to mirror Councilman Crampton's comments earlier, a lot of things came in last night and I was not able to get through those.

So, if an email came in on the last 24 hours, we had a long day here yesterday, and I had dinner with a friend last night, so I didn't do much reading.

PRESIDENT LINDSAY: Okay. Go ahead, Mayor.

MAYOR MOORE: There's no way I can possibly remember all my ex parte. But I did meet with Mr. Oyer and a group from the temple twice, obviously, advocating for their position along with several other staff members of the synagogue. And I apologize, I don't remember the young lady's name.

But I did, also, have the opportunity the other day, I believe it was Monday morning, to tour -- to tour the actual building and its current usage. And I had several conversations with David Mack, including yesterday to note his objections to the expansion at the temple.

Along with more conversations than I can possibly imagine, I spoke to Ambassador Bernstein and Richard and -- but as we can see from the number of people in the room, there are lots of people who are interested in this. And there have been, literally, hundreds of people who have just touched me to say, yes or no and I didn't particularly write down their names, or perhaps remember

them, but many of them are in the room today. So that would be it.

I will also say that I am a faithful parishioner at the adjacent Church of St. Edwards. And Father Glen is in the room. Thank you. That --

COUNCILMEMBER ARASKOG: I forgot.

PRESIDENT LINDSAY: Thank you.

COUNCILMEMBER ARASKOG: May I amend?

PRESIDENT LINDSAY: Sure.

COUNCILMEMBER ARASKOG: Okay. Senator Mack Bernard had tried me. I did try him back, but we never connected. Marty Klein sent me an email asking if we could talk. We never did. And he said today he decided not to call me because he knew what -- what -- basically, what I said last month.

I did receive something from John Corey saying, I think just that he would be at the meeting today. Where is he? Over there. Hi John. And I'll keep thinking.

PRESIDENT LINDSAY: Okay. Another amendment?

COUNCILMEMBER COONEY: Yes, two quick additions. I also had a conversation, I believe, two conversations with David Mack where in both of them, he stated his objections to the project.

I also did have a tour of the facilities on Monday -- on Monday afternoon, a tour and a discussion, which I

already disclosed. And I did have a phone call from Senator Mack Bernard advocating for approval of the project.

COUNCILMEMBER ARASKOG: And just to add, I also -- I've been to services in the synagogue, so I'm very familiar, and I've also gone to the celebrations afterwards. So, I'm quite familiar with the synagogue.

And there was one -- oh, David Mack. David Mack did call me. We did speak before the last meeting and I believe he sent a letter again stating his objections.

PRESIDENT LINDSAY: Okay. So, I'm going to give my ex parte and in addition to what we did before, I might remind everybody that this desk asked the Sun & Surf Group and the synagogue to meet. I tried to help Mr. Zaro get a venue for that meeting. And I will have to say that, in the end, our Mayor stepped up and one of the other St. Edwards parishioners and secured a space for that meeting in, I think it was December 19th at the parish hall. So, thank you -- if Father Glen is in the room, for doing that. Thank you very much because they needed a place to meet and --

MAYOR MOORE: And they did not do that. They met at the Sun & Surf.

PRESIDENT LINDSAY: Oh, they finally did?

MAYOR MOORE: Yeah, they did.

PRESIDENT LINDSAY: Okay. But thank you for offering it.

MAYOR MOORE: Just to clarify.

PRESIDENT LINDSAY: So, thank you for that. I didn't even know that. I just know the meeting went on the 19th. Okay.

So, I also met Monday with Mr. Oyer and their security gentleman, and then Casey Klein and walked around the premises, as it exists today, and talking about what they were going to do.

Also, I had received phone calls from Jerry Zaro. I previously met, briefly, with David Mack who expressed his concerns about the size of the project. And also Mr. Zaro expressed his concerns about the size and the programming of the project.

And I read a lot of backup. There were some also of the backup that said they liked the sanctuary expansion, but didn't like the expansion of the other ancillary services. And I'm still trying to think like my colleagues what else I did.

And let's see. And my last -- and I listened to -- I read all the LPC minutes, I did not listen to the entire LPC meeting, so that would be it at the moment. Go ahead, Lew.

COUNCILMEMBER CRAMPTON: Yeah, I just have to say to

everyone that, for me, this has been the most intense issue that has come before this council, for me, in terms of the record, which is voluminous.

I've tried to read everything, and I've certainly tried to make myself available to talk with everyone. I have attended services at the synagogue. And I attended the landmarks meeting where the decision was to approve the project and move it back to us.

I've had excellent conversations with Jerry Zaro, with David Mack, and read Tony Stepanski's most recent submission. I also had sessions with Harvey Oyer and Casey Klein, two -- two sessions where I have walked through the property and tried to understand the expansion involved. Phone call from Mack Bernard. Discussion with Rabbi Scheiner.

As I say, two tours of the building. And I did this past Saturday morning drive up to the facility and the neighborhood surrounding it, to get some kind of feel for what the Saturday morning parking situation at the site, actually, looked like during the period of services were taking place.

So, I think that covers it all. But I have tried really hard to understand what's going on with this issue, with the community impacts involved, and with the natural and organic expansion that is going on here, natural and

organic, because the Rabbi is doing a good job, and the people enjoy being there.

So, this is a -- this is a -- there are important issues in conflict here and I look forward to participating with my colleagues and rendering the best possible decision.

MAYOR MOORE: May I?

PRESIDENT LINDSAY: Yes, go ahead. Do you want to amend?

MAYOR MOORE: Yeah, no, I do. I apologize. I did also go by the site on Saturday. I happen to live on a street that is also close to two other religious institutions and I have noticed a marked increase at all of the religious institutions.

I live near Dr. Norris's Royal Poinciana Chapel, and I live near Bethesda Church. And I have noticed an increase, in general, of people attending religious services. But I did also drive by the other morning and see what, to me, was no impact from, --I'm sorry, it's not called Sunday School --

COUNCILMEMBER ARASKOG: On Saturday or Sunday?

COUNCILMEMBER CRAMPTON: Sunday School.

MAYOR MOORE: No, is it called Sunday School? Okay. Well, it may have a different term. I am not of the Jewish faith. So anyway, so I did go by. Sorry, Lew,

thank you for reminding me.

PRESIDENT LINDSAY: And I just want to make sure I want to say Mr. Bernard did reach me. We had a nice conversation about the -- about the sanctuary and the ancillary services, and he advocated strongly for -- for the expansion.

COUNCILMEMBER ARASKOG: And --

PRESIDENT LINDSAY: And I told him, I also spoke to him about some of the hurdles with some of the ancillary services, and in terms of the existing CTS code. And I tried to sort of set the stage for what some of the issues are from this body, in terms of granting some of these special exceptions and variances. So anyway --

COUNCILMEMBER ARASKOG: I need to add.

MAYOR MOORE: Richard hasn't gone.

PRESIDENT LINDSAY: Richard's next. No, we're still going.

COUNCILMEMBER ARASKOG: No, I need to amend.

PRESIDENT LINDSAY: You need to amend too? Okay --

COUNCILMEMBER ARASKOG: Yeah. Cody Crowell, when I was in his office, not that he advocated for or against, but he talked about how many events they have and how many cars go by. I also drove by the site to look at the surrounding neighborhood and, also, asked for and looked at the sizes of the lots for St. Edwards and their church

and also for Temple Emmanuel and also for the Paramount. And I spoke to someone from Temple Emmanuel, a Mr. -- I can't remember, Bob --

COUNCILMEMBER COONEY: Schreyer?

COUNCILMEMBER ARASKOG: Yes. And I spoke to him just asking him the square footage, as well. So, thank you for getting that to me.

PRESIDENT LINDSAY: Okay, thank you. And go ahead, Bridget.

COUNCILMEMBER MORAN: So, my ex parte from last time is still the same. And for the people who are new here, I have toured the synagogue and prior to last month's meeting, had a meeting with the Rabbi and the architect at the site and all the people and all those letters prior to that. I received a call from Senator Bernard who asked that we not reject the project entirely.

I think it's important to mention that I was at a breakfast with Bob Keats where he -- where we both exchanged pleasantries, and he said he just needs more space. And I said, I'm just trying to do what's right for the Town.

I have spoken in passing with Mr. David Mack, who objects to the size. I've spoke several times to my neighbor, Elizabeth Gordon, who asked for clarification of the issues and relayed many of the calls she's received in

1 favor of the request and asking for my support there.
2 I have also, in passing, in my goings on around
3 town, in Publix, walking the dog, people say, are you
4 Bridget? And I go, yeah. And they're like, it's too big,
5 it's too small. I can tell you that they both fall into
6 two categories. They're either for or against, and they
7 are -- I would say dozens of people have expressed their
8 approval or disapproval, either way. And I'm sorry, I
9 don't recall all of their names. And I think that that is
10 it.
11 PRESIDENT LINDSAY: Okay. Thank you. So, before
12 we, I think as we get started now, I'll let staff start
13 and then we'll go to if --
14 COUNCILMEMBER MORAN: And I read the letter, sorry.
15 PRESIDENT LINDSAY: Right. And there were --
16 COUNCILMEMBER MORAN: If you sent me a letter and it
17 arrived prior to Monday afternoon, I've read it. If it
18 arrived between Monday and last night -- well, today I
19 didn't see any of them. Monday and last, yeah, you got a
20 once over lightly. But --
21 PRESIDENT LINDSAY: I think we should all say that.
22 COUNCILMEMBER MORAN: Lew would say, I didn't have
23 time to digest it, so I just put it in the column of for
24 or against.
25 COUNCILMEMBER ARASKOG: And I should say, I read

1 every single one, even the ones that came in last night,
2 which I echo everything everyone says because I ended up
3 being up till 1:00 in the morning to try to get through
4 them.
5 So, I would appreciate it too, you know -- and I
6 think we talked about doing a cutoff at some point, and I
7 think we should actually enact that.
8 COUNCILMEMBER MORAN: Yeah, the cutoff was last
9 Friday at 5:00, by the way.
10 PRESIDENT LINDSAY: But that didn't stop anything,
11 as we know.
12 COUNCILMEMBER MORAN: I'm just saying.
13 PRESIDENT LINDSAY: Right. We do the best we can
14 do. I mean, there were some things even in our folders
15 yesterday and today, and we do the best we can do is all I
16 can say, try to read them all. Okay. So, I'll start with
17 Wayne, go ahead and --
18 MR. BERGMAN: Yes, good morning. Thank you. Wayne
19 Bergman, Director of Planning Zoning and Building, joined
20 this morning by Assistant Director James Murphy, Senior
21 Planner Jennifer Hoffmeister, and our traffic engineering
22 consultant Eric Janusky from Cordino. I'll just go
23 through quickly some background, some history, some of the
24 questions staff still has and some of the concerns we've
25 identified, and also, a recommendation to counsel at the

1 end.
2 We did provide an 18-page updated staff memo that is
3 part of your backup for today that goes into details on
4 all of the requests from the applicants. What we have
5 here, and maybe I'll save, Mr. Oyer, a little bit of time,
6 this is an expansion of the existing synagogue located at
7 the northwest corner of Sunset Avenue and North County
8 Road.
9 The current synagogue building is just over 19,000
10 square foot in size, and it is built upon a 31,400 square
11 foot parcel, currently improved with a two-story landmark
12 synagogue building and a vacant commercial space, formerly
13 the Chez Jean-Pierre Restaurant and a surface parking lot.
14 The application before you includes requests for
15 site plan, three special exceptions, nine zoning
16 variances, and at the end of all this, an Amended
17 Declaration of Use Agreement. Two of the requested zoning
18 variances, in my view, are huge, those being to exceed the
19 maximum building size allowed in the CTS zoning district
20 and the parking space variance to basically provide eight
21 usable parking spaces, when 139 parking spaces are
22 required by code.
23 The building will be increased to a size of 32,382
24 square feet, an increase of over 13,000 square feet from
25 what exists today. That is nearly a 170% increase over

1 the existing size, and a 216% increase over the maximum
2 allowed building, which in this District is 15,000 square
3 foot.
4 The floor area ratio of the proposed building
5 translates to 1.03, while the zoning code, when
6 interpreted, would allow a maximum FAR of 0.48.
7 The synagogue currently is approved for 158 seats in
8 the sanctuary as detailed in special exception number
9 3-2007. This special exception also allowed the same
10 number of seats to be used in multipurpose rooms on the
11 two floors, and a special exception prohibited use of a
12 certain second floor space. This application is proposing
13 to add 72 seats to the sanctuary space, bringing the total
14 seating there to 230.
15 The synagogue currently has a parking lot with 34
16 parking spaces. They're proposing to eliminate 16 spaces,
17 bringing the number of onsite parking spaces down to 18.
18 But in their design, they are allowing for the proposed
19 pickup and drop off queuing loop. The number of actual
20 usable parking spaces is reduced down to eight.
21 The Town Council at their meeting on November 13th
22 of last year deferred the synagogue application and made
23 three general requests of the applicant. First was to put
24 the project and program on a diet, basically, to shrink
25 the size of the building and lessen the need of the nine

requested variances. Second was to meet with the neighbors, and third was to appear before the Landmarks Preservation Commission for their review.

The applicant revised their application by removing about 4,000 square feet of second floor office space, before their November appearance at the Landmarks Preservation Commission. The 4,000 square foot reduction was internal to the site and resulted in zero noticeable change in the proposed building mass when viewed from the public right-of-ways.

The purpose of the CTS, Commercial Town Serving District, is to create, preserve and enhance areas of attractive small-scale retail, personal and professional business services to be developed either as a unit or in individual parcels providing for the frequently reoccurring needs of Town persons. This is stated in chapter 134, section 134.1106.

The proposed project and its programs meet the definition of an intensification of use, as it includes increased square footage of the building, increased seating, and increased off street parking demand. As an intensification of use, the project is not exempt from traffic concurrency and must meet all requirements found under chapters 134, zoning, and chapter 30, consistency and concurrency management systems, and also Florida

Statute 163.

The Town's comprehensive plan has identified strategies to address the traffic congestion and parking problems, which include, but are not limited to, controlling the pace type and intensity of redevelopment activities in the older areas of town. To prevent critical and dangerous overuse of its streets and parking resources, public services and facilities, and damage to the historic character, and to overall property values in the community.

The Town will take all technical and administrative measures legally available to minimize the change or transition of low density area structures to more intensive use patterns, and, thereby, lowering the pattern of density where possible to minimize tourism inflow.

Staff has reviewed the activity calendars found on the synagogue's website and produced copies of these calendars over the past three months. Copies of these activity calendars have been provided as backup to this application.

As one can see in reviewing the activities, the synagogue is a very busy place, not just on the weekends, but during the week. These calendars show activities well beyond the Saturday religious service, and the Sunday school classes that were mentioned at the earlier

meetings. As part of any declaration of use agreement negotiations, the Town should clearly define activities and define events in determining if they are limited to a certain number of activities or events per year or per month.

The application did not specifically request a special exception for a school. Staff, several months ago, asked the applicant if a school was being proposed, and was told that the classrooms were only for Sunday school use. After discussions with our Town Attorney, Joanne O'Connor, on this matter, we reluctantly viewed the 12 classrooms as an accessory use to a primary house of worship use.

Mr. Oyer has stated repeatedly that the classroom size was mandated by the Florida Building Code. To paraphrase his comments, he indicated that once the decision was made to provide Sunday school classrooms, that they had to meet the minimum size required by the building code. This is only partially true.

The fact that the classrooms are accessory religious educational rooms, they can be designed to meet the code but be designed to be much smaller than they're currently proposed. In fact, according to the Florida Building Code, they can be reduced by two thirds in size.

The aggregate classroom size listed on the plans

shows 3000 square feet, but per the Florida Building Code, they could be reduced in aggregate to 1000 square foot for all 12 of the proposed spaces. I reference you to Florida Building Code Section 303,305, and 1004.5 for details.

Also, about 66% of the proposed second floor space is used for the school, classrooms, hallways, ancillary educational use spaces. This total space used solely for accessory educational use appears to be around 6,000 square feet. A respectful suggestion to the applicant is to create your Sunday school educational spaces in the proposed social hall. Folding nano walls could section off the space for the 12 Sunday school use areas.

Also worth noting is the fact that the applicant and their legal representative have mentioned several times that the synagogue is currently using the space that was formerly the Chez Jean-Pierre Restaurant. Staff is unable to locate any special exception approval or any type of Town approval for the expansion of the synagogue into this restaurant space. If such approval exists, we would like to receive it.

In closing, staff still believes the proposed project is too large for this area of town, beautiful architectural design, and certainly a use that is not being challenged in any way. The proposal is for an immense facility that accomplishes 32,382 square foot of

floor area, and yet only 4,123 square feet synagogue sanctuary, and it accounts for less than 13% of the entire building. This leaves over 28,000 square foot of building to ancillary areas such as a social hall, faculty offices, classrooms, hallways.

In closing, staff respectfully, suggests that the Town Council send this project back to the drawing board, literally, and ask the applicant to return with a reduced building size that would reduce or eliminate a few of the original variances. Thank you for your time.

PRESIDENT LINDSAY: Thank you, Wayne. So, I think we can get to the professional testimony. Harvey, if you're going to go first, is 10 minutes okay?

MR. OYER: We're having trouble hearing you.

PRESIDENT LINDSAY: Oh, I apologize. Can you hear me now?

MR. OYER: Yes.

PRESIDENT LINDSAY: Okay, thank you. Thank you. If we're going to go to the applicant, that's fine, but I want a commitment, last time you promised us 20 or 40 minutes and it was an hour and a half. Can we stick to 10 minutes? That's what I asked.

MR. OYER: No, ma'am. Absolutely not. This is the first that we've heard of any time restriction was when we walked in the door. We have --

PRESIDENT LINDSAY: No, I talked to you about this myself.

MR. OYER: No, we never, no, ma'am.

PRESIDENT LINDSAY: That we were not going to repeat what we did before. Okay?

MR. OYER: With all due respect, Madam President, we have properly made application. We have paid our fee.

PRESIDENT LINDSAY: Yes, you have.

MR. OYER: We've been certified for public hearing, and all of these people came here to be heard. We are going to present the full project with traffic --

PRESIDENT LINDSAY: No, I'm not talking about the people. I'm talking about your project, and your professionals can have 10 minutes too. If you have a traffic person, they can have 10 minutes. I'm talking about you.

MR. KYLE: I need just 10 minutes.

MR. OYER: Kyle on his own needs 10 minutes.

PRESIDENT LINDSAY: That's fine.

MR. OYER: I need more than 10 minutes. We will not ask the traffic engineer or any of the other professionals to participate in the presentation unless you ask a question of them.

PRESIDENT LINDSAY: Okay.

MR. OYER: But it is going to add up to far more

than 10 minutes.

PRESIDENT LINDSAY: Well, I'm going to have a problem with that because you've already presented this in its entirety to us over an hour and a half. And what I need you to do -- is everyone else is willing to play with it -- play ball with this. I need you to --

MR. OYER: But they're not the applicant, ma'am, we are.

PRESIDENT LINDSAY: I know you are, but the applicant has already made its presentation before. You had an hour and a half.

MR. OYER: There is nothing in your code that limits how long we can make a presentation.

PRESIDENT LINDSAY: And there isn't anything that says I have to allow you to go however long you want.

MR. OYER: Again, respectfully, we have applied for this. We have paid our fee, we will have our day --

PRESIDENT LINDSAY: I understand.

MR. OYER: -- in front of the Town Council in full.

PRESIDENT LINDSAY: Give me an estimate of what you want, sir.

MR. OYER: I cannot estimate how many times I'm going to be interrupted and asked questions.

PRESIDENT LINDSAY: Okay. Joanne, will you help me out here?

MS. O'CONNOR: Sure. I mean, it's at the discretion of the chair. The issue is whether there's due process provided the applicant. I think they had more than -- an hour and a half at the first hearing, so, it really is for you to determine in your discussion. But this is a continuation of the same hearing at which they've been heard. And so, I would think that's the focus would be on the changes from the last time.

MR. OYER: I can focus on the changes, but it's become clear to me in my conversations that -- with some of you, that perhaps you didn't fully remember everything that was presented the first time.

PRESIDENT LINDSAY: Well, we don't need --

MR. OYER: So, I will go that through that as quickly as possible.

PRESIDENT LINDSAY: Yeah, you'll get 15 minutes, that's what you're going to get. I have the discretion to do that. Pardon me?

MS. O'CONNOR: You're going to have a due process.

PRESIDENT LINDSAY: Am I going to have due process over that? You said no.

MR. OYER: Yes, you are.

COUNCILMEMBER ARASKOG: Yeah. Let's hear from Joanne.

PRESIDENT LINDSAY: Joanne just said we would not.

MS. O'CONNOR: I don't think there's a due process issue giving Harvey 15 minutes, and additional time to his expert, but that's for experts.

PRESIDENT LINDSAY: Okay. She doesn't think so.

COUNCILMEMBER COONEY: It's up to you to establish the timelines.

COUNCILMEMBER ARASKOG: Give him 20 minutes.

PRESIDENT LINDSAY: Okay, we'll go to 20. Yeah, you've got 20.

COUNCILMEMBER COONEY: Yeah. I'll support whatever you want to do.

PRESIDENT LINDSAY: All right. So, go ahead. Put on the clock please for each of the speakers.

MR. OYER: So, before I even begin my presentation, I wanted to ask Rabbi Scheiner say a few words, which I think is appropriate. They are the principal, they are the applicant. So, Rabbi Scheiner.

PRESIDENT LINDSAY: Good morning.

RABBI SCHEINER: Good morning.

COUNCILMEMBER ARASKOG: Good morning, Rabbi.

RABBI SCHEINER: Thank you, Honorable Mayor and Town Councilmembers for being here today to hear our application that we are humbly submitting before you and requesting on behalf of the community.

I want to acknowledge the presence of my religious

colleagues, Father Glen from St. Edwards Church, Dr. -- Reverend Dr. Robert Norris from Royal Poinciana Chapel, and Rabbi Michael Resnick from Temple Emanu-El, all of whom were more than happy when I called them to immediately say, I'm happy to be here and we are the pen that says, Friends of Palm Beach Synagogue.

And I want to thank each and every member of our community that cleared their schedule today to come here, to implore you, to allow us to continue to grow and prosper in this community as we have for the past 31 years.

The oldest standing synagogue in America is Congregation Jeshuat Israel, built in 1763 in Newport, Rhode Island. On August 21st, 1790, George Washington penned a letter to the Hebrew congregation of Newport, in which he wrote, may the children of the stock of Abraham, who dwell in this land, continue to merit and enjoy the goodwill of the other inhabitants while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid.

This letter's message helped shape the First Amendment of the United States Constitution, which protects religious liberty. Many of our fellow citizens fought and died for these freedoms, which are at the core of our American values.

I would've expected the community to thank us because we acquired the Jean-Pierre restaurant, which would begin seating at 5:00 p.m. and have two or three seatings a night with three to 400 cars arriving six nights a week. And I ask you, what are our values as a community? Do we cherish dining over divine worship and eating over education?

There are many beautiful golf courses in this town, and the parishioners in our houses of worship aspire to get a hole in one, but they only aspire to do that six days a week, because on the seventh day, whether it's Saturday for the rabbis or Sunday for the priests and the pastors, their members aspire to engage in a different golf, G-O-L-F, God, Our Loving Father. They choose to come to synagogue because they prefer to be with the Holy One rather than get a hole in one.

It has been reported that in 2024, book sales in America have grown by 1%, but sales of the Bible in 2024 have grown by 22%, which just tells you that there is a thirst for spirituality, for religion, for faith, for hope in these troubled times. When we see the fires raging in California, people losing all their material, tangible possessions, you realize all we have at the end is our faith, our community, our friendship, and our fellowship.

Last month, we were honored that all of you attended

our public Hanukkah lighting menorah in Bradley Park. When we arrived in Palm Beach in 1994, there were many Christmas tree lightings, but there was no public menorah lighting. And so, in 1998, together with Temple Emanu-El, we requested to be able to use Bradley Park for public lightings of the menorah. And the Town Council members each and every year attended to help us celebrate Hanukkah in Bradley Park.

We celebrated 1998, 1999. When it came to Hanukkah in December of 2000, our honorable, beloved Mayor's mother, who was the Mayor of Palm Beach, Mayor Leslie Smith, approached me and said, Rabbi, I haven't seen the advertisements for Hanukkah in Bradley Park this year. And I proceeded to tell her that City Place had just opened up that year and offered us to light the menorah there and we were considering moving the celebration to City Place.

And with her warmth and her smile and her twinkle in her eyes, she said, Rabbi, so you found a more beautiful girlfriend? And she proceeded to ask me to continue to celebrate Hanukkah in Bradley Park because she said it's important for our community to have inclusiveness and diversity.

Twenty-five years later, I recall the story, fondly, of a mayor who reached out with love to the Jewish

community and said, we want this to be an inclusive, welcoming community. And you were all there last month and you saw a thousand people celebrating Hanukkah in Bradley Park, Jews and non-Jews together.

And there was a man from England who came up to me and said, Rabbi, I can't believe what I'm seeing. In England, we cannot bring a thousand Jews into a public space because of fear of safety. How blessed you are to live in this town where you are welcome to celebrate your Jewishness openly.

Let me just conclude by saying -- telling you a story. There was this young boy, six years old, sitting and having dinner with his father one night, and suddenly the father grabs his chest and collapses to the ground, suffering a massive heart attack. The boy panicked and began to cry as he reached for the phone and dialed 911.

Within moments, the sirens were heard, and the paramedics came rushing up the stairs and they dashed to the floor and began to take the pulse of that father, which at that point, the boy with fear in his eyes crying, said, no doctors, no paramedics. It's not his hand, it's his heart. And the paramedics looked up at the boy and said, sonny boy, we know, but from the hand, we can tell what's doing in the heart.

I ask you, dear Council Members and Madam Mayor, to

extend your hand to us today in friendship, in brotherhood, and love, and support us. And I hope that in 25 years from now, I can be here quoting the positive remarks you made, like your beloved mother did, in support of the growth of our local Jewish community.

I would like to take this opportunity because I'm so honored and deeply touched that Father Glen, Pastor, Reverend Robert Norris, and Rabbi Resnick, my colleagues, have come here today and cleared their busy schedule to just for one minute, please come up and address our distinguished Town Council. Father Glen.

FATHER GLEN POTHIER: Father Glen Pothier. I am the pastor at St. Edwards on the corner of Sunrise and North County. I have been helping at St. Edward for probably 20 something years, but I only became the pastor almost three years ago now. April will be three years. And I've got to know our clergy on the island. I've got to know the houses of worship.

We were together over at Bethesda for Thanksgiving, and to realize that we're all working for the same purpose in the end. And we have great talents. I like what Mr. Crampton said about organic growth. The fact that our communities grow. They grow, they become smaller, they grow again. They die down. They come alive again.

Here we have a chance to make sure that this

community of faith, Palm Beach Orthodox Synagogue, that along with their congregants, those who come together to worship God, that the faith remains the basis of their lives. It's the heart of the island. Faith is what is essential to everything that what we do. It all starts with God, and it all ends with God.

And so, in support of what Rabbi Scheiner had to say, and with my colleagues who are also clergy on this island, please consider, and give support to what this community is asking. Thank you very much.

PRESIDENT LINDSAY: Thank you.

PASTOR NORRIS: My name is Bob Norris. I'm the pastor of the Royal Poinciana Chapel. Madam Mayor and members of Town Council and all who are present this day, we all live in the footprint of Henry Flagler, and particularly at the Royal Poinciana Chapel.

When Henry Flagler built the chapel, he saw the vision for this community, and it was a vision that would be exclusive of none and inclusive of all. And I believe that you and the councils before you, have exercised that premonition and desire on the part of Henry Flagler to do that within the religious community.

I've been the pastor of the chapel for 21 years. I've known Michael Resnick, Rabbi Resnick, as well as Rabbi Scheiner for that entire time. And I can say that

if there's any Town serving group, organization, synagogue, congregation, between those that live in the footprint of Henry Flagler, you have supported us. We have supported you. And we have served God's interest on this island, and we'll continue to do so. None of us are envious of the place that you sit on this day, but I want to say, unequivocally, that I as the pastor of the Royal Poinciana Chapel, am unequivocally supportive of this project.

RABBI RESNICK: It's not really that big, is it? I had to lean over.

PRESIDENT LINDSAY: You know what? You don't. We have --

RABBI RESNICK: Oh, you don't have to? Oh, great.

PRESIDENT LINDSAY: Try standing up.

RABBI RESNICK: Wonderful. I will.

PRESIDENT LINDSAY: That way we can hear you.

RABBI RESNICK: Thank you so much for allowing me to speak today. I'm just going to say a couple words.

Rabbi Scheiner and Palm Beach Synagogue are doing exceptional work, and that's the reason so many people are going there. It has nothing to do with the footprint of the building, ultimately. It has to do with, whether you expand it or not, the same number of people are going to be attending regardless.

I think it is a wonderful success story. He's been working for as long as I've been a Rabbi here building his community. I think this is going to be something that has very little impact on a practical level of the crowding. The people are coming anyway on a regular basis because it's a wonderful, God-fearing, sacred community and that's not going to change regardless of the building.

What it will do is just make life so much easier for everybody who goes there. And the thousands of people a year that come in and out will, hopefully, have a little bit more elbow room to be able to do the sacred work that we're all dedicated to.

Thank you so much. I support the project fully and hope that as a community we can make good choices for what this community truly stands for in it's very heart. Thank you everyone.

PRESIDENT LINDSAY: Thank you, Rabbi.

MR. OYER: Thank you, gentlemen. And the Rector of Bethesda by the Sea sends his regrets that he cannot be here. He is performing a service at the same time. Otherwise, he would've been here and uttered the same words.

For the record, my name is Harvey Oyer, and I have the professional privilege of a lifetime to represent the Palm Beach Synagogue in this matter. And before I begin,

Councilmember Araskog said she received only one letter in support. There were actually 103 letters of support submitted in the Town portal. So, I'd like to submit a copy to the Town so that there's no misunderstanding.

COUNCILMEMBER ARASKOG: I was talking about this time. We got those letters last time. So, I was just talking --

MR. OYER: Many of those are dated within the last week.

COUNCILMEMBER ARASKOG: Not 100. Anyway --

MR. OYER: For the record, there are 103. So --

COUNCILMEMBER ARASKOG: Did you get 100?

MR. OYER: I will go through, members of the Council, this presentation as fast as I can, however, we're going to stop and talk about the things that have changed and are important.

Before I do that, I'd like to introduce the professional team that we have with us today, so you know that we brought everyone that you may have a question of. I'm joined by the synagogue's team that includes architect Kyle Fant and Valerie Antico, both from Bartholomew and Partners. We have our traffic engineer Brian Kelly of Simmons and White, our civil engineer Eric Cooper of Simmons and White. Our landscape architect Dustin Misel of EDS. We have attorney Clifford Hertz, the legal expert

who will provide any legal analysis concluding that the approval of the synagogue application will have no effect on the paramount litigation.

And finally, we also have in attendance, the synagogue's pro bono constitutional lawyer, Alan Dershowitz, perhaps the most noted constitutional lawyer in the modern history of this country. He is the synagogue's legal counsel on First Amendment impacts of the decision that is made today.

Kelly, can I please have? Thank you. You know the location of the synagogue that is in question. Wayne Bergman outlined the requests that are before you today. They are special exceptions, a site plan review, and what the staff has determined as nine variances.

We were before you at your November meeting where you directed us to go to the Landmarks Preservation Commission to receive a recommendation on both the design of the building and variances. And I'm delighted to report that that was a unanimous recommendation.

We first went to them the following week in November, where they reviewed our original application, the "fat version" and they were prepared to unanimously approve our original application. Instead, your Town Attorney reminded them that their direction was to "put our project on a diet." They reluctantly agreed and they

said, come back in December.

We came back with a 4,000 square foot reduction and -- which was unanimously approved at the December Landmarks Commission. So, whether it was the fat version or the skinny version, they both receive -- would receive a unanimous approval. And all nine requested variances, likewise, received unanimous approval of your subordinate board.

Let's talk about what is the intent of this? What is it that we are trying to accomplish? We would like to first accommodate our existing synagogue membership, our Sunday school students and staff, the people that are already there, provide a safe religious facility for our members, modernize the existing 80, 90, 100-year-old buildings that were all built for a different purpose than which they are used today, provide contextually appropriate architecture for this part of town and preserve our existing landmark building, which we are privileged to be the steward of.

I want to make clear that everything that happens within the walls of this building today and tomorrow are religious in nature. So, some of the accusations that have been bandied about in the community, that this is a for-hire catering hall, there's going to be high school proms, outside people attending and using the facility are

1 patently false. Everything that occurs there today and
2 tomorrow is religious in nature.
3 Whether it is a social hall that hosts the Kiddush
4 after a service, whether it is our Sunday school program,
5 which presently has 150 students, whether it is Project
6 Connect, which is non-denominational and serves the entire
7 community, all of it is religious in nature. There are no
8 non-religious activities that occur within those walls.
9 What is it that we're trying to cure? Ladies and
10 gentlemen, for those of you that were willing to take the
11 meeting and meet us on-site, we thank you and what you
12 saw, I think, is totally inadequate facilities for what
13 you would expect at any other house of worship in this
14 town or even the Palm Beach standard.
15 I will remind you what this looks like for those of
16 you who did not take the time to look at it. We have in
17 the sanctuary, because of the good work of the Rabbi and
18 his wife, they've grown this from five people to many
19 people in the community. And one of the great success
20 stories of a house of worship in the state where many
21 houses of worship are declining in their membership, we
22 are increasing in our membership and it's a good problem
23 to have, but we have to put up additional seating, much
24 like you've done here today without zoning approval,
25 apparently, Wayne.

1 But we have the same problem every Saturday and we
2 would like to cure that. We would like to give everyone a
3 proper pew or seat to sit in, not a folding chair.
4 These are the existing conditions where we use
5 offices as Sunday school classrooms. There are only two
6 proper Sunday school classrooms. All the others are
7 people's offices where they move all of their files, their
8 desks, their chairs out on a Friday, the kids use it on
9 the weekend, they move all of it back in on a Monday
10 morning. That is not acceptable in the Town of Palm
11 Beach. No other house of worship has to do that.
12 This is the public-facing part of our existing
13 building, and it is rusted stairwells. It's exposed
14 utilities, HVAC systems, scrubbers, vents, hoods from Chez
15 Jean-Pierre. It is not up to the Palm Beach standard. We
16 did not create this condition. We inherited this
17 condition, and we are volunteering ourselves and our money
18 to fix this for everyone's benefit. All of this is on
19 public display 24 hours a day and we would like to do
20 better, and we should work together with you to do better.
21 So, these are some perspectives. On the top right
22 that is from Sunrise, looking due south through the Bank
23 of America parking lot, where you can see multiple
24 scrubbers, ventilation hoods, exposed utilities, 10 HVAC
25 systems on the roof. We would like to make all of that go

1 away.
2 And probably the biggest move, the "expansion" is to
3 cover up an asphalt, a cracked asphalt surface parking lot
4 that we inherited. Nowhere else on Worth Avenue or in
5 CTS, that I can think of, do we have a fully exposed
6 parking lot. What we would like to do, and you know what
7 the proposal is, is to extend from the landmark building
8 westward and create an enclosure which accomplishes
9 several goals.
10 Number one, it helps us secure our perimeter, which
11 unfortunately in the world we live in today is an
12 imperative. Number two, it creates a continuous urban
13 fabric, which staff supports in their original staff
14 recommendation of approval even though it's too big and
15 needs to be put on a diet. We are not building a deep
16 building, we are building a building to mask the parking
17 lot. All of our neighbors support us in doing so.
18 I want to briefly talk about security. Most of you
19 are aware of this, if it's not obvious, we have open
20 porous borders on all sides of this property. We need to
21 enclose it on all four sides, and that is what triggers
22 several of the variances. You can deny those variances,
23 but I think the consequences would be significant and do
24 not outweigh the value of approving the variances as
25 applied for.

1 This is a letter from the security director of the
2 Jewish Federation of Palm Beach County corroborating that.
3 We have Wayne Black with us today, who is our security
4 advisor and has been for over a decade. He has made
5 multiple evaluations. He has worked directly with the
6 architect to ensure that that beautiful Mizner-esque
7 architecture that you see proposed, actually, is a fully
8 hardened site on all four sides, masquerading as a low
9 scale, low rise period piece of architecture.
10 What I didn't tell you last time, but I think it
11 bears discussing, is this is not our original proposal.
12 So, when we came to you in November and you said it was
13 too big, we already had a different version that was
14 submitted to your staff in February of '24, that was three
15 stories, not two stories, it included a residential unit,
16 and it totaled 41,000 square feet, which is 9,000 square
17 feet more than what we are asking you for.
18 We never brought it to you, the Council, because
19 several people intervened and said this is not
20 appropriate, it's not contextual, it's a story too tall,
21 let's go back to the drawing board. So, we did, of our
22 own volition, go back to the drawing board, and I think
23 presented something that is much more appropriate.
24 So, this is what the prior version would've looked
25 like that was initially applied for. You can see the red

is what has been removed, not only reduced in height, reduced in scale and massing but much more contextual, architecturally. So, I want to be clear what we did present to you was our needed program.

I know a lot of developers come in front of you and they know that you're going to negotiate them down, so they present something bigger than what they need, hoping that they get negotiated down to what they ultimately actually need. But we didn't do that to you, ladies and gentlemen. We brought you the program that we actually need to serve the congregants and the students that are already in the Sunday school and no more. And I will further illustrate that and so will Kyle.

In the upper left hand -- in the upper part of your slide, in green, is everything that exists there today. In blue, is the proposed additions. And in red, is what was removed between November and today. And while this cursor doesn't stay where I want it to, that blue addition is actually a relocation of existing square footage that is here. There's net no new square footage.

Why did we extend that? Two purposes. We need to secure that northern border so we wanted continuous building. And that blue building is a kosher kitchen, which we presently do not have on site. So, every time there is a service that requires food, which,

incidentally, is every service, it has to be brought in by truck, which is not beneficial to anyone in the community to have more trucks coming down Sunset.

So, no new square footage. Read my lips, no new square footage on that side of the building. It's the same square footage that we have relocated so that we could open up a wider setback on the north side, accommodate the underground utilities that service not only us, but all of our neighbors, and plant a large garden in there to increase the landscaped open space.

The blue central linear feature that runs through the middle is a hallway only. It connects this patchwork of historic buildings. As I alluded to earlier, we have acquired over time a patchwork of buildings that were all built about a century ago for other purposes. None of them connect to each other. The floors don't match up. There's no connections between the buildings. This is simply to connect them and make them usable.

Could the architect have moved that over here and build it on top of the existing footprint, thus creating no new footprint? Yes, he could have, and we looked at that. But do you know what it does, ladies and gentlemen? It puts more building mass in the public realm on North County Road. So, we, affirmatively, elected to move it to the middle of the property, accomplishing the same goal,

but moving that out of the public realm so that the experience on North County Road is the same scale that it is today.

So, the only new piece that is new development is here, and that is to secure that border. It is to mask a parking lot, which, incidentally, has -- enjoys the support of the Preservation Foundation, unanimous support of the Landmarks Preservation Commission, and I believe your own staff said that is an important continuation of the street edge experience in the urban fabric of this area.

So, this was recommended for approval by everyone. It is the only new usable space. We removed this, which accomplished very little.

I heard Wayne Bergman's perspective it accomplished little because the public can't see it. Well, the public was never going to see anything different because this already exists, and we're not changing that. And where we are proposing a change in the public realm, your staff recommended approval for it. So did your Landmarks Commission, so did Preservation Foundation. So, everything that outwardly faces the public is endorsed by you. Everything else is in the middle of this project.

So, by removing that 4,000 square feet, what did we accomplish? Well, we have four Assistant Rabbis who I

think are all with us today. We took away an office from all of them. They were each going to get their own office and now they all get to pile in one room together. That's what we accomplished. We did nothing for the public realm, we just put four Rabbis on top of each other instead of in their own office.

And as one of your Landmark's Preservation Commissioners placed in the record, this is a "bureaucratic juggle. In our effort to make it smaller, all we've done is harm the development program and operations of a house of worship, and we've accomplished nothing for the public realm."

Traffic. I won't call the traffic engineer up here, but I'll use some of his time. I can make it really simple because you don't need to have a degree in engineering to understand what I'm showing you.

We went out during peak times in December and January, and we took photographs during our religious service hours on Saturday morning, and our Sunday school on Sunday morning. There are 197 striped public parking spaces within a block and a half of our front door, in addition to the 18 on site spaces, in addition to the fact that observant Orthodox Jews walk, in addition to the fact that our neighbors have given us 105 of their spaces on Saturday and Sunday mornings, and in addition to the fact

that the same number of people that go there today are the same number of people that have been going there for 25 years, and in a public records request, we couldn't find a single traffic complaint in the last 10 years from our neighborhood. And to punctuate that even further, we have the written endorsement of all four of our adjacent neighbors on all four sides, including all nine variances.

So, I don't know how to make it any more obvious to you than show you these slides that there is no parking problem. This is the height of season, December and January. During our service times, there is lots of available parking. This is a paper academic problem that your staff argues. It is not a real-life practical problem and it never has been or we wouldn't have operated there for 25 years with zero complaints, and we certainly wouldn't have the written endorsement of all of our adjacent neighbors.

I can go through the variances again, but I think you know that seven of the nine are basically renewals of what is already there. Part of your instruction to Landmarks was not only to make it skinnier, but make sure that skinnier reduced some of the variances. And it did. It reduced, I think, three of the variances.

It doesn't make any of them go away because none of them can go away. Seven of those exist because of the

Landmark building or what your staff has already recommended that we do. So, why don't we just talk about the big ones, unless you would like me to talk about the ones that we all agree are pre-existing, we inherited them, we did not occasion any of those. Let's talk about the two that Mr. Bergman said are the big issues. And they are parking and building size.

Parking. The moment we touch this property, as you know, we have to bring that parking lot into compliance. And no matter how you geometrically design that field of parking, whether you make them perpendicular, parallel, at angles, you can only get 18 spaces there. So, the moment we swing one hammer on this property, we must bring that into compliance. All we're going to get is 18, which is what we have.

So, how do we deal with our parking, our paper problem? Well, due to the good graces of our neighbors, we have 105 volunteered spaces to which your staff reacted and said, well, you do not meet the requirements of our code for offsite accessory parking because our code requires that that parking be given by your neighbor in perpetuity. To which I asked, huh, that sounds like a really big ask, to ask your neighbor to sign a piece of paper, turn it into the Town that says you can use my parking in perpetuity. I said, how many people have done

that in the history of Palm Beach? And the answer is zero. No one has ever done that.

How many times has this body and your predecessors granted a parking variance because an applicant has offsite parking agreements that are not in perpetuity? Dozens of times. All of you have been a part of that. And I can bring in a list for you.

So, it seems awfully strange to me that we have provided parking when there's evidence that we don't need any parking. There's never been a problem, it's a paper academic issue, but yet we're told you don't qualify for a variance because it's not in perpetuity, but you've granted the same privilege to everyone else in town that has sought it and could prove a case for decades. And I find that to be a strange outcome.

Let me show you where our surrounding parking is. Our site is in yellow. Immediately adjacent to the north is the Bank of America parking lot. And we have 40 spaces from them, from the end of business on Friday to the start of business on Monday, which covers our Sunday school and it covers all of our weekend uses.

Two doors to the left, but within 420 feet of our site, is the Echo parking lot volunteered to us, not just by Echo, the restaurant that is the tenant, but also the property owner. Across the street, the Paramount, has

offered their parking. We also have other parking in the neighborhood that we have utilized for decades, which is why we do not have a problem.

Let me add this up for you. Let's do some math. On site, we have 18 parking spaces. Our parking agreements that are in writing are another 105 spaces. There's 197 striped spaces that are, virtually, all empty during our service times. And then if we were to close off the public road right-of-way and park during worship service, which all other houses of worship on this island have been granted that privilege because none of them are parked to code, we would, actually, have 375 spaces available to solve our paper academic problem of 139 spaces. So, we have triple what the paper dragon version of parking analysis is.

I won't dwell on this. It's obvious that on a weekday, which is the second column from the left, we need about 10 parking spaces during the day. That's because it's really staff only. Saturday and Sunday is when we need our parking spaces and we've accommodated for that both past, present, and future.

Again, you can look at the dates and times. The streets are empty, the parking spaces are available. I invite any of you to come witness this. I appreciate Councilman Crampton coming and viewing it this weekend.

Now, by contrast, and this is not any aspersion to any other house of worship, the Town has done the right thing for a century. All of our houses of worship are under parked, except maybe the Catholic Church probably has enough spaces. And what the Town does, as any town should, and we should continue to do, is allow people to park in the public right-of-way during service times. That's a good thing. It doesn't bother me. I think it's wonderful that people want to go to church and synagogue.

So, we have never asked for this privilege before. But it is a longstanding custom in the Town of Palm Beach that, to my knowledge, has never been denied to a house of worship. None of them meet the code parking requirements, except probably Father Glen's facility, and all of them are allowed to use the public road right-of-way for their religious services.

So, if you add this up in purple are all the legal stripe spaces that are basically empty during our service times, and in red are all the available spaces that are not striped, but would be in the public road right-of-way should we want to use them. And you can see at each house of worship, they are utilized correctly. And so, we ask for the same treatment.

In a letter to your Town Manager a week ago, we would like the same courtesy and custom extended to us

that you have extended for over -- well, nearly a century to the other houses of worship.

You asked us to produce an auto-turn analysis to demonstrate that parents could drop their children to Sunday school, which, as you know, is drop off and pick up only. This is the auto-turn analysis. It was provided to your Town staff some weeks ago.

I won't go into the detail of this because I think Kyle will, but each space has been sized to our need. So, this legend that is circulating in the community that we have oversized this, if you grant us the 230 seats in the sanctuary, the social hall is sized under Florida Building Code to 230 people, not one more.

And if you attend a service, the first half of the service, which is in the sanctuary, is followed by the second half of a Jewish religious service, which is Kiddush. So, we can't tell the 230 people who have taken part in the first half of the service, sorry, we don't have the seating for you for the second half of the service. So, we have sized it to our exact need.

And if you want to take a tape measure or scale our drawing, once you meet the ADA requirements for separation from the walls, walkways, and putting 23 ten top tables in there, there is not a millimeter of room left for another person.

The classrooms are the same story. We have 150 kids today. And I'm not a building code expert, Wayne is. He told you his reading of the Florida Building Code. Our reading of the Florida Building Code is it does not state a square footage per student in a Sunday school. It does in all other types of schools. So, by proxy, we use that square footage. If there is one for Sunday schools that we did not find, let us know.

But the these are 13 classrooms because there are 12 grades plus the kindergarten. It is unlike Sunday school that most of us went to, where they could put three or four grades in one room and we all sang Jesus Loves Me, and we, you know, ate Goldfish, and we were distracted while our parents were in church.

That's not how Hebrew School works. You're learning a different stage of Hebrew at each grade level, thus, you need to be in 12 different classrooms, in this case 13, for the kindergarten.

The average size of these rooms are 148 square feet. Do you know how small 148 square feet? That's a 10 by 14 room. And then you have to put a teacher and a teacher's desk, and a whiteboard, or a blackboard, and some toys and Bibles, and whatever goes in a Sunday school classroom. That is not very big. And I think you're, fundamentally, misunderstanding that it doesn't look like a Christian

Sunday school classroom where they put everyone from three years old to six years old in a room and seven to 10 in the next room.

All of this is for a religious purpose only. Knowing that you would have a concern that would be converted to any other use, we directly addressed this in the Declaration of Use Agreement. It can be used for no other purpose than a Sunday school, only 9:30 a.m. to 12:30 p.m. only on Sundays. No other type of school, no other type of use, three hours a week only.

So, we were making an enormous investment to build this, to use it for three hours a week. But it's an investment that is worth it. This is the future of their institution. It is the future generations being taught their religious traditions.

Let's talk about building mass, which is the other big one that Wayne Bergman referred to. Two biggies, parking, which hopefully I've dispelled that. Happy to come back to it and discuss it more if you'd like to. And the other is this building square footage.

You are proposing a building larger than 15,000 square feet in the CTS zoning district, which limits buildings to 15,000 square feet. Could we break up and have three buildings on our site? Yes, we could. And you know how much square footage it would create? Look at the

bottom right-hand corner circled in red, 43,000 square feet. We could do that and not come to you for a variance because we've broken it into multiple buildings.

In fact, we're asking for 11,000 square feet, less than that, 32,000 square feet, and the only thing that triggers this variance, ladies and gentlemen, is the fact that we're combining the buildings. Why are we combining the buildings? Well, it's commonsensical.

If you're walking from the first half of the service in the sanctuary, do we want to put everyone in the wind and rain outside to go over to the second half of the service in the social hall? Of course we don't. Do we want to continue to have open porous borders for safety reasons? No, we do not.

So, if you force us to, we will build three separate buildings and we won't have to ask you for that variance. But I would assert to you that is form over substance. That is silly. You're making our congregants unsafe and you're inconveniencing them. What are we really accomplishing?

By the way, the entire extent of North County Road is already one continuous set of buildings. That's the existing condition that we inherited. It's 172 and a half feet of continuous building. We're just asking to keep the same thing that is already there. The only additional

request is along Sunset.

Now, we were grilled last time -- you're asking for a lot, you're asking for over 15,000 feet in the CTS zoning district. Well, ladies and gentlemen, it's already 19,000 square feet today so we're already in violation. Guess what? Every one of our neighbors are in violation of that as well. So, I'm going to walk you through the CTS zoning district from the top of the district all the way to the bottom of the district. So, let's go through this.

Temple Emanu-El, 28,000 square feet. Both sides of St. Edwards exceed 15,000 square feet. Publix, 47,000 square feet, Trevini, 22,000 square feet, Paramount 36,000 square feet. All of these are buildings in CTS, some pre-existing the code, which was a distinction that you tried to make, some post code.

Let's keep working our way south through the CTS district. Notice that where we are seated today, the Town Hall, 18,700 square feet. Were you required to put your offices on one side, walk out in the rain to come over to Town Council chambers? Of course not. That's idiotic.

Incidentally, as Ted pointed out to me, because he knows more about the history of this building than I do, is it used to be a divided building and it was you, your predecessors, that combined it into a single building.

So, it did meet code when there was no code. And after you passed the code, you voted to violate it for yourself.

You also did that at the fire department across the street. You did it at the police department across the street. Is that a bad thing? No, it's a commonsensical thing.

Ladies and gentlemen, the problem isn't that we have a bunch of rule breakers in our town. The problem is, and you all know this, we have a broken code that doesn't work. You have over 30 variances on your agenda today, and your typical agenda has 30 to 40 variances. Add that up. That's four or 500 variances a year.

No city in the State of Florida has four or 500 variances a year. That doesn't mean everyone in Palm Beach is a rule breaker. It means your code doesn't work. It is a code from four and a half decades ago.

And as much as you're frustrated with West Palm Beach overdevelopment, unbridled development, they don't grant 30 variances a year, let alone in a single meeting. So, I would submit to you that that's the problem. We're not the problem.

Go all the way down to the southern extent of the Town of Palm Beach, right on the Lake Worth border, and again, you have one over 15,000 square feet. I quickly found over 20 of these that you have granted. We're

asking for the same treatment that you provided to yourself in the municipal buildings, the same treatment that the other houses of worship and CTS enjoy, and that many other property owners in CTS enjoy. And by the way, we're already over 15,000 square feet.

So, we also heard from you that -- and we heard it again today, that the sanctuary is a very small percentage of the total square footage of the building, that it's out of whack, it's upside down. You're barely a religious institution. You're really a collection of a whole bunch of other uses, masquerading as a religious institution. So, I want to put some actual numbers to that. I'm sorry we didn't get the numbers for Temple Emanu-El, but here they are.

Look across the first line. Palm Beach Synagogue, 12.7. Wayne said 13%. That's correct. St. Edwards does, in fact, have a much larger chapel at 25%. Look at Royal Poinciana Chapel, 21, Bethesda by the Sea. That is correct. They do have slightly larger.

Look at the social hall. You said ours was too large. We're at 12%. Look at the others, 19.6% at St. Edwards, that's larger than we're asking for, 15% at Royal Poinciana Chapel, that's larger than we're asking for, and Bethesda is smaller. So, we are in the range on social hall size.

Total square footage of the buildings. We're proposing 32,000. You said that's too big. St. Edwards collective buildings exceed that. Temple Emanu-El is not much below it. Royal Poinciana Chapel is about 8,000 square feet less. Bethesda by the Sea is almost identical in square footage. Again, I don't think we are out of bounds with the other houses of worship in this community.

We can further break this down and I won't read to you, but I will pause for a moment, and let you look at some of these percentages. And this is not a comparison to houses of worship here, it is comparisons to houses of worship that are Orthodox Synagogues in small, under 10,000 population, luxury beachside communities in Southeast Florida. Surfside and Bal Harbour. They have similar size population, they have similar wealth demographics, and they have Orthodox Synagogues.

We are proposing a sanctuary that is in line with the Surfside and Bal Harbour on sanctuary and social hall. We're bigger on the sanctuary than the Bal Harbour, which is interesting that theirs is only 7%.

Now why is that? What do you think accounts for that? Well, because the religious activities don't just occur in a sanctuary. They occur in classrooms; they occur in study rooms, they occur in smaller chapels. And I think I've been in every house of worship in this

community, and I think they all have extra chapels and Bible study rooms and rooms for altar guilds and Bible study and men's Bible study, women's Bible study. They all have those facilities. We are simply asking to have the same thing. And I don't think we are out of whack with them, we just happen to be coming along later in time than them.

The loading zone I don't think is an issue. I don't think these variances are an issue. I think I covered in greater detail than I did 60 days ago, the two that we all agree are the issue. We believe we meet all of the requirements for the granting of the three requested special exceptions. We meet all of the criteria for the site plan review and the variances. Your Landmarks Preservation Commission, which our imminently qualified people, unanimously agreed with us twice, both in November and December. Now how --

COUNCILMEMBER COONEY: Could you just go back?

MR. OYER: Yes, sir.

COUNCILMEMBER COONEY: To the site plan four and six?

MR. OYER: For variant six?

COUNCILMEMBER COONEY: The site plan criteria.

MR. OYER: Oh, I'm sorry.

COUNCILMEMBER COONEY: Numbers, four and six. They

just disappeared.

PRESIDENT LINDSAY: You mean the special exception or the site plan?

MR. OYER: Site plan?

COUNCILMEMBER COONEY: Site plan. Yep, same thing. Okay, thank you.

MR. OYER: Now, recognizing that we have traffic and congestion in this Town that affects all of us, and understanding the difficult position that you are in, that you want to support houses of worship, and you want to reduce the traffic congestion, we voluntarily proffered this to the town 90 or a hundred days ago. So, this is not anything required by you, this is what we recognized would be helpful to the community. We did it in consultation with our neighbors. We did it in consultation with some of you privately. What can we do? What handcuffs can we place on ourselves in order to better serve the broader community with respect to traffic congestion, while not hindering the operations of our house of worship?

So, in our declaration of use that was presented to you, our attendees are limited to family members of the members of the synagogue. The maximum number of attendees, this is our Sunday school, is 150 children. Do you know how many we have today? A hundred and fifty

children. So that is our current enrollment, and we're willing to cap ourselves at the current enrollment, which I'm not sure that's advisable. We've had a growing enrollment over the past five years, as you can imagine, as more young families have moved to Palm Beach. We thought this was a considerable give on the part of the synagogue to provide assurance to you.

We can only operate it for those three hours on one day a week. Attendees can only use drop off and pickup, which is the way it's done today. The Sunday school shall not operate at the same time as a religious service in the sanctuary. Oops. I went one too far.

The synagogue shall not operate any other type of school. And let me be clear, no preschool, no K-12 school, any other day or time of the week other than as stated herein. So only three hours a week for the Sunday schools. And the synagogue, of course does not advertise to the general public outside the Town of Palm Beach. We are town serving. These are significant restrictions that we have self-imposed to provide you comfort that we are only trying to accommodate our existing uses.

Same thing on special events. Special event is a member-sponsored function. So, if you're at Dreyfoos School of the Arts, you cannot rent this out for your high school prom. You cannot have a private party here. This

is for religious functions by our members.

We have capped the number of attendees at 250 when, in fact, we could seat more. In the social hall that seats 230 for Kiddush lunch, once you move the tables out of there, you could fit considerably more people in there and we have capped it at 250. Not sure that's even advisable, but that's what we have offered to you. Only three special events per month.

Valet parking required for any event with more than 100 people. The dining area is accessory use for the purpose of supporting the synagogue and congregation activities. So, this urban myth that is circulating, that it's a "catering hall" that can be rented out is simply not true. It's never been used that way and we're restricting ourselves from doing that in the future.

There shall not be separate simultaneous events in the worship hall, the social hall, or the classrooms. This is very akin to what you've granted other institutions in this community. When you have inadequate parking, you restrict uses within the facility. So, you cannot use the social hall at the same time you're using the sanctuary, at the same time you're using the classrooms. Only one of those major functions can occur at the same time.

It is no different than what you've done at the Four

Arts for as long as I can remember. It's no different than what you did at Venetta or Carriage House. And by the way, we are being required by your staff to park this facility as if every one of those components were being used simultaneously.

The 139 parking space number comes from everyone, a full sanctuary, a full dining hall, and full classrooms, which is an impossibility because we've already told you we're only going to do one at a time. And, by the way, even if we did that, even if we violated our declaration of use, we have 375 parking spaces available to satisfy 139 space requirement. So, no matter how you slice this up, ladies and gentlemen, we do not create a traffic or parking problem.

Let's keep going. There shall be no special events scheduled before 6:30 p.m. on a weekday. We heard the community. The community said, look, we -- in fact, I think even part of our opposition has acknowledged there is no traffic problem on a Saturday and Sunday. We're concerned about special events during the week. So, we said, fine, we'll move all of them out of the AM and PMP.

So, we have restricted our ability voluntarily to host our lectures, which the entire community attends, not just the Jewish community, to after 6:30 p.m. There is no traffic in that area after 6:30 p.m. on a weekday.

We are very fortunate to enjoy the support of our neighbors. The synagogue site is outlined in a yellow rectangle. In green are all of our neighbors that have sent in written letters of support, not only for the proposed project, but also all nine variances. I have never had a project in 28 years of being in front of this Council that needs nine variances that had every adjacent neighbor submitting a written letter of support.

What does that tell us about what kind of neighbor the synagogue is? All of our neighbors came to our aid when we needed it, whether we wanted parking, which we offered to pay for, and they said, no thank you, we won't take your money, but we'd be delighted to give you our excess parking, or asking for support on nine variances. This is extraordinary level of support.

This is Preservation Foundation. They have supported us strongly at landmarks and hopefully they continue to support us here. These are our surrounding neighbors, other houses of worship. You have at least 103 of these.

The final thing I want to talk about is there's this story, another urban legend circulating in the community that should you decide to support the synagogue's proposal, that it is somehow going to impair your position in the Paramount litigation. Nothing could be further

from the truth. These are not accurate comparisons. So, I broke this down for you last time. I'll reiterate it here because I think it's worthy of being discussed again.

On your left are the Paramount's requests in the first column. And the second column is what you actually decided to do last July, six months ago. And on the right is the synagogue request. And you'll notice that we are not requesting a 475-member private club. We are not requesting four three-story residential units. In fact, we are requesting no uses that don't already exist on the site.

The only commonality between the synagogue request before you today and the Paramount request six months ago, was Paramount asked for 95 more seats in their house of worship, which you approved on a four to one vote with about five minutes of discussion with the mayor stating, and I'll paraphrase, of course, we're going to approve this. This is a house of worship. That's a good thing. And then you debated for eight hours after that, all of their other requests, all of which you denied.

The only similarity of our request to their request is we're asking to add 72 more seats to our sanctuary, less than their 95. We would still be the smallest house of worship in terms of sanctuary seating in the Town of Palm Beach.

So, what you denied in July was a special exception for a new private club use that had never existed there before, that would operate every day of the week with car doors banging and Cheney Brothers trucks backing up in the middle of the night going beep, beep, beep, and delivering food. That is not what we are requesting. We're requesting to keep doing what we've already been doing for 25 years in a more appropriate space.

PRESIDENT LINDSAY: Are you going to wrap it up?

MR. OYER: So to -- yes. To summarize, the synagogue is not proposing any new uses. It seeks to continue its existing religious use in a safer code compliant building. Our main uses are in non-peak times, on Saturday and Sunday mornings, which your code does not account for.

Your code assumes that these are peak hour uses on peak days, and we are not. Your code also does not take account of the fact that observant Orthodox Jews walk. So, your ITE manual, your ULI manual, your code, none of those account for our unique situation. And I'm failing to understand why -- we're not understanding that we do not trigger the parking and traffic demand that your code says that it does.

We have acquired parking agreements with our neighbors. We have plenty of on-street parking available.

We've requested to use the public right-of-way, like all of our brethren get to use. A significant number of our folks walk. And unlike a private club, we do not create any noise weekend night activity other than our religious services.

So, to put it simply, our request for 72 additional seats in our sanctuary is an apple-to-apple comparison to what you granted on a four to one vote with five minutes of discussion to the Christian church across the street in the same zoning district.

What is not an apples-to-apples comparison is you turn down a 475-member club, an existing house of worship in the CTS zoning district across the street six months ago. We are not requesting that. That is an apples and oranges comparison. And I hope that makes more clear that we are nothing like the Paramount request.

So, with that, thank you for listening. I know I violated your time restriction, but I think this is worth everyone understanding what is fact and what is fiction. With that, I stand ready for your questions and, of course, I would like to reserve time for rebuttal of any public comment. Thank you for your time and attention.

PRESIDENT LINDSAY: Thank you. Okay. So, does anybody need to take a quick break and come back or are we okay? All right. So, I've got some -- so, no questions

up here yet.

MR. OYER: Kyle is happy to make an architectural presentation.

PRESIDENT LINDSAY: Pardon me? Oh, sorry.

MR. OYER: Okay. Madam President, would --

PRESIDENT LINDSAY: Yes.

MR. OYER: -- you like the architectural presentation or is everyone comfortable with it? It was a unanimous approval.

COUNCILMEMBER COONEY: I've seen it.

PRESIDENT LINDSAY: I think we've all seen it. There's nobody that didn't like the architecture that I know of.

COUNCILMEMBER COONEY: Yes. The issue is not design.

PRESIDENT LINDSAY: Is not design.

MR. OYER: Understood. That's why I skipped over it. But if you have questions, Kyle has a full presentation.

PRESIDENT LINDSAY: Julie has one question. Go ahead, Julie.

COUNCILMEMBER ARASKOG: I just want to ask you, Harvey, when present -- when the Landmarks Commission or staff approves a variance, is it what we're talking about here today, or is it according to architecture? Because

when they make their motion, they say that the variance does not have a negative impact on the architecture.

MR. OYER: Correct.

COUNCILMEMBER ARASKOG: And I just want to make that clear because you said all nine variances that they approved.

MR. OYER: Yes. So, the scope of their jurisdiction you are correct --

PRESIDENT LINDSAY: They're not approving variances.

MR. OYER: They're not approving variances. But you asked them to approve or deny whether it has any impact on the architecture.

COUNCILMEMBER ARASKOG: Or recommending it. Somebody's phone keeps going off. I don't know whose it is, but someone's keeps going off.

PRESIDENT LINDSAY: It's over there.

COUNCILMEMBER ARASKOG: Okay. If you wouldn't mind turning off your phone, that'd be great. Whoever it is, I don't want to point fingers. Let's not do that.

MR. OYER: To directly answer your question, Julie, yes. The Landmarks Preservation Commission and ARCOM only vote on variances insofar as they affect the site plan and the architecture.

COUNCILMEMBER ARASKOG: I just wanted to be sure. And then I do want to, because it was a personal attack on

me, I do want to have Antoinette, or someone who received those letters, look and see, because those that you're talking about were last month. And I didn't like that you attacked me on that.

Then the second thing I wanted to say is that I was never called to meet with you. So again, when you said, I appreciate all of you who came to meet, I wasn't called. So, I don't want it to look like I'm the only one who was called and didn't go. I just want you to be a little careful with that. Thank you.

MR. OYER: I did not point you out. You're not the only one that couldn't attend. So, for those that did, we appreciate it. I think it helps inform your decision. We did not call you because you've told me for a decade now that you don't take ex parte meetings so I did not want to waste your time.

COUNCILMEMBER ARASKOG: I just wanted to be sure that was clear. Thank you.

MR. OYER: Yep.

COUNCILMEMBER ARASKOG: Okay. I don't see any questions on the desk, so --

COUNCILMEMBER COONEY: Can't hear you.

COUNCILMEMBER ARASKOG: You still can't hear me? Okay. I don't see any questions on the desk at the moment so, I think if that's the case -- pardon me, we can go to

the public comments and those will be limited to three minutes. And we can go to public comments either side. I know there's a presentation, I think by some. You can come up to the podium. We have two podiums.

PRESIDENT LINDSAY: Bobbie, are you going to let --

COUNCILMEMBER ARASKOG: Wait a minute. Yeah, I'm going to -- first before the public comment, excuse me, we have to let the there's another group that wants to present and -- you still can't hear me?

All right, before we go to public comment, in general, we have another group that is going to present, and I believe is that -- there are some professionals I've been asked for who are going to present. Is that right, Mr. Zaro?

MR. ZARO: Yes, ma'am.

COUNCILMEMBER ARASKOG: Okay. So, can you sit back down? I apologize. I jumped the gun there. We'll get you up here though, I promise Mr. Bernstein. Okay, here we go. Mr. Eubanks. Now, Mr. Eubanks, can you keep to 15 minutes, do you think?

MR. EUBANKS: I'm going to try very hard since, 20 --

COUNCILMEMBER ARASKOG: Okay. And I know you have some other professionals who will go as well. Okay.

MR. EUBANKS: So, we'll maybe turn, put a little

more of our experts than we originally asked though.

COUNCILMEMBER ARASKOG: Okay. Thank you.

MR. EUBANKS: Okay.

COUNCILMEMBER ARASKOG: Okay.

MR. EUBANKS: For the record, John Eubanks, 605 North Olive Avenue in West Palm Beach. I represent what's come to be known as a consortium of nine condominiums. I know somebody took a shot at me the other day and said, you don't represent all those people, individually, nor do I have to under 718.111, anything that's of common interest, the associations can hire a lawyer to deal with it. People always have their own right to have their own opinion.

When I started out today and yesterday looking at this stuff, I kind of went back through everything that Wayne just said. Look, your staff did a detailed, detailed, detailed run through on those things. And what I found out, what I listened to today was totally different.

Nobody denies all the numbers we're talking about. Nobody denies what's at -- it's just that that's not what they want. I don't want what the code says I can have, I want all the bells and whistles, and all the expansions, and everything I can get.

When you actually look at this, I don't know who

said this isn't something that isn't a behemoth, because it's right. When you're sitting at 19,297 square feet and you're asking for another 17,518 square feet, originally, that's a massive building, and you're asking it for, with a whole bunch of other accessory uses.

Now, the 72 seats for the enlargement of the sanctuary, nobody's objecting to that. Nobody's going to sit here and object to 72 seats. That's not a problem. But what we did reject, or we did reject at the very beginning was you're asking for two and a half times what your code says.

Now the square footage -- a maximum square footage of 15,000, but also everything we saw today, and we just saw large rundowns of all these different houses of worship and everything else, what size lot were they on? This is a 0.72-acre lot. That's a pathetically small lot.

So, what you're asking is to overload a lot. You knew when you bought it, you knew it when you bought the Chez Jean-Pierre building, and you said, I'm going to make these into one building. The reason you can't have three buildings is because you chose not to. You chose to say, I want to tear down these buildings and make something different that I want.

Every time somebody says I could have three buildings, if you want to do that, I say, do it, because

nobody wants to do it, they just try to make that into a scare tactic. And that's where we're back again.

But what happens is you rightfully looked at that first version and you said, oh my gosh, this thing is going to be huge. Especially when you look at it from the ancillary streets. When you look at Sunset, you're looking up at a giant wall that goes the entire block that is add -- adding 85.7 feet, I believe it was, and it's going to be too huge. And we went through this before and the answer was yes, it's too big.

But this slight diet thing that I hear every now and then was not what you said. What you said is you had a directive that said to go through and look and reduce the size of the building, that's step one, and reduce the mass and, therefore, consequently the variances.

What you got was not that, they didn't give you that. What they gave you is you just explained. We're going to take this one small sliver back here that we had extra offices and we're going to take that away. That's not what you're asking to do. What you're asking to do was to go back and reduce the size, reduce the massing. It didn't change and everybody agrees. Staff agrees. You would go through that and from the exterior, it never changed. So, the massing never changed.

You still have all the same exact issues as last

time. We could come in with all the numbers from last time, slightly revise them, and it would be the same thing. It's still too big.

So, what you ended up was just this little 12% decrease. And it was, oh, they already had that apparently already done. And I disagree with Mr. Oyer immensely. The first meeting we went to at LPC, it was not the thick version. They had already had a reduction plan in their back pocket, and they showed it too.

And it was quote, warmly received, I believe Mr. Ives said, but that wasn't their word. They never actually, at all, opined on the full version at all. What they did was look at the nice architecture and they liked it. So, then the next month we had to come back just because there's no drawings. So, it's not like they approved anything that said, we approved both versions of it. They only saw one version of it.

But what you get at the end of the day is exactly the same problem. The staff's right. It's still too massive. I mean, when you're looking at CTS zoning, a lot have said, well, there's these other places in CTS zoning. Let's take that for a second.

Other places in CT zoning, they are way over this 15,000 square feet. Okay, so what? So, when were they done? Some of them, clearly before the actual code was in

place. Some of them maybe not. But your code provides a provision on that.

Your code says in the variance provisions of your Town Code, it says as follows. It says, just to get rid of these arguments, right? No non-conforming use of neighboring lands, structures, or buildings in the same zoning district, that's what they're saying, and no permitted use of land structures or buildings in other zoning districts shall be considered the premise without authorization of variance. You can't play one off the other.

Each application has to be heard separately and then once that application is heard, you can't use it to say, well, they got that, so, I want that. So, let's put that issue to rest. Still, when you look at this project, it is, it's too big.

And when you look at CTS zoning, as we mentioned, CTS zoning, and Wayne did, that's small-scale businesses and retail, right? It's 3000 square feet. What you're looking at here is something that's 11 times bigger, and at almost 33,000 square feet. It's still 170% increase of the existing building side.

If somebody else came to you and said, I want something that's almost two times bigger than my present one because I want to build something bigger, you'd say

you're crazy. But that's what they're asking for. They're asking for 170% increase over the existing building.

At the same time, it's 216 over the code maximum. Well, you say, well, we're already over. Wait a minute. Just because you're already over then, either live with it and you're permitted, accept you're permitted use, or if you're going to change it, you've got to come up to the code. Again, every time I listen to this, it was excuses on why we don't meet the code, but we should still get what we want. And I don't think that's what the code talks about.

The other thing that really hit to me, and they didn't really touch on it that much though, is the application is an expansion of the synagogue, right? For 4,123 square feet, and they did mention this, it is less than 13% of the overall square footage. What are we doing with all the other square footage? It's exactly what we said. It is the dog wagging the tail.

You have 28,000 square feet of stuff that's not worship. Nobody cares if you expand the worship center. I agree. And we agree with what the Mayor says, we should all get in, and we should all increase those sizes of worship centers. But in doing so, what you're not allowed to do is say, well, now I'm going to do that, but then I'm

1 going to add a whole bunch of extra space that's not
2 worship services. It's other places.
3 And that actually flies in the face of your code,
4 which talks about accessory uses. And whether you call
5 them accessory uses or ancillary uses, it's supposed to be
6 subordinate to the principal use. The principal use is
7 the synagogue. The principal use is the worship center.
8 So those things should be smaller, not bigger.
9 And just when you asked, and we talked about the
10 5,000 square foot catering hall and kosher kitchen,
11 nobody's ever made this outrageous claim that some high
12 school could come in and do all these things. I've never
13 heard of that. Nobody said that.
14 What they said is what you're doing when you make
15 that expansion, you do a couple of different things. One,
16 that area can be used for other purposes. That means you
17 can expand additional things on this big calendar that
18 we've all seen. It also means that you can take some of
19 the programs you have right now in a smaller area and make
20 them bigger. Okay? The film series now has 200 people
21 visiting instead of 100. You can do all these things, and
22 it's an expansion issue.
23 And I know you all saw the articles we sent out the
24 other day, and that's one of the things that Rabbi
25 Scheiner prides himself on, is growth and how much he's

1 grown. So, I heard this thing about, well, we've grown in
2 the last 20 years, it's never changed. No, in the last 20
3 years, this thing has, exponentially, gotten bigger. And
4 now they're looking at West Palm and saying, look, if
5 you're a member, you're a member of both, you can come use
6 all the amenities here in Palm Beach. So, you do have to
7 look at those things.
8 When you look at it, the 5,000 square foot catering
9 hall and the kitchen, it's bigger than the expansion that
10 you're talking about in the sanctuary itself. Again,
11 that's going the wrong way. That's going the wrong way.
12 So, then if the catering hall can hold 250 people
13 for special events, we still don't have, and somebody
14 mentioned this, we don't have a definition of, well, does
15 that mean if you don't have 250 people, you can have,
16 then, as many as you want? You've got to look at that
17 issue too.
18 But the problem is, when you're really looking at
19 extending all these different aspects, you're really
20 straying from the initial purpose. So, that's part of it.
21 And I know that we're talking about -- look, nobody's
22 saying you can have a high school dance there or
23 something, but they say in their declaration, or proposed
24 declaration of use, that, well, this will be a great place
25 for weddings, wedding reception, Bar Mitzvahs, Bat

1 Mitzvahs, charitable events and charitable events.
2 Well, guess what? If you're a growing synagogue,
3 all those things are going to get you more frequently
4 used. You may have one or two -- and we've heard from the
5 Rabbi before, we only have one or two a year. But if you
6 had a really nice hall, build it, they're going to come
7 and they're going to enjoy that, and they're going to tell
8 their friends in the West Palm members who are also
9 members of this and you're going to have just an expansion
10 of use.
11 So -- and what you end up with, and it's not
12 necessarily value, but it's becomes a central cultural
13 community. But in doing all these things -- well, and
14 actually when we do all things, I agree with staff, we go
15 back and the staff says, look, we've made all these
16 calculations, we spent month after month after month, and
17 we come up with the fact this is just still too big of a
18 program being requested on this property. It's too much
19 on too small of a piece of property.
20 And especially the lease of the supposed reduction
21 at 12% is way smaller than it needed to be. And so, what
22 does staff say? They suggest the Town go back and discuss
23 whether the building reduction was, in fact, sufficient.
24 It's not. It's still too big.
25 We didn't spend a lot of time on it, but I do want

1 to spend some time on it. It's the issue of parking.
2 Harvey kind of runs through it and says, well, here's
3 parking, here's parking, we have all this extra parking.
4 But you've got to go with what the staff says. The staff
5 says we've gone through the code. These are the
6 requirements you must meet. Not that somebody's going to
7 lend you some parking spaces some other time, but you have
8 specific actual requirements.
9 You have the requirement of 139 parking spaces.
10 They have 18, or staff says they really only have eight.
11 And when you're at Sunday school, the valet plan, I saw
12 the valet plan, I'm looking at it and I'm sitting here
13 going, how are you going to have an event and park it?
14 Because when you look at that, everybody's say, well, the
15 events aren't during the peak times. It doesn't matter.
16 During season you can't find parking anywhere near there.
17 So, if you're sitting there with a 250-person event,
18 right, and they're saying there's 20% of the people are
19 going to walk, right? You come back and you have 200
20 people, you have to move. That's a hundred cars. Where
21 do you know on any night that you can throw out extra 100
22 cars in that area?
23 And you know what else complicates it now? Park
24 Mobile, we're all talking about Park Mobile. How are you
25 going to valet these? Because right now, if you have the

1 pink sticker, you can park somewhere for two hours. When
2 we Townwide to parking, if you don't have a little
3 sticker, if you're somebody else, you go there, how are
4 you going to do that? How's valet going to charge your
5 car for Park Mobile or any of those other things? These
6 are issues that nobody's really even looked at.
7 But the big ones are also, when you look at it,
8 staff's indicated, look, you can't take required parking
9 and try to just put them off some other site. Required
10 parking is required parking. So, if you're going to have
11 the required parking, you need it on the streets, but
12 bigger.
13 And we didn't get into the details. Oh, we have
14 these agreements. Well, the agreements can't just be, you
15 hereby can use my parking lot, sign here. It's a lot more
16 than that. The agreements with the neighbors have to be
17 in writing. They have to be verified by the Town, and
18 they have to be with a location that has excess capacity.
19 Most of the things on that screen don't have any
20 excess capacity. We know this, we've heard this before,
21 and I think Mr. Murphy even told us the first time around,
22 there is no excess capacity. It's Paramount. There's
23 been no study and mass formulated -- there's no study or
24 no version, no leases or anything as far as parking
25 agreements have been provided to the Town. So, as far as

1 we know, they don't have them. And if they do, they
2 probably don't work because they don't have excess
3 capacity.
4 So, we're throwing all this in and saying, don't
5 worry, we're going to have no problem. But when we
6 actually look at it, you have a lot of problems.
7 Now, some of the traffic study issues, I'm going to
8 have Mr. Spinks (phonetic) talk to you about in a minute,
9 because some of them aren't right. Some of them are using
10 different standards, shifting standards. Some of them are
11 not accounting.
12 And what the biggest thing to me was when I read
13 your report is none of these existing uses right now that
14 we're going to expand, we're going to add different
15 things, none of those are taken into account on the
16 parking. I mean the parking and the traffic.
17 So, where's your sign that says on an average night
18 where we have a big function, where does it go? We don't
19 know. They don't count it. And I'll let him take care of
20 more of it.
21 But the other thing is there really -- and this is
22 something we harped on last time. Last time we were here
23 for two hours. I said we didn't get to the good stuff.
24 The good stuff is they still need three special
25 exceptions. And we've talked about this and with

1 Paramount two or three times, and we talked about this
2 here two or three times. In order to have a special
3 exception, item number six is you cannot be in -- excuse
4 me -- you cannot be in violation of the comprehensive
5 plan. And that's exactly where we are again.
6 Now, they skip a lot of that stuff. But what
7 happens is, when you look at the comprehensive plan, if
8 you're in violation of comp plan, no special exception,
9 all of this other stuff goes away. You're no special
10 exception for everything you basically need here today.
11 So, you will go back and you have to look at these things
12 again and these are the exact same policies we talked
13 about.
14 Now, Harvey says there's apples and oranges with the
15 Paramount. No, it's not. That's a superficial argument
16 to say we're talking about fruit here or something. But
17 well, this isn't what exactly they argued about.
18 The argument wasn't about Paramount and the argument
19 that won is the exact same argument you have to deal with
20 today, right? Policy 2.4 of the comprehensive plan talks
21 about increase in intensity of use, right? And we know,
22 and staff cited, and it's in the code, intensity of use is
23 defined under 134.172(4)(B) as including, but not limited
24 to increased square footage, increased seating, increased
25 off street parking and demand, increased hours of

1 operation.
2 Well, they're saying, well, this is different
3 because it's nothing new. That's not the standard. The
4 standard I just read you talks about if you're increasing
5 square footage, which they clearly are, if you're
6 increasing off street parking demand, which they clearly
7 are, and you're increasing hours of operation because you
8 just have more programs in it, that's in intensification
9 of use.
10 And that's something which even when we look again
11 at staff and staff says, look, this application appears to
12 be meeting on one or more of the listed intensities of use
13 details in 134.172(4)(B). They did the applications that,
14 well, if you're increasing this, this, and this, do you
15 know what that equals? That equals intensification of
16 use. Intensification of use, equals violation of comp
17 plan, equals no special exception.
18 Now there's the same issue, and I'll have Cecilia
19 Ward probably talk a little bit more about this. You have
20 the exact same policy under 2.2A and 2.2B of the
21 transportation element. That's the one that says, hey,
22 that's all really nice, but you have to be able to show
23 that you don't have any problems demonstrating that you --
24 or that you have sufficient roadway capacity to ensure you
25 want extra events. Where's your roadway capacity on it?

And it has to be good enough that you all, get to sign off on it and make a record determination that it is good enough. And we've gone through that before.

There's also a concurrency issue. Staff is right. If you have an intensification of use, you're going to have to meet concurrency. Those are the exact same arguments. And I have a letter with me, and I'll put it in the record, too. This, what I just read you, is almost identical what I just had and read in April of this year saying, these are the problems we have with the Paramount.

So, it's not that it was a club versus whatever, it's the fact that you come down to legal issues is what's going to make this. It's not what you want. It's going to be the law. It's not how big can I go over, it's going to be what the standard is saying.

And you've heard some of my cohorts say very much, you can always build what you're entitled to build, but you shouldn't be able to use one part of, as guys over here and say, yeah, and now I want to do a bunch of things over here, they're in flat out violation.

Finally, then I'm going to let James speak. There's no hardship. What's the hardship here? We know that they had three buildings. They could have used the buildings. They could have rehabbed the buildings in a different way. So, the hardship always has to be, no reasonable use can

be made of the property without the variance, and it renders a virtually impossible way to use for the purpose that it says. They have that ability, they have that ability if you want to rehab you, whatever you want to do.

But the Courts don't recognize exactly what we're talking about. And what I started out talking about is self-imposed hardship. And the number one case that shows up is you buy a piece of property; you know its limitations. You know what can be built there because there's a code there. You choose to build something that's much larger, and when you choose to build it something that's much larger, that's not the basis for a variance.

There's only a couple of little other things I'd like to talk about too. One was, gee whiz, and we talked a little bit about this, o, you've got all these buildings over 15,000 square feet. Again, you can't use those for, excuse me -- for comparison.

But the other is this whole idea that somehow you can solve all your parking problems by waving the magic wand and sticking it over in the declaration of use. Declaration of use only appears upon the approval of a special exception. Well, we think you can't even improve the special exception. Get rid of any of the chains over there.

Even if you go to the declaration of use, what you can't use a declaration of use for is to change the code. You can't say we know you don't meet all these different standards that staff has laid out and all these different things and you don't meet them but I know how we fix it. We just go over here, and we say we have some parking agreements with somebody else, that we haven't shown anybody, that's been around for three months. We haven't shown them, we haven't seen them, they probably don't meet any of the standards or there's some other problem; we'll just figure it out and we'll just tell you we have these.

So, that's -- all these issues go back to the same thing. That's right. You can build what you're entitled to build, but you can't come in with a wish list and a giant building and then say, you are wrong for not giving me what I want, even though I violate the Town Code. That's not the way it's supposed to work. We have one code. We're supposed to follow it.

So, let me introduce James Spinks real quickly. And James, as you know, is from Volkert Engineering. He has testified before, and he's going to give us a little lowdown on some of the traffic issues that he saw.

PRESIDENT LINDSAY: All right. Thank you.

MR. SPINKS: Thanks, John.

PRESIDENT LINDSAY: Thank you.

MR. SPINKS: Good afternoon, Madam President and Council.

PRESIDENT LINDSAY: Good afternoon.

MR. SPINKS: James Spinks, Volkert, 13450 West Sunrise Boulevard, Suite 100, Sunrise, Florida. I was tasked by the consortium to do a technical peer review of the application, and I'll get into that, but as a reminder, I think last time you all saw me, I was here on June 25th where the Palm Beach Traffic Analysis Study results were presented by Cordino and were presented to Council.

Mr. Bergman offered the following comments. Since 2017, the daily peak season traffic counts on several segments have increased by 21.7%. And over the past year, the same roadway segments have increased -- have seen a 6.2% increase in traffic. It's projected that these counts will increased by 10.5% by 2034.

Mr. Joe Cordino, we have an issue here in Palm Beach, not a traditional issue. Tolerable capacity on roadway network is not reflected in the comprehensive plan. I think we all remember that. Nearly every essential link fails. If you start to look at this, even in stated level service D, different legs of the intersections, not each intersection, but many of the intersections fail.

Lots of people are coming to the Town. I just say that as a reminder, in regard to traffic on the island, and I'll be brief.

In regard to the traffic impact statement, the trip generation was miscalculated and the project impact is significantly greater than what was reported particularly for the weekend. The study uses trip generation rates published by Palm Beach County for the daily a.m. and p.m. periods, all using the gross square footage calculation.

They, then, for the weekend, switched to ITE, and they use land use 560 for church. By the way, there is a synagogue in the ITE, they use church instead, and they do this, so ITE does distinguish between the two. But they also then did not use square footage. They use number of seats only for the weekend, so only church seats, which does not encompass the entire facility.

They also mistakenly used the Sunday rate in the ITE and quoted it as a Saturday rate. Doing this does not represent best practices as it switches to a different land use and trip generation sources. I don't know why they did it, but it is selecting the least impact.

Palm Beach County Engineering does have a weekend rate that I'm not sure why they didn't use it, but that rate is 10.36 trips per 1000 square feet, compared -- and what that would give you is weekend peak hour trips of 336

weekend peak hour trips. The study tells us that there's 117 based on the ITE rate, three times less, approximately.

Then they take their numbers, and they put them in a programmatic trip generation estimate. Here's the problem with this. The program trip estimate diagram, which I think was shown up there a little while ago, they show 50 trips on Saturday, showing up around nine o'clock. I think I just heard them state that they had 230 members coming in for a first half, then they moved to the social hall for the second half of service. So, showing 50 trips showing up at nine o'clock, I'm not sure if that works.

The next Saturday night trips, there's none on Saturday night for events. So, virtually, no events were shown for that.

Lastly, no weekend analysis is provided to support their conclusion that there's no failures, just a graph to show the length, volume differences between the weekend and weekday. And the West Palm Beach, we know that they're going to impact our future numbers.

The Sunday school analysis is calculated saying that there will only be three vehicles queue using two attendance in the circulation plan, but the graphic only shows one attendant assisting vehicles, and the other attendant directing traffic near the intersection. So,

you should only really should only take credit for one attendant.

It shows parents dropping off the children on the driver's side, which, traditionally, slows down the process. If you just look at any school drop off, it's always on the passenger side. It works better.

Furthermore, the plan eliminates -- I know that Wayne said down to from 18 to eight, I'll challenge that and say, you know, that's also problematic because of the stacking within the circulation. Those eight spaces are in, essentially, inaccessible during stacking.

Next to valet operational analysis, they used a 2.5 person per vehicle standard from FHWA, cited from a 2003 report. They say that that data came from the -- you know, they cited that and the data came from a 2003 fair, St. Louis, but actually the data came from some baseball games in the '90s. So, more accurately that they should have used the household surveys of about 1.5 persons per vehicle for their valet analysis, essentially, saying that's about the average. Most people ride around one to two people in a car.

Parking, I won't hit on that enough. We've talked about that. There's a huge shortfall. The parking demand estimate also shows, essentially, needing no parking at night on a Saturday. I reviewed the synagogue's entire

2024 calendar month by month and found a lot of events that happened on Saturday night, so that should be amended.

They included a declaration of use agreement stating that the provisions will ensure that uses do not overlap to justify the lack of parking, but just underneath that, there's a statement that says, and there will be separate -- and I'm reading this quote for quote -- "there will be separate simultaneous events in both the worship hall and social hall." I'm not sure if that was a typo. But in that wording, that does not protect the Town.

Lastly, the site plan review, there was no staging screening or truck logistics plan included in this last submittal. I'm not sure if that was -- why that was done, but that would make it incomplete from a technical standpoint. That should be included there to show how they're going to route trucks, what their staging is going to be during construction, how they're going to, basically, make this construction work.

So, in conclusion, I'll say -- you know, I'll ask that the Town look at those issues and take those things in consideration and possibly amend those in another submittal. Thank you.

PRESIDENT LINDSAY: Thank you.

COUNCILMEMBER ARASKOG: Thank you.

1 MR. EUBANKS: One more person and we need a box.
2 No, I'm just kidding. One more person is Cecilia Ward,
3 who's been a professional planner for 40 plus years, and
4 made it through being the land planner for City of Fort
5 Lauderdale for a while and now works for herself at JC
6 Consulting.
7 PRESIDENT LINDSAY: Thank you.
8 MS. WARD: Thank you, John.
9 PRESIDENT LINDSAY: Kelly, can you reset the clock?
10 Thank you.
11 MS. WARD: Thank you. Good morning, Madam Chair,
12 members of the Council. Cecilia Ward, President of JC
13 Consulting. As John said, I'm an Urban Planner. I've
14 been retained by the objectors to provide my professional
15 planning opinion on this proposed application for
16 expansion of the Palm Beach Synagogue.
17 I've reviewed the record, including all of the
18 memorandums, traffic studies Town staff reports, as well
19 as the traffic studies submitted by Mr. Spinks. I've also
20 reviewed the Town Zoning Code, concurrency requirements,
21 and the Town's Comprehensive Plan. And I've reached a
22 professional planning opinion that the application, even
23 as revised, still is not in compliance with the Town's
24 zoning regulations and is not in compliance with the
25 Town's concurrency requirements.

1 And also, I would add that it's, therefore, not in
2 compliance and inconsistent with the Town's adopted
3 comprehensive plan. And much to my surprise, my review or
4 listening of the applicant's legal representative today, I
5 believe they admitted that they're not in compliance with
6 the Town's zoning regulations and the Town's concurrency
7 requirements. So, I was glad to hear that.
8 I'd like to just add a few key points. I did do a
9 revised -- a report that was submitted into the record,
10 and I'll just highlight on some of those. You did hear
11 some from John, you did hear some from James, but I will
12 do this from a planning perspective.
13 First, the project is not allowed as of right, but
14 rather they must receive special exception approvals and
15 variance approvals from the Town in order to be developed.
16 This is not because it's a synagogue, this is because
17 it's a house of worship and that what they're asking for
18 triggers the requirement per your Town Code. So, any
19 house of worship that would come in, any use that would
20 come in, including the Paramount, would have to go through
21 this exact process and would have to adhere to the Town's
22 zoning and land use regulations.
23 One of the criteria of the special exception
24 approval is demonstrating that it is consistent with the
25 Town's Comprehensive Plan. And this is so important

1 because there is this policy we keep bringing up, which is
2 policy 2.4, which says that if you are an intensification
3 of use, then the Town must consider the traffic and the
4 parking impacts that are created by the proposed
5 application.
6 There are a number of issues that you heard
7 regarding traffic. There are a number of issues that
8 you've heard regarding parking, and I'll just highlight
9 some of these.
10 Staff already explained what intensification of use
11 is. Again, it doesn't matter what your use is, it doesn't
12 matter what type of house of worship you are, if you're
13 going to increase the building square footage, if you're
14 going to increase the number of seats, if you're going to
15 have an increase in hours of operation as a result of what
16 you're proposing to use in that space, you get triggered
17 into this intensification of use. And then now here comes
18 the traffic and the parking impacts.
19 As John indicated, it's twice as much as what's
20 there today. It's twice as much as what's allowed in the
21 commercial Town Serving Zoning District. And again,
22 that's criteria that you have to consider and consider the
23 impacts that are associated with that request, a
24 significant number of trips, a potential to worsen your
25 level of service standard, which the Town Staff has

1 already pointed out.
2 And I think a key point here is, just in the last
3 year you went through this, the Town went through this
4 entire process of reviewing its transportation network
5 system and determining that it did not want to see
6 projects that was going to worsen, nor could you, because
7 that would be a violation of your comprehensive plan, your
8 transportation element, that would violate your level of
9 service standard as would be the case here.
10 Also, there's a significant parking deficit. As
11 Town staff indicated, 139 spaces are proposed. Again,
12 it's not the staff who came up with that calculation based
13 on their own. They followed your Town Code, which is
14 adopted, which everyone has to adhere to. So, they
15 followed it, and they said, based on the code, 139
16 required spaces, the synagogue is only proposing to
17 provide 18, and eight of those are only usable of the 18.
18 That's a significant parking deficit by anyone's
19 standards.
20 The staff also determined that concurrency adherence
21 is required. That's a comprehensive plan provision.
22 That's a Town code provision. You can't get around that
23 no matter what your use is.
24 Additionally, the variances that are requested. As
25 John mentioned, this is the most critical issue from a

planning perspective. When you're asking for a variance, you really can't come in and say, well, because anyone else got something, and I don't know what the conditions were, each application has to be looked at independently, based on its own merits, based on its own facts and evidence, which was not really provided by the applicant in their submittal, competent substantial evidence to support this request.

But on the variance specifically, it says that you can only get relief from the code if you're not causing that problem in and of what you're asking for. So, if you're asking to expand to twice as much, and as a result of that you can't meet the parking standard, you've created that scenario. If you're asking to increase beyond what the maximum standard is, which is 15,000 square feet, you've created that scenario. So, that's what the code criteria says. Again, staff did not just create that, they're reading what the Town Code as adopted says, and I concur what their findings.

So, in conclusion, it's my professional planning opinion that the application, even as revised, which is minor revision, is still not in compliance with the Town's adopted 2017 comprehensive plan. It's in violation of the Town's criteria for special exception and site plan request. It's in violation of the Town's criteria for

variance request and, as such, should be denied by the Town Council. I'd be happy to answer any questions.

PRESIDENT LINDSAY: Julie, do you have a question? You've got your light on.

COUNCILMEMBER ARASKOG: I didn't even know.

PRESIDENT LINDSAY: Okay. Let's see. Wait a minute. We've got to make sure we have heard from the other side, all the professionals now. John, have we heard from everybody?

MR. EUBANKS: Yeah, that was it. We were trying to --we kept it to your time requirement.

PRESIDENT LINDSAY: Okay. So, we're going to go to public comment now. All right.

MR. OYER: Madam Chair, with your permission, we have a couple of school children here that would like to speak, and they need to get back to school. So, if we could make this side first. And Allen, you'd like to have Josh speak first? Okay. Thank you.

CLERK CHURNEY: If I can ask everyone to please state your name and address into the record before you start speaking, that would be helpful.

PRESIDENT LINDSAY: Has everybody been sworn to?

CLERK CHURNEY: Yeah, I can do it again if you want.

PRESIDENT LINDSAY: Well, there's new people here. Yeah, go ahead now.

CLERK CHURNEY: Okay. I'm going to swear in anybody that's come in and has not been sworn in. Aan you please stand, raise your right hand if you intend to speak today to be sworn in. Please stand up and raise your right hand so I know you're being sworn in.

Do you swear or affirm that the testimony which you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

SPEAKERS IN UNISON: I do.

PRESIDENT LINDSAY: Okay.

MR. MOORE: Good morning.

PRESIDENT LINDSAY: The student? Is the student going to speak?

MR. MOORE: Yes, he is.

PRESIDENT LINDSAY: Okay. Thank you.

MR. MOORE: Al and Josh Moore. We live at 218 Mira Flores, and I've heard the word uses a lot today. One of the big uses is a place called Project Connect at the synagogue, which is highly impactful on kids and adults with special needs. So, we will be brief. Josh, just wanted to say a couple of words to everyone here.

Josh, go ahead, honey.

MR. JOSH MOORE: Hi, my name is Josh Moore, and I live on --

MR. MOORE: Mira Flores Drive.

MR. JOSH MOORE: -- Drive on Palm Beach. I love coming to Palm Beach for Project Connect, and that is dedicated to children and adults with special needs.

I'm not Jewish but I love seeing my friends, and I feel loved when I am there. They help the entire community. So, I hope you'll approve their improvements so I can keep coming and enjoy time with my friends I love. Thank you. (Assisted by Mr. Moore)

MR. MOORE: Thank you.

PRESIDENT LINDSAY: Thank you very much. Okay.

COUNCILMEMBER COONEY: We're going to do the kids that need --

PRESIDENT LINDSAY: Okay. Two more. Thank you.

RAYA KLEIN: Hi everyone. My name is Raya Klein.

ELLIE SKIER: And my name is Ellie Skier. We go to Palm Beach Day Academy, but every Sunday we go to Palm Beach Synagogue.

At Hebrew School, we learn how to read in Hebrew, say prayers, explore Jewish history, but most importantly, how to be a kind person.

ELLIE SKIER: We learn about the importance of Sadaka, which is charity, and we practice this each week.

RAYA KLEIN: We learn so much of this through crafts, and the crafts at Hebrew School are so cool.

ELLIE SKIER: Palm Beach Synagogue is a place where

1 I feel happy and inspired, but we need some more room.
2 RAYA KLEIN: Sometimes our classrooms and other
3 spaces feel crowded.
4 ELLIE SKIER: We look forward to Hebrew school every
5 week.
6 RAYA KLEIN: We hope you'll help the synagogue
7 continue to flourish.
8 PRESIDENT LINDSAY: Thank you.
9 MS. LEVINSON: Good afternoon. My name is Simone
10 Levinson, and I have been a homeowner in Palm Beach for
11 nine years, since 2016, and enjoying Palm Beach for over
12 30 years. While I'm originally from New York City and
13 South Hampton, I wanted to recognize the Town Council as
14 stewards of this great community and echoing what Harvey
15 said, you have quite a task before you.
16 I've actually sat on two commissions in New York
17 State, and I understand the challenges that you face. And
18 as a consensus builder, I think let's start with what we
19 can agree on.
20 I think we can agree. This is a beautiful,
21 beautiful, I mean, we got landmark approval of seven to
22 zero. And I think that we can also all agree that we, in
23 Palm Beach, are all the victims of our own success. And
24 it is you, the Council that have the task. You know,
25 you've been voted into the position of authority to lead

1 us through the challenging task of protecting and
2 preserving the quality of life that we all have come here
3 to enjoy in this community.
4 I've heard the opposition. We share your concerns
5 with the traffic and demanding needs of our community, but
6 correlation does not equal causation with the rise of
7 traffic that is not at the cause of the synagogue. And
8 it's important to distinguish and not conflate the two.
9 I'm not going to get into the traffic and the
10 parking, because I think Harvey's done a masterful job at
11 being able to parse that. I do -- would like to speak to
12 the task of preserving quality of life, because we don't
13 want to throw the baby out with the bath water.
14 We're here to preserve quality of life but let's not
15 be so reactivated by -- I have teenagers and some of you
16 who have teenagers may understand when you're approaching
17 a teenager, the answer is no. But now what's the
18 question? Right? Let's be thoughtful and mindful and
19 being able to parse through preserving what we love most
20 about Palm Beach.
21 I've heard about intensification of use. Well,
22 Harvey points out, that Rabbi points out, we've taken it
23 from Chez Jean-Pierre Restaurant, where we had rotations
24 and rotations, rotations six nights a week. So, we've
25 descaled that. But the intensification of use, let's look

1 at that. I respectfully disagree with Wayne and, actually
2 John, who actually talks about the disproportionate number
3 of classrooms to our synagogue and our social hall.
4 I'm going to bring in a little D'var Torah and I
5 have two Rabbis here to concur. When Hashem granted the
6 Jewish nation the Torah, it was only to have guarantors.
7 So, the nation came together and brought forth the Rabbis
8 with great respect. And Hashem said, no, not on behalf of
9 the Rabbis will I give you the Torah.
10 They came together on behalf of the patriarchs, the
11 great leaders, and Hashem said, no, not on behalf of the
12 leaders, will we give you the Torah.
13 So, they came forth a third time. He said, our
14 children. Let our children be the guarantors of the
15 Torah. And it was only with their children of Israel
16 being the guarantors of the Torah, that the Torah was
17 given to the nation.
18 So, when you actually look at the 13% on this, the
19 classrooms are at the heartbeat of Jewish life and
20 continuity. That is where we pray, because that is
21 actually our future generations, the girls that just came
22 before you. This is our legacy, and this is what we stand
23 on thousands of years.
24 And Baruch Hashem, thank God, the community of Palm
25 Beach has been so welcoming to this Jewish community. And

1 that this Rabbi who, if you want to actually, I speak in
2 metaphor, he's meeting the demands of the community. When
3 you talk about intensification, he's meeting the demands
4 of the existing community. In fact, he's willing to
5 forfeit, you know, potentially, his constitutional rights
6 in the future just to meet the current needs today.
7 We have a Hebrew school of 150. We're saying no
8 more than 150. That's what we have today. I can't
9 imagine what's going to happen when we have that 151st
10 child that comes to the synagogue and we say, gee, sorry,
11 our hands are tied.
12 It's like a hospital where you have one of the best
13 open-heart surgeons in the country and we're saying we can
14 only cap the number of heart surgeries that we're willing
15 to perform, because on Sunday, we have to actually allow
16 for a particular drop off.
17 So, I'm going to conclude with saying two things.
18 Number one, and two things that might be counterintuitive,
19 I'm actually going to thank the opposition. I thank you.
20 Whether you know it or not, you have been champions in
21 this cause because what -- through the opposition, and
22 with your really important questions and concerns, which
23 we all share, believe it or not, we actually are more
24 together on this than it may seem. We share the concerns,
25 okay?

And it's with your opposition, with the addressing concerns, that you have a packed house because you're allowing not only the Jewish community to dig in and say, this is what we stand for, this is what we're looking to preserve, but I will tell you, to have our fellow clergy members, to have business owners come forth in such a magnanimous way to unify this community is what makes this community so special, so dear. So, thank the opposition for allowing us to all dig in and to see what we all care about so deeply.

And the other thing I want to say in addressing the Town Council, this is sort of like counterintuitive, but if you're concerned about the expansion of the synagogue, then this is the vehicle by voting in favor of it to, actually, cap it because we are actually only asking for a two-code building to be code compliant, to actually meet the current needs.

And you are being given a declaration of use. And with respectfully with John Eubanks saying, well, this is declaration of use by our own volition. We are volunteering to compromise our expansion for growth just so that we can meet the current needs and demands of a vibrant, wonderful community.

With that, I ask for your approval and respect -- hopefully respect that we can actually resolve. Thank

you.

PRESIDENT LINDSAY: Thank you. Please refrain from the cheering.

MR. BERNSTEIN: Richard?

PRESIDENT LINDSAY: Yeah, we're going to enforce the three-minute rule now. Please. Thank you very much. Go ahead, sir.

MR. BERNSTEIN: Madam President, Madam Mayor, the board, I've been here since 19 --

PRESIDENT LINDSAY: Your name and address, please?

MR. BERNSTEIN: Oh, Richard Bernstein. 235 Sanford Avenue. I've been here since 1956. So, I'd like everybody on the board to think how many variances, how many changes have been made in this Town in order for growth, in order for religious freedom and everything else? Quite a few in the last 68 years.

So, all I want to say is, I think it's important because we're not expanding the temple, we're consolidating under one roof. I remember when O'Hara's was there, a lot of people up here don't remember, the Merry (phonetic) remembers, O'Hara's was open seven days a week, and people came in and we were allowed to stay open until three o'clock in the morning. Because I remember going there at -- when I just turned 21, of course, and we would go into O'Hara's and that place would be packed and

crowded every day of the week. And then Stanley Hart came in and he made the changes that he made.

And all I want to say is that I think that what Rabbi Scheiner has created in this community with everybody to get along and work together is really the most important thing that we have. And all we're asking for is to consolidate, not to expand.

MR. DIAMOND: Thank you. Bill Diamond, 220 Wells Road. Madam Mayor, members of the distinguished Council, it has been my privilege to serve for six years on the Town Council. And I know how carefully you are looking at this application and I would like you to take a historical perspective, if you may.

In England, in the old days, there were two kinds of law. There was common law, which was very strict, and you had to apply it in a strict fashion. There was no movement of any justice in there if the case was against you.

So, to ameliorate the situation, the Courts of Chancery, or the equity courts, came into existence. And I think today, considering what we have before us, what's so good for this community that you should be sitting and thinking as a court of equity, not as a court of strict law, and approve this -- this application as soon as possible. Thank you.

PRESIDENT LINDSAY: Thank you.

MR. CLOUD: Good afternoon.

PRESIDENT LINDSAY: Please stop, please refrain from clapping or booing by the way. You may hear something you don't like. Please.

MR. CLOUD: Good afternoon. My name is Vincent Cloud. I live at 146 Sunset Avenue. So, I'm probably one of the closest people to, I'm sort of, in the room where it's happening. And I've lived there for 25 years, and I've seen a lot of changes in the neighborhood. And I want to comment first how we prepared.

I've reviewed the proposal carefully. I've read the DOUs, so, I know what -- what the old one was, what the new one was. And I spent some time, and I met with representatives of the synagogue, with a Rabbi, with a number of our neighbors on the 100 block of Sunset Avenue, and based on our review, we feel comfortable, and we support the program. And I want to tell you some of our logic about supporting it.

One, I walk down the street every day, for 25 years, and I've not seen any traffic problems based on the times that they're having services or special programs. Again, I'm not a traffic expert, but I see it every day. And even with the increase in traffic in Palm Beach, I'm not seeing much change on Saturday or even when they have

evening special events.

They've been a good neighbor, not causing any problems. Love that we have our houses of worship. I'm a member of St. Edwards, and I enjoy having a house of worship, and the church is close.

Parking, and I questioned them carefully on parking, and they do appear to have more adequate parking in a lot of situations, including the 12 bars and restaurants where they're in two blocks from where I live.

And looking at the declaration of use, it's interesting because I looked at the old one. I had them send me that. I looked at the new one. The old one has no limitations. They can pretty much do what they want based on what that says. But the new one does have some fairly strict limitations so, I think that's something that has to be taken into account.

Second reason we think it's a good idea, is the structure is a significant improvement. When you walk down Sunset Avenue today, you see that sort of an ugly parking lot. You look on Sunrise, as was mentioned, you have pipes and things like that. It's just not a pretty sight. And then Chez Jean-Pierre, and the existing building, now there'll be contiguous.

But most importantly, is adding the new structure for the parking lot. And that's the third reason that we

support this program.

We live in a dangerous world, and we are now the center of the universe. And if somebody -- a bad person wants to cause a problem, they could move into that parking lot today, and God knows what would happen to the neighborhood and to the churches. So, from a safety point of view, I think it's critical that we look at this, as a gated entrance, and further securing the property.

PRESIDENT LINDSAY: Okay. Thank you, sir.

MR. CLOUD: So, I apologize. I know I took so long.

PRESIDENT LINDSAY: It's all right. There's a lot of you. Thank you.

MR. PLATZNER: Hi. I'm Adam Platzner. I live on South Ocean. I've been part of this community my whole life. For those of you that don't know me, I was promised -- I don't know how you guys do what you do, but you're doing an incredible job. I was promised omelet stations and bagels, and an open bar but, I don't know, we didn't get any of that. What?

CLERK CHURNEY: We do have that.

MR. PLATZNER: We do have that. Oh good. Robetson (phonetic) promised.

I'm not going to re-litigate everything. The reason why we have standing room only here today is because of Palm Beach Synagogue, because of how many people are here

today. I can see the congregants.

This is Palm Beach Synagogue. There's some in the opposition, but everyone here is mainly in support of this. And everyone before me and probably after me will be more eloquent. We don't need to re-litigate it. Counsel's done an incredible job, I think. Objectively, I heard it for the first time. I don't know how you can argue with anything that he said today.

My grandfather and my grandmother passed away, but my grandfather was the chairman and president of the MorseLife Health System. And he helped build it, even helped recruit David Mack. He might argue with me, but I remember being there for that about 20 years ago. I was surprised to hear that David Mack opposes this. Actually, it's surprising to see any opposition.

And I think one of the last speakers, the former councilman said, we need to look at this in a different way. You know, Rabbi Scheiner probably doesn't even remember this, but around eight years ago, my father had a horrible accident, and he's okay now, but I was able to see some other resources come into effect from this Town. The police department here is exceptional, thank you for your service, by the way. It's important that you're here. But some police officers in this Town saved my dad's life, had to land the Trauma Hawk helicopter on

South Ocean. He was rushed to the hospital. He was saved.

A few days later, the Rabbi called me on my cell phone. I was not a member at the time. I'm not super religious. I'm super Zionist. My grandparents -- my grandmother was the president of the Jewish Arts Foundation. They helped build Temple Emanu-El. Rabbi Resnick's awesome. There's a reason why all the clergy are here, today, because our community is bound together by these organizations.

And so, I would just say that the Rabbi called me on the phone when my father was close to death. He didn't even know me. I don't really remember how he knew or how he got my cell phone number, but I guess you have everyone's number, right Rabbi?

And so, you know, I just think that we need to look at this in the way that it needs to be looked at. We're in a special community and we need to provide for the community members in a way that they deserve. And I think the point has been made over and over again that the congregants deserve a state-of-the-art facility, just like everyone else has. And we're not asking for too much and just to echo what someone --

PRESIDENT LINDSAY: You're at your three minutes, sir, so try to wrap it up, please.

MR. PLATZNER: Sure. And just to echo what someone else said, I object to all of the things that we've had to sacrifice. I like the first design. Whose apartment was that going to be? Could we rotate and hang out in the apartment?

I don't know why we can't have that. I don't know why we have to have certain caps, but I think now we've been pretty fair. And I look forward to all of you voting to approve this. Thanks guys. Thank you.

MR. ARBUSMAN: Good afternoon. My name is Danny Arbusman, and I live in the Sun & Surf. I was very sad to learn that the board of our building object to this beautiful project. I strongly support the project of building the synagogue.

I want to mention that the objection was, I'm not alone in the building. There are many people in the building that support this project, the synagogue. I like to bring to your attention that the objection was not done with the survey of the owner in Sun & Surf. It was done with the decision of the board, and then they start spreading all kind of rumor that not all of them are true.

I'm asking you simply to approve it. I'm asking you to be leaders, and not followers. Please be leaders and do what's good for people that take Palm Beach as their permanent resident and live here year round. Basically,

this is it. Thank you very much.

PRESIDENT LINDSAY: Thank you.

MS. MILLER: Good afternoon, Mayor Moore and Town Councilmembers. My name is Elaine Miller. I'm a member of the Palm Beach Synagogue. I wrote an email, and I understand that all the members of the Town Council got it.

And I, basically, have watched the synagogue grow from barely a congregation to what it is today. I was the first woman that attended here. I had my little 3-year-old daughter in my lap. Now she has a little 2-year-old daughter of her own.

And I want to indicate, my opinion is not my opinion. Our Jewish law teaches us, basically, everything that goes on in the synagogue is worship.

The Sunday school is extremely important to worship. We teach the children Hebrew. A lot of the teachers are volunteers, they don't even get paid. And what do we teach there? We teach the prayers, we teach the history, we teach the Torah, we prepare them for Bar and Bat Mitzvah. It's all worship.

And I want to also mention that there's a few things I should bring to your attention. It is not regular attendees. The Sunday school is closed for three months in the summer. A lot of people don't realize that.

Also, the other thing is that a witness testified that 250 people show up at 9:30. I testify, 250 people do not show up at 9:30. I mean, maybe 10. And by 12 o'clock, we'll probably have about 150 on a good day.

And all I can say is as the Reverend from -- the Pastor from St. Edwards said, because I was going to say it, and then I realized he just said what I was going to say, the synagogue is the heart of the Jewish community. And in all my observation in 32 years of attending the synagogue, and seeing all the ecumenical and interfaith activities we've had there, I can reasonably say it's the heart of the entire Palm Beach community. And I just want to thank you for your service. Thank you.

CLERK CHURNEY: Ms. Miller, can you state your address for us, please?

MS. MILLER: I'm sorry?

CLERK CHURNEY: Can you state your address for us, please?

MS. MILLER: Oh, 3520 Whitehall Drive, Apartment 106, West Palm Beach, Florida 33401.

CLERK CHURNEY: Thank you.

MR. RODMAN: Hi, my name is Adam Rodman. I live at 126 Beverly Road, West Palm Beach, 33405. A lot of people have spoken today. I don't want to rehash what's already been said, but I was hoping to provide maybe a little bit

of unique perspective because I'm not sure there are many people of my exact age generation that grew up here on the island, are not an active member of the synagogue, or not living within a few blocks, therefore, being affected by traffic or any other variance issues, and maybe, could have a somewhat unbiased approach to the proposal here.

So, I grew up on the north end, first on Osceola, then on Laputa. I attended Palm Beach Day School, then Rosarian Academy, and graduated from Suncoast High School down here. Some of you I've known for three decades, and certainly everyone I've known of. So again, thank you for your service.

My main point was just that Palm Beach was a very different place in the '80s and '90s. There used to be an architectural tour that all students took at Palm Beach Day School. And it was quite awkward for the Jewish students when certain clubs on the island, which have architectural provenance were off limits because of longstanding rules.

I'm not trying to pull out the heartstrings here, but merely to say that things have changed a lot over the last three decades, and it's all for the better. And I dare say that it's because of innovative and proactive participants in the community, not dissimilar from what the synagogue is presenting here.

So, I'll try and wrap it up quickly, but I think, again, I'm not an architect or a lawyer or a zoning expert, but it seems clear to me that exceptions to laws and variances exist so that exceptional things can happen. And I believe that the synagogue here on the island is striving to make exceptional things happen, not only for the Jewish community but, importantly, for all communities that engage with its services.

So, one small thing, my wife, who is not Jewish and while I consider myself cultural Jewish, I'm not a very religious person, so again, trying to be unbiased here, but my wife is an active volunteer with many of the outreach programs. One of the students spoke here earlier today, and they are really a critical foundation, not only for the people who are served by the services, but really making a Palm Beach organization a standout, and exceptional contributor to a better Town, a better community and a better state. And if we limit those things, we really limit the potential of the Town and surrounding community as a whole. So, I'll stop there and thank you for your time.

PRESIDENT LINDSAY: Thank you. Okay, go ahead, sir.

MR. SCHARF: My name is Michael Scharf.

PRESIDENT LINDSAY: How are you, Michael?

MR. SCHARF: How are you?

PRESIDENT LINDSAY: Welcome.

MR. SCHARF: Madam Mayor's not here, but members of the Council I'm happy to speak to you. I live at 225 Dunbar Road, and my wife, and I have lived there for 17, relatively happy years. Occasionally, she gets angry at me, about every week. But I appreciate this opportunity to speak to you.

I'm the former President of Palm Beach Synagogue and was instrumental in its purchase of the Chez Jean-Pierre building with the help of several people who are here, Ronnie Hayman, David Mack, and others.

Buying this property, if you're familiar with it, it's the only way we could ever expand. The other side is the street, and then you hit the Bank of America. So, this Paramount building was very important to us, and we were able to purchase it.

Now, my office for many years --

PRESIDENT LINDSAY: You mean the Chez Jean-Pierre.

MR. SCHARF: Pardon me?

PRESIDENT LINDSAY: You didn't purchase the Paramount, did you?

MR. SCHARF: No, we didn't buy that yet.

PRESIDENT LINDSAY: Just kidding.

MR. SCHARF: Not yet. It might be a good idea.

PRESIDENT LINDSAY: It's okay.

MR. SCHARF: I'll have to apologize to Mr. Werner for bringing him into this conversation. But I had my office for many years in the Paramount Building, and then I moved to Bradley Place, and I recently moved to the Chairman's Club on Sunrise.

Also, for one year while our house was being redone, my wife and I lived at the Sun & Surf. I mention this because I am really familiar with this area, the streets, the corners, the traffic patterns, and congestion. I'm very familiar with it.

Now we're here because Palm Beach Synagogue really needs to expand. You've heard all of this. I mean, the classrooms are too small. There aren't enough of them. We need extra seating in the sanctuary. We're sort of here because we're a victim of our own success and the success has been extraordinary.

And we also have programs that were briefly mentioned here, this Project Connect, which serves as a resource for disabled children of all religions, and, also, our Solomon Leadership program for teenagers, which also serves teens of all faiths and different races.

Now, I'm not a lawyer. I only spent three months in law school before I quit. But I have a son who's a brilliant lawyer. He studied with Professor Dershowitz, Will Scharf, you may remember him. He's now in the -- I

shouldn't say this because there may be Democrats, but he's in the White House with -- or will be in a couple of weeks.

It seems to me that if the Town wants to restrict things for a religious institution, just intuitively, I feel religious institutions are a little different. And the Town really has to have a compelling interest in putting on, you know, unnecessary restrictions.

Now, traffic and parking are two major issues in this Town, but I want to be clear, Palm Beach Synagogue does not, in any meaningful way, add to traffic or congestion. You've heard our services are on Saturday morning. Sunday school is on Sunday morning. Those are the two main activities we have. And there's no traffic on Saturday morning and there's no traffic on Sunday morning. And before we purchased this building, we had no parking.

PRESIDENT LINDSAY: So, Mr. Scharf try to wrap up. Okay? Because we're trying to keep --

MR. SCHARF: oh, I'm sorry.

PRESIDENT LINDSAY: We'll be here until midnight --

MR. SCHARF: I really do apologize. Okay.

PRESIDENT LINDSAY: -- if everybody speaks.

MR. SCHARF: So, I would just like you to -- we should be treated like every other religious institution

in this Town, and they're here and I'm really happy they're here. And I spoke to St. Edwards at one point, and they're very supportive of this project.

And the thing that bothers me, and I've got to get this off my chest, I don't know how this self-imposed or volunteered restrictions on our use were offered, certain number of Bar Mitzvahs and certain number of weddings. I find that really obnoxious. And I don't know why -- I don't know why we ever agreed to it.

And in terms of opposition to this among certain Jews, and they're wonderful people, but Jews have always been fractious people. And we're reading in the Bible right now, the Jews leaving Egypt, and they were slaves for 210 years, and then the hardships of traipsing through the desert under Moses' direction, they started complaining, really complaining. Okay?

PRESIDENT LINDSAY: Okay. You got to try to wrap it up, Mr. Scharf.

MR. SCHARF: So, it's the same type of thing and there should be a satisfactory resolution to this. Thank you very much. I'm sorry.

PRESIDENT LINDSAY: Thank you. Okay. All right. Let's get control here, please.

MR. LEIDY: Hi. I expect to be less than a minute and a half, so -- my name's Page Leidy. My family has

been a part of this island for four generations. My grandparents arrived here in the mid-1930s. I've come today to offer my wholehearted support for the renovation of the synagogue.

I'm also a member of the Holy Trinity Church in West Palm Beach. And I stand before you, not just as a Christian, but as a neighbor, a fellow believer in the importance of community, and an advocate of shared values that bind us all. Values of compassion, service, and mutual respect.

The synagogue has been a cornerstone of this Town, providing not only a space for worship, but also for education, support and connection. This renovation is essential to ensuring that it continues to serve as a place of refuge, growth and unity for generations to come.

I urge you members of Town Council to support this project. It's more than just restoring a building, it's about preserving and enhancing a vital community space that benefits us all. Less than a minute and a half.

CLERK CHURNEY: Your address? Sir, your address please.

MR. SCHARF: Page Leidy, 229 Edmore Road, West Palm Beach.

CLERK CHURNEY: Thank you.

MR. GREEN: Madam Mayor, Madam President, Town

Council, thank you. My name is Bobby Green, 2426 Embassy Drive, West Palm Beach. I'm here to speak in support of the synagogue's proposal to renovate and expand. Although I'm not a member of the synagogue, I am a lifelong resident of the area.

I was born here. I grew up on Tangier Avenue, a couple miles north of here. Went to Palm Beach Day -- or Palm Beach Academy, times change, and I practiced as an oncologist here for many years.

My grandfather, a pharmacist, founded Greens Pharmacy in 1937. As you can imagine, as a Jewish businessperson moving to Palm Beach then, there was not -- saying that there was not a large Jewish population here was probably an understatement. He owned and ran Green Pharmacy for 47 years until his death, and raised his family, my father, across the street from where I grew up on Tangier Avenue.

As many of you here know, Green sits catty corner to the synagogue. What you may not know is that between 1937 and 1965, prior to moving to its current site, Green's leased space in two areas that are now part of the Palm Beach Synagogue. So, it is a fact that one of the oldest continuous Jewish businesses on Palm Beach used to be in the site that we are talking about today.

And in 1937 the idea that there would be a

synagogue, much less an Orthodox Synagogue in Palm Beach much less one that needed to expand, would've been unthinkable to my grandfather. And I think it's a testament to the evolution of this community that we're even having this conversation. It's an opportunity to bring two people together. I think it further highlights Palm Beach is truly an interfaith community.

I remember my close family friend, the man who I knew as Uncle Bill, who you guys know, Bill Brooks, who was such an advocate for interfaith collaboration and how excited he would be by this and about my grandfather, who, while he could never imagine this, would certainly a smile at the idea of this happening. So, thank you very much.

PRESIDENT LINDSAY: Thank you.

PRESIDENT LINDSAY: Please refrain from clapping or booing.

MR. LIST: Good afternoon, Town Council, Madam President. I'm Marty List, a lifelong resident of Palm Beach and business owner in Palm Beach, currently living 2425 Embassy Drive in West Palm. I also went to Palm Beach Day, now Palm Beach Academy, and have many, many strong memories of the growth of the Jewish community in this Town.

But I have a particularly special relationship with Palm Beach Synagogue in that over the years I've either

owned, managed, or represented every single parcel that Palm Beach Synagogue now owns with the exception of one.

When they were my tenant, they were exemplary in how they used the space. There were never issues of parking even back then when they had zero parking spaces. And the fact that they have thrived and grown spiritually in this Town is a testament to the growth of the Jewish community, but also of the growth of Palm Beach as a place where all of us have enjoyed living and working for all these years.

I'm, also, the immediate past President of Temple Israel in West Palm Beach. I have worked closely with Rabbi Scheiner in the synagogue and participate in many of their religious and social gatherings. And I know from a position of the Jewish community how important it's that all of our Jewish institutions continue to grow and thrive.

Commercial Town Serving, the CTS District, was not intended to address the needs of our educational and religious institutions. As Harvey mentioned, every one of those institutions do not comply with CTS zoning, currently, because of their space needs. The reason for that is the vast majority of their spaces are not used five days a week. They're not for business purpose. They're not open to the public. Even this Council Chamber sits vacant probably 80 to 90% of the time, but it would

be in any calculation of CTS usage. What the Town needs is a zoning code that would be STS, Spiritual Town Serving.

These institutional spaces, as I've said, are inherently inefficient. Lots of communal space is used for only short periods of time and only for a short period of time. Religious institutions are inherently full service, religious, educational, and social.

I ask that the Council not be shortsighted by restricting any leg of this three-legged stool by arbitrarily reducing the size of required social or educational spaces in the proposed building. And I recommend approval, as well. Thank you.

PRESIDENT LINDSAY: Thank you. Go ahead, sir.

MR. INDURSKY: Thank you.

PRESIDENT LINDSAY: Name and address. Thank you.

MR. INDURSKY: Arthur Indursky, 200 Bradley Place. I didn't grow up in Palm Beach. I grew up in Brooklyn. I've happily lived here for the past 15 years with my wife. And the quality of life in Palm Beach is something that is very, very important to us.

I want to voice my strong objection to the variances and special exceptions that the synagogue is seeking. This application affects the lives of, roughly, a thousand people who live in the nine surrounding buildings, the

buildings that are near the synagogue, and perhaps another thousand or 15 people that live on the north end of Long Island, well north end of-- see my Brooklyn is coming back. North end of Palm Beach. It affects a lot of people and we have to take that seriously. We have a group of 700 members of the synagogue who all in favor of it and perhaps others, but it affects the lives of several times the number of people that belong to the synagogue.

The massive expansion will adversely affect the quality of life and the peaceful and tranquil lifestyle that we all seek to enjoy here in Palm Beach. To that end, this application should be denied forthwith.

We have traffic, traffic, and traffic. I endure the traffic, and many of us endure the traffic. Every day I come from a club on the north end and sit in traffic for 45 minutes to get home. It's a terrible situation. Okay? The traffic that exists on the north end is horrible. A massive expansion of the synagogue --

PRESIDENT LINDSAY: Please be polite to the speaker.

MR. INDURSKY: Thank you. A massive expansion of the synagogue would compound an already untenable situation.

A catering hall or a social hall, whatever they choose to call it, will bring a vast number of cars to the synagogue. And where are they going to park? The streets

were already congested. Parking on the street is not an option. Parking with neighboring businesses who apparently have afforded some opportunity to park there, we haven't seen anything in writing. And to be effective, they must be in perpetuity. And I venture to say no real estate owner would encumber this property with a perpetual parking to -- or perpetual easement for parking. In the evening --

PRESIDENT LINDSAY: Try to wrap it up, sir. You're over --

MR. INDURSKY: Some people you've allowed to run over to five minutes. I'd appreciate a little bit more time and I'll try and wrap up and drop some of the points. Okay?

PRESIDENT LINDSAY: Yep.

MR. INDURSKY: An evening event of 200, 250 people will bring about 100 to 125 cars to the area all at the same time. It'll create a colossal traffic mess on the north end for the people who are leaving their homes to get to dinner.

We have the trade parade in the afternoon, and we will have the synagogue parade at night. We should not be forced to endure a synagogue parade at night. This is the beginning of an uncontrollable nightmare that we should not be exposed to.

And someone commented, I heard in the back about the afternoon, this is why there is an afternoon problem there. There are vehicles that will be coming to the synagogue in the afternoon delivering goods, delivering food, providing supplies for events that occurring at night. That will increase the traffic in the afternoon that is already a big problem. The synagogue should not have the right to do this, and the Town Council should not allow this.

This is not an attack on the Rabbi; not at all. It's an attack on his application. Okay? Our objections are supported by the facts. They're supported by the law. The application has no legal basis for approval, and it should be immediately denied. Thank you.

MR. SUSNOW: Next?

PRESIDENT LINDSAY: Okay.

MR. SUSNOW: Yes.

PRESIDENT LINDSAY: Without somebody on this side.

MR. SUSNOW: Yeah. My name is --

PRESIDENT LINDSAY: I know. Well, we're running very late, so please, we're going to limit you to three minutes because we've got a lot of people here who'd like to speak. Okay. Go ahead.

MR. SUSNOW: My name is Larry Susnow and I live at 156 Sunset Avenue, and I come here as an eyewitness to the

alleged claims of all this traffic created by the synagogue.

I can tell you that the only traffic I see is that 3:00 to 5:00 afternoon crush when the people who live on the a hundred block of Sunset try to get out of the street. It's an impossible job when two or three or four cars are waiting to get out. That's the only traffic jam. And that's not caused by the synagogue.

As an eyewitness, I can tell you that my wife and I can cross the street on a Saturday and Sunday, and we don't even have to wait for the light to change. We can cross on the red. I mean, there's hardly any claim to traffic on Saturday and Sunday when the synagogue is active. Those claims are made by people who are not eye witnessing the scene.

I've also watched this Palm Beach Synagogue hold their events in the evening, and I don't see traffic. And I've attended many of the events and I've walked past them. So that is not a problem.

And then I'm involved -- I'm co-partner with Rabbi Schneider in the founding of the Solomon Leadership Program, where I've been Executive Chairman, that's 10 years going now. And we attract students from juniors and seniors from high schools throughout the county, and they drive to the Solomon Leadership Program held in the Palm

Beach Synagogue.

These are diversified, multicultural students who earn three college credits for completing this course, and not one of them has complained about traffic at that hour, and they all come on time. So, I think my role as an eyewitness is the purpose of my presentation. Thank you.

PRESIDENT LINDSAY: Thank you. Go ahead.

MS. BANK: Hi, I'm Ellen Bank. I'm originally from New York. I live here in Palm Beach, 622 North Flagler Drive, Unit 404, 33401. And I want to say that what Rabbi Scheiner and his wife, Dinie Scheiner, have created here is extraordinary, as evidenced by all the people here and all their speeches.

I grew up a reformed Jew, and after October 7th, we saw, well, unfortunately, how a lot of people in this world felt about us. And the synagogues became even more important then because it brought a lot of us together.

When you evaluate this case, and I don't envy you, I know it's a difficult case, and you've been sitting here patiently and we appreciate it, you have to -- you want to look at the facts. The facts are this is an extraordinary place, and we should be allowed to expand. We should be allowed to continue Project Connect and have Bar Mitzvahs and Bat Mitzvahs in all the classes that are so important to the community.

You have the facts, you have your laws, you have your request for variances. It's not the same. You cannot compare a house of worship to the laws that you have here.

On behalf of all these people here, I request that you allow Palm Beach Synagogue the variances that they need. The architecture is beautiful. You know that the traffic is not at the time when there is high traffic.

And when you take a moment before you issue your decision, do me a favor, think about it and say, what has the ring of truth here? Are the laws that matter, or is the house of worship, the people that are involved, the other houses of worship that came to speak for everyone? Thank you.

PRESIDENT LINDSAY: Thank you. Go ahead, sir. Go ahead, sir.

MR. POSNER: Good morning. My name is Rob Posner. I live at 230 North Ocean. And thank you, Town Council, for allowing me to talk today. It's an honor for me to represent -- to be here to be part of the representation and to be a proud member of Palm Beach Synagogue and be able to go to service and observe there with Rabbi Scheiner.

My wife, Zain, and I live with our children, like I said, at 230 North Ocean. We walk to synagogue on

1 Saturday and our daughter, Emma, attended the Hebrew
2 School. The synagogue has given my family a feeling of
3 community and a sanctuary in which to practice our faith.
4 I work at New Day USA, which is a company that
5 serves our nation's veterans and service members. Our
6 veterans and service members defend our country to protect
7 the religious freedoms that we enjoy.
8 As you walk into Walter Reed Hospital, there is a
9 sign that reads, the price of freedom is not free. The
10 men and women who are buried at Arlington Cemetery gave
11 their life so all Americans can enjoy the freedom of
12 religion to practice their faith with their family.
13 This community should continue to come together
14 under the example of these religious leaders and the faith
15 that they have shown us today.
16 Leadership is not one of the most important things.
17 It's everything. And I would like to pray for the Mayor
18 and the Councilmembers to help us to make the right
19 decision so we can avoid the negative publicity that will
20 ensue if this matter is not resolved, which will not
21 benefit the City of Palm Beach or its residence. Thank
22 you very much.
23 PRESIDENT LINDSAY: Thank you. Go ahead.
24 MS. HINES: Hello, I'm Barbara Hines, 210 Miraflores
25 Drive. I'm in the north of the island and I came four

1 years ago so I could walk to synagogue.
2 Everything has been pretty much said here today, so
3 I don't want to take a lot of your time except to ask that
4 you let us be comfortable because we are squished
5 together, like sardines in a can, which is a great thing
6 for our community and speaks for the Scheiner family who
7 make everybody so welcome and all the wonderful programs
8 they offer for the Jewish community here.
9 And we ask that you allow us to be comfortable and
10 not create a ghetto where we're wall-to-wall people and
11 some of us can't even stay for lunch because there just
12 isn't any more room. So that's all I have to say and
13 thank you very much for your consideration.
14 PRESIDENT LINDSAY: Thank you. Go ahead, sir.
15 MR. LIS: My name is Harry Lis. I live in 695 South
16 County Road. We have a family with four kids. We moved
17 here like six, seven years ago. My kids attended school
18 over here and Palm Beach Synagogue, Day School too, but
19 Palm Beach Synagogue is our religious home.
20 I didn't prepare any speech and I wasn't ready to
21 speak, but when I overheard it, I had the urgency to
22 speak. So sorry if I haven't prepared it.
23 But I attended all the meetings, the ones last year,
24 then the architectural meeting in the last -- and in my
25 profession, real estate or whatever it is, you see the

1 arguments, the pro and the cons.
2 So, the first time we're saying, wait a second, we
3 have the parking, we have the variances, we have all of
4 that. And it says, wait a second, but we can't serve the
5 members, they're not here yet. They come only after
6 winter break.
7 So as far as I know, they had a meeting with both
8 sides. The Sun & Surf, explained all the reasonings.
9 Okay. Then we had meetings, we heard, but I think from my
10 point of view is very profound analysis of the parking. I
11 can witness it myself. And so I only question --
12 And by the way, my daughter, Sael (phonetic),
13 attended the Solomon Program, she thrived. It's a program
14 where a young girl learns how to be a better person, how
15 to be business ethics, et cetera.
16 So, I have a simple question. The question is, and
17 I don't want to be provocative, okay? My question is,
18 what is the motive? Because if someone explains
19 everything, what is right and what is wrong, I have to ask
20 what is the motive for people opposing it?
21 I have a question because -- this one gentleman in a
22 blue sweater, so I didn't know the name, nobody of the
23 opposition, and we don't go by clap or by stamp, but
24 nobody came here besides their lawyer, okay, and making
25 the case against that project. Okay? It's a fair -- and

1 I heard from a couple people in the same buildings, which
2 are pro for the synagogue.
3 So, all I have to say, I think should approve it,
4 and should have courage. And unfortunately, it's too long
5 of an audience here to say it, but we have something else.
6 We have a serious security issue, okay?
7 I'm coming back from Europe where the country
8 founded it bulletproof protection for our house,
9 bulletproof for the glass. We don't have to pay for
10 police to stand outside, not in France, nor in Germany,
11 nor in New York City.
12 We have a building which is valid. I don't want to
13 mix, God forbid something happens there, which we all
14 profound and doing with the new building as soon as
15 possible.
16 And the last question was always said that they're
17 big, they had to go on a diet. Okay?
18 PRESIDENT LINDSAY: Sir, try to wrap it up.
19 MR. LIS: Okay. Yes, it's my last point. Sorry.
20 PRESIDENT LINDSAY: Thank you.
21 MR. LIS: Sorry.
22 PRESIDENT LINDSAY: It's all right.
23 MR. LIS: And the last point is building a diet.
24 And when the architect made this line and said, we all
25 from the site, and that thing, and the parameters of

allowing it.

So, the big is more in the eye, maybe the beauty of it, but I think it shouldn't be an argument against the synagogue. I would hope, really, that you approve the project. Thank you very much.

PRESIDENT LINDSAY: Thank you.

MS. LAVIN: Good afternoon. Excuse me. My name is Joy Lavin and I'm a very proud member of Palm Beach Synagogue. I'm here to speak on behalf of Gail Marks who resides at 2252 Ibis Isle Road West, as she is enjoying the slopes in Aspen at the moment.

Good afternoon. I am Gail Marks and my family, and I have proudly called Palm Beach Home since 2016. As active members of the Palm Beach Synagogue, I'd like to share with you why our community deserves your support.

Remember the story of the little engine that could, that determined little train faced challenges, but persevered, delivering joy across the landscape. Similarly, Palm Beach Synagogue embodies resilience and a commitment to spreading kindness and light throughout our community. I think I can could easily be Palm Beach Synagogue's tagline.

Under the leadership of Rabbi Scheiner and Rebbetzin Dinie, our synagogue genuinely welcomes everyone regardless of their background. Beyond our weekly Sabbath

services, we offer classes and volunteer opportunities that reach out to the broader community, emphasizing education and lifelong learning.

I personally engage with two impactful programs, Project Connect, which supports children with special needs and adults, I might add; children with special needs, children and adults on the island, and the Solomon Program, which pairs high school students with mentors to cultivate leadership skills. These initiatives reflect our commitment to serving all residents of Palm Beach with dignity and respect.

However, our current space is limited and does not meet the needs of our community. We have a unique opportunity to enhance our facilities and further our mission, providing even more support and compassion in a world that increasingly calls for it.

Palm Beach Synagogue is more than a place of worship. It serves as a hub for connection and community support. In the post October 7th world, Palm Beach Synagogue serves as an oasis of morality, positivity, and goodness.

I encourage you to visit us and see firsthand the impact of our synagogue. Your understanding and support for our proposed remodel can help us continue to foster kindness and empathy in Palm Beach. Together we can

embody the spirit of, I think I can, and work towards a brighter future for all. Thank you.

PRESIDENT LINDSAY: Thank you. Okay, sir.

MR. FEINBERG: I'm Daniel Feinberg. I reside at 100 Sunrise Avenue, the Sun & Surf, Apartment 616 and 618. I appreciate the time you're giving me, Madam President and Councilmembers.

I have a unique standing here because we're not only owners of two units at the Sun & Surf, 100 Sunrise, but as well, we have represent about 5% of the 150 students because I'm the proud father of seven daughters, all of whom are enrolled in this wonderful Hebrew School. Not only are they enrolled in the Hebrew school, but they also attend services, thank God, on Saturday mornings. So, I represent 5% of that consortium.

As far as the other so-called consortium of the Sun & Surf, I want to echo the comment that was made, previously, that I was never asked. Even though our family has been there since I believe 1977, when my grandparents bought the first of the two units, we were never asked our opinion on this matter before a so-called consortium represented themselves as if they represent me.

I also have in my hands a letter from Mark Moler, who is another unit holder and a quite renowned aviation attorney who is involved in 911 cases. He's a member of

Palm Beach Synagogue who strongly supports it. If I have time, I'll read his letter this proposition. And he's an owner at the Sun & Surf. So, I would like to say that as a member of the Sun & Surf, we support wholeheartedly this proposition.

And now going on to my role as the father of the seven girls, first of all, we walked to synagogue, so we are not contributing to multiple traffic to get the seven girls there. We even walk there on Sunday mornings, as well.

Second of all, I want to quote Ruth Weiss, Professor Ruth Weiss of Harvard University. I went to Harvard University, and she was one of the famous professors there. She was here recently, and she spoke at the synagogue, and she said something very, I think, poignant. And she said, thank you to Rabbi Scheiner and his wife, Dinie Scheiner, for turning a resort into a community.

Because when I grew up, my grandparents, I believe, bought it when I was four years old, this unit in the '70s, we would come here from New York to visit my grandparents. It was just a vacation. And as I got older, because of this synagogue, it became a home for us. And now my family lives at the Sun & Surf where my grandparents once lived. And we are proudly involving our children there. My daughter, who's turning 12 has her Bar

1 Mitzvah scheduled from March 23rd at the Palm Beach
2 Synagogue. So, it's completely true that this has become
3 from a resort into a community.
4 But unfortunately, and this is my main point, this
5 community has outgrown the building to the point where my
6 family we used to -- a big part of the Jewish service is
7 not just the prayer service, but the speeches and lunch
8 that occur right after the prayer service. We used to
9 attend but to have my father and my wife and myself, plus
10 our seven children, we're 10 people, we can no longer fit
11 into the room.
12 So, the Rabbi's wife, kindly sets up tables for us
13 in the hallway because we can't fit into the main room,
14 but then we can no longer hear the talks. So it's almost
15 -- and lately, like last week, we didn't even go because
16 we just went home right after services because there's
17 just no way for our family to fit unless we do what I call
18 the airplane approach, which often happens to us where one
19 of my 3-year-old is seated randomly at a seat very far
20 away from us.
21 PRESIDENT LINDSAY: Try to wrap it up, sir. You're
22 over your three.
23 MR. FEINBERG: The only way we can get in there is
24 if we literally put like two of my kids at one table and
25 three at another table. And it's not a community, it's

1 not a family meal. So that's why we've given up on that.
2 My father, who unfortunately is now in a wheelchair,
3 it's very hard for him to fit into the sanctuary. It's
4 hard for him to get his seat. There's standing room only,
5 it's a wall to get in at the end of the services.
6 So, I do think it would be very appropriate,
7 beneficial to this growing community to allow us to expand
8 the social hall and a reasonable expansion to the
9 sanctuary to allow for families like myself's, and others
10 to continue to attend this wonderful synagogue. Thank
11 you, ma'am.
12 PRESIDENT LINDSAY: Thank you very much.
13 MR. MEIN: Ladies and gentlemen, good afternoon. My
14 name is Nuri Mein. I live in Lake Worth, 3810 Via
15 Poinciana, Condo 207, Lake Worth, Florida. Actually, I'm
16 a snowbird here.
17 I am here only four months, and probably, you know,
18 and each one of you, you know about Scheiner and Rebbetzin
19 Scheiner, they are the artery of Palm Beach Jewish
20 community. Why I would say that, he is, plus the
21 Rebbetzin, the founder and the builder of Palm Beach
22 Synagogue. Without Rabbi Scheiner and Rebbetzin Scheiner,
23 I say Rebbetzin Scheiner before, this community and Palm
24 Beach Synagogue would not be exist because it take a lot
25 of effort and hard work over the years.

1 I know the synagogue established almost 31 years
2 ago, and I start coming to Palm Beach Synagogue in 2004
3 with warm welcome from the Rabbi and the Rebbetzin. Palm
4 Beach Synagogue is not the issue whether they have permit
5 or they don't have, but what the things I cannot digest
6 it, and the things myself and my wife lost a lot of sleep
7 since last Shabbat because really, from my experience and
8 been through many synagogue in Europe, and Israel, and New
9 York, Baltimore, I never heard that is some proposal come
10 from whether synagogue, whether mosque, whether church, it
11 doesn't matter, and get rejected.
12 This is not a profit -- not a profit organization,
13 not a business, not open to make money or whatever. It
14 doesn't make any logical sense that is no matter what
15 synagogue come with for good cause, for worship, for place
16 to bring most of the Palm Beach member and other to join,
17 to get connected, to help each other. What could be any
18 better in life, especially this country and all over what
19 is going on? Really, it doesn't -- I don't understand how
20 that can be accepted. Good example --
21 PRESIDENT LINDSAY: Kind of wrap it up, sir. You're
22 at your three minutes. Thank you.
23 MR. MEIN: Yeah. The things is really when you
24 leave, each one of you, sometimes you could make a mistake
25 intentionally or innocently, but most of the time maybe

1 innocently, but you want to leave here, each one of you,
2 with no guilt, conscious, no regret, no feeling sorry.
3 Because when you make a judgment, sometimes could happen
4 mistakenly, but it's going to irritate you inside. It's
5 going to bother you because for what you have done, not
6 intentionally, maybe, innocently.
7 So, all I'm asking each one of you to rule to the
8 benefit of Palm Beach Synagogue. They deserve more than
9 that. And really, it is the most disappointed situation
10 going through now it's Rabbi Scheiner and never think that
11 would happen. And he built a good com --
12 PRESIDENT LINDSAY: Thank you, sir. Can you wrap it
13 up, please?
14 MR. MEIN: Yes. He built good communication, well
15 known in Palm Beach, not only in Palm Beach, and all over
16 the United States. And really he doesn't deserve to be
17 like that. Thank you.
18 PRESIDENT LINDSAY: Thank you. Go ahead, ma'am.
19 MS. GOODMAN: My name is Cynthia Goodman, and I
20 reside at 3475 South Ocean in Palm Beach. And I'm also a
21 really very appreciative member of Palm Beach Synagogue.
22 But I'm up here today to read a letter that was
23 written by my daughter, Dara Cooper, who couldn't be here
24 today, but who resides at the Sun & Surf and is a strong
25 proponent of Rabbi Scheiner's plans.

Dara writes, I was appalled to learn of the resistance to the proposed Palm Beach Synagogue beautification plans by other owners at Sun & Surf. I cannot imagine how increased membership and activities would do anything other than enhance the quality of life in the immediate neighborhood, as well as benefit the entire community.

The restrictions my fellow Sun & Surf owners want to impose are particularly egregious at this time when antisemitism is rising. The proposed activities would contribute not only to the Palm Beach Synagogue membership, but also to many other Palm Beach residents. Successful programming might mean increased visitation and traffic, but this is no different than what occurs on Worth Avenue and Royal Poinciana Plaza.

However, this increase is indicative of a vibrant, dynamic and contributory community that makes a difference, not only to Palm Beach, but also to all the communities where members may spend part of the year. Limiting the number of children who can attend a Sunday school, or limiting the number of Bar and Bat Mitzvahs that can be held each year, not only violates the basic tenants of the Torah, but also of our free American society.

The right to worship and the right to education

count among the basic tenants of American life. And I am outraged that some of my fellow condo owners want to take away these inalienable rights from the Palm Beach Synagogue. I respectfully ask those members at Sun & Surf who are leading this outrageous act as well as the Town Council to consider my request. Thank you.

PRESIDENT LINDSAY: Thank you. Go ahead, sir.

MR. SIMONSON: Thank you. I'm Beryl Simonson. My wife and I live at 130 Sunrise Avenue, Apartment 219. We're full-time Palm Beach residents and I'm also President of the Sun & Surf 130 Association.

I'm here pretty much today to fulfill my responsibilities as President of my building, as a part of my neighborhood and what is best for the Town.

Nobody -- none of the opponents that I'm aware of have anything negative to say about Palm Beach Synagogue and the wonderful programs that it does. What we're concerned about coincides pretty much with the staff report, parking, traffic, too much building, too much program on too small a site.

The comment made earlier in error about the Paramount would actually be a perfect solution to this problem because of the synagogue who has untold sums of money could buy the Paramount and they would have no problem with all of their program, size, parking, et

cetera, and the Town would take care of getting that building rehabilitated and properly cared for. I know it was made in error and not in gist, but in error, but it would be a wonderful solution to all of our problems today.

People keep talking about Friday night and Saturday morning. That's really not the heart of the traffic problems. Friday night and Saturday morning are not terrible. It's Monday through Thursday when the Town -- when the synagogue holds many events, some large, some not as large, and there's terrible traffic getting back to or out of our apartments.

We're concerned about maintaining our neighborhood. Many of the objectors live in the Town, in the neighborhood, and it's wonderful that the synagogue draws people from north, south, all over. But we're concerned about maintaining our neighborhood and our quality of life.

We think the proposal as presented should be rejected and should be redone to pick up the best points of it and fit in -- fit in the size of the property, deal with the traffic, and adjust the events so that they don't cause continual problems in the area.

And remember, when we talk about events, they offered to have events later. Remember, people come into

town an hour earlier to get there, to have dinner to congregate. So, you really have to look at the range of times when these events are being held.

And the under 250 events can propose as much traffic as the over 250 events. So, we ask you to -- we ask you to have this proposal rethought. Thank you.

PRESIDENT LINDSAY: Thank you. Okay. Sir, go ahead.

MR. KEMPIN: Dear Town Members, my name is Jack (as stated) Kempin. I reside at 311 Pendleton in Palm Beach. If traffic is the worst issue facing Palm Beach, I think we should count our blessings.

Seriously, some towns struggle with extensive wildfires and here we are debating how to survive a few minutes in traffic. That, my friends, should be a problem many should envy.

But take a closer look. The problem we're addressing today is far more significant. It's not a consequence of acts of nature, it's about choices we're making as a community, one that speaks to the very core of our values. We are here in a town celebrated for its pristine beaches and a lifestyle most people dream of, yet, somehow, we found ourselves debating on the occasional inconvenience of traffic is worse curtailing something as fundamental as religious freedom.

1 The U.S. Constitution speaks clearly. The First
2 Amendment protects the free exercise of religion,
3 restricting the number of religious events such as
4 weddings or Bar Mitzvahs, or limiting the number of
5 children attending religion schools -- religious school
6 directly interferes with the free exercise of religious
7 practices. So, I ask you plainly, are you above the
8 Constitution?
9 The equal protection clause for the 14th Amendment
10 prohibits the government from enacting laws that
11 discriminate against specific groups, including religious
12 groups. Does the Town of Palm Beach wish to be remembered
13 as the place that discriminates against its Jewish
14 community, or any other religious community as a matter?
15 And what does the history tell us about religious
16 rights? History has not been keen to those who attempt to
17 sideline religious freedoms. Let me remind you of a few
18 key examples where the Courts have addressed similar
19 issues.
20 In one instance, the City of Hialeah attempted to
21 restrict religious practices under the guise of zoning
22 laws. The Supreme Court, unanimously, rejected this
23 approach, making it clear you cannot disguise
24 discrimination with bureaucracy. And let's be honest,
25 what are these so-called traffic complaints feel like?

1 Disguised discomfort.
2 In another case, the Village of Mamaroneck tried to
3 block the expansion of a religious school citing, yes, you
4 guessed it. Traffic concerns. The Court friendly ruled
5 that traffic was not a valid excuse to infringe on
6 religious practices.
7 There was also a situation where a church sought to
8 expand its facility to accommodate a growing congregation,
9 but the city of San Leandro denied the request citing
10 traffic and zoning concerns. The Court ruled in favor of
11 the church recognizing that denying the expansion imposed
12 a substantial burden of the free exercise of religion.
13 The decision emphasized that an increase in worshipers is
14 not a nuisance, but a testament of the vitality of the
15 religious community.
16 Let's not forget, growth in worshipers is not a
17 problem to be solved, it's a celebration of faith that
18 deserves protection under the law.
19 UNKNOWN SPEAKER: Yes.
20 MR. KEMPIN: I invite the Town Council to make the
21 right decisions for today and remove limitations you put
22 on our congregation. After all, traffic clears, but the
23 consequences of eroding religious freedoms, those linger
24 far longer. Thank you.
25 UNKNOWN SPEAKER: Yes.

1 PRESIDENT LINDSAY: Thank you. Okay, go ahead sir.
2 MR. MILLER: My name is Richard Miller. I live at
3 100 Sunrise Avenue at the Sun & Surf. And like all of
4 you, I'm one of the very few fortunate people to be living
5 in the prettiest and safest town in all of America.
6 So, about six weeks ago or so when I got an email
7 from my board president telling me that the tranquility of
8 my wonderful paradise is about to change forever, I was
9 very concerned and I was very upset that masses of people,
10 cars, parking, traffic jams, are going to occur in my
11 neighborhood because the synagogue is developing a project
12 that's going to mess up the whole town.
13 But I did something that almost -- that very few of
14 the people who received these emails did and I went to the
15 synagogue to find out what the story was. And I can tell
16 you that not only was everything that was said in those
17 emails, and there were six subsequent emails after that
18 telling me the same thing over and over again, pounding it
19 into my head and pounding it into the people living in my
20 building, but, that what they said was not only
21 exaggeration, but was outright lies because no such
22 problem exists.
23 First of all, what the project is doing is trying to
24 facilitate the ease and comfort of operating with its
25 present community, which is very, very overcrowded. And

1 that over crowdedness is not just in the synagogue because
2 -- not just in the sanctuary, because the synagogue is not
3 just a place to pray, it's a way of life. It's where
4 people go to enhance their lives, to facilitate the
5 direction of their families.
6 They go there for guidance, they go there to learn.
7 They go there for lectures; they send their kids to school
8 there. They go for advice, for clarity. They have
9 programs, whether it's to sew or to learn Torah, or to
10 learn how to cook. All these things happen in the
11 synagogue complex, and that's what makes it a community.
12 Not just coming on a Saturday and going to pray, that
13 doesn't make it the community. That just gives them a
14 little bit of a connection with their God. So, the
15 expansion that they're talking about is to make that
16 easier.
17 Now, I've been to the synagogue, but I've never been
18 upstairs throughout the complex and I was appalled to see
19 what the place looked like. I mean, people, you know, the
20 children, as you already heard are learning on the floors,
21 but the Rabbis have to share offices. If somebody wants
22 to go and talk to somebody, they don't really have any
23 privacy. Rabbi Scheiner himself has to share his office
24 with other people. The place is a little bit of a mess.
25 The social hall is very, very small. Anybody who's

been there for a dinner, like a Seder or something, knows that tables for eight are seating 12 people. That chairs are on top of each other. If you have to get up and go to the bathroom, you have to have four people move so you can get out of your chair. It doesn't -- it doesn't provide for the people who already existed.

So, doubling the size only makes it the proper size for those people to be able to enjoy a meal and enjoy a religious dinner. It doesn't really have a kitchen. The kitchen is a dump. It's teeny, it's not usable. Trucks have to come in and bring the food. Nothing is cooked on the premises. And now they want to make a kitchen. Well, if you want to make a kosher kitchen, it's a big kitchen. Because kitchen -- a kosher kitchen has to separate dairy and meat. So, you have to have two stoves and three refrigerators and two sinks, and blah, blah, blah, blah.

PRESIDENT LINDSAY: Try to wrap it up.

MR. MILLER: I'm going to wrap it up right now. Okay, now we're going to go. Okay.

So, here's the main thing is that I find it very, very sad that we're all here debating the validity of something that is so good that only tries to do more good and make it easier for people to enjoy.

We live in a time when religion is on the decline, but here we have people being more interested in

religions, they want to get a new religious connection. And the facilities in which they seek that connection is an important part of their journey, because they're not comfortable in a crowd if they have to stand up, all these types of things, they can't see a Rabbi because he's too busy or because those officers are taken or things like that. Then it dissuades them from enjoying that facility. So --

And the synagogue and this Rabbi are known renowned throughout America as a beacon of all the good and importance that religion represents. So, we should not be trying to compromise this project, we should be encouraging it.

And one last thing in conjunction with the gentleman before saying about our rights as American citizens. The freedom to choose how we wish to worship is the right as we know of every American citizen, but it's also the duty of every governing body to facilitate that right. The law of the land and the rights of every man and every woman supersede any ordinance. Thank you.

PRESIDENT LINDSAY: Thank you. Okay. Go ahead.

MS. WAGNER: Hi, my name is Debra Wagner and I live at 491 Saturn Lane. And it's very hard for me to come up here and talk to you.

Rabbi Scheiner and Dinie have worked for 31 years to

bring where we are today. If you look at Rabbi Scheiner's eyes, you'll reach into his soul. And I ask you all, as I'm looking at every single one of you, to look into his eyes. Because every time I see him give a speech or in the services, I look at him and I'm from a distance. I sit way in back and I can see him. I feel him. And I'm asking you all to reach out to him and see what he's done for our community.

Our synagogue is my second home, and I'm sure everybody that's here feels the same way. There isn't enough they wouldn't do for any of us. The restaurant that the synagogue has purchased, we all helped buy, it was something we did as a community because we wanted it, and we needed it. And I'm asking you all to please give us the permission to have what we need.

I can't say anymore, but they have worked so hard for us and for Palm Beach. This is the only synagogue we have on the island that's Orthodox. It's a part -- my children are Orthodox, and they need this.

When they come to visit with me, they stay at the Breakers, and they're able to walk to Shul. I don't know if you all can understand what I'm trying to say, but it's very important to my family. Yes, I drive, but my children have taken their religion an extra step and have -- are -- want to be in keeping Shabbats, and it's very

important and they wouldn't have it any other way.

So, I ask you all, please reach out, do the right thing. I'm looking at you all. Please do the right thing and give us what we need. Thank you very much for your time. Thank you.

PRESIDENT LINDSAY: Thank you. Go ahead, sir.

SENATOR BERNARD: Good afternoon. My name is State Senator Mack Bernard, 910 39th Court, West Palm Beach, Florida. Wow. I was in Tallahassee last night so, I flew here today to be at this meeting, and I'm flying back tonight to go back to Tallahassee because this issue is so important to me being the new State Senator that represent this area. And I am here in support of the synagogue, in the expansion of the synagogue.

PRESIDENT LINDSAY: Okay. Thank you. We know.

SENATOR BERNARD: You know, I've had the chance to attend the Town Hall that was at the Sun & Surf on December 19th. And also, I did go to the synagogue last week to get a tour of it so I can get a chance to see the sanctuary, you know, the educational facility. So that's the reason why I decided that I wanted to speak today.

I remember when I was a County Commissioner, you know, we had to vote on a new synagogue in Century Village, and there were so many members of the public who were here in support, and in opposition. And it was just,

like, so hard, because, you know, we, as a commission, we sent the applicant back to modify their project. And when they came back to us, yes, they did a sort of a diet, but I know for me, at the end of the day, I felt like it was important that to not compromise what we wanted to get done for the synagogue.

And so, what I'm really asking you today is, even though, you know, you've got great staff that said that, hey, we wanted them to go back and get a diet, you know, meet with the neighbors, and then go back to the landmark, but it's very important for you to make a decision based on having more clarity. And I believe that the people who are here, they support the synagogue, and there are members who have questions in regards to the quality of life and the Town parking.

But at the end of the day, you've got the best staff members who will make decisions, who can give you all the rules, but, however, the people voted for you as their leader. And what I'm hoping that you do is to make a decision and vote to support this synagogue. And not only support the synagogue, but if there are issues in regards to the use of the synagogue, you have the Declaration of Use Agreement that you have the best staff that can work with the applicant to try to accomplish the goal.

But at the end of the day, please have more clarity.

Do not hinder religious freedom. Do not hinder the education opportunities for these residents and also the social aspect of this project.

So, I know that they've come back with a diet, but I know me, if I was voting on this project, I would vote for it as is so, in that way that, you know, yes, you've reduced it by 4,000 square footage --

PRESIDENT LINDSAY: Try to wrap it up, Senator, please.

SENATOR BERNARD: I'm sorry. Yes, you reduce it by 4,000 square footage, but you know what, you're just hindering the Rabbis in the future. So please support this project. Thank you.

UNKNOWN SPEAKER: Oh, wonderful.

PRESIDENT LINDSAY: I don't know, Julie, should we just finish? Go ahead. Yeah. Go ahead.

MS. KLEIN: Okay. Dear Mayor and Town Council members, my name is Michelle Levbarg Klein Raden (phonetic), and my address is 1060 North Ocean Boulevard. Most of you know me as Marty Klein's daughter, but I'm here today in my own right to share my heartfelt support for Palm Beach Synagogue's Beautification Project.

As a very active member of the Synagogue's Young Jewish Professionals Group, I can, personally, attest to the fact that this project will vastly improve the

synagogue's ability to serve our community and enhance the overall quality of life for Palm Beach residents.

Since joining the synagogue years ago, it has become the cornerstone of our life here in Palm Beach. My husband attends services at least three times a week. I join him almost every Saturday. We attend YJP, Young Jewish Professional events multiple times a month, celebrate all our holidays at PBS and have met almost every single one of our friends in town through the synagogue network.

Our friends and family in New York and London are awestruck when we tell them how engaging our synagogue is or show them photographs of the unbelievable events that PBS puts on. I know there's been some discussion of the calendar today as something negative. The calendar is a source of immense pride for us. I have never been a part of a synagogue like this before. The caliber of the programming, and the energy of the community is like nothing any of us have found elsewhere.

Rabbi Scheiner is an inspiring leader who bolstered by his family, and the full-time staff of PBS has created the most remarkable synagogue I have ever had the privilege of belonging to. The fact that my husband, myself, and my parents, who all approach our religion with varying levels of observance, feel welcomed and at home at

Palm Beach Synagogue is nothing short of a miracle. And I owe a major debt of gratitude to the synagogue for creating this most magical environment for us.

The only challenge we face is that the community has outgrown its physical home. We are truly at capacity. And while I understand that the Town often approaches any plans for expansion with trepidation, I'm confident that Palm Beach Synagogue has, in its typical fashion, thoughtfully and intentionally, planned this project to the utmost of its abilities to serve our congregation's needs while maintaining respect for the character of our town and addressing concerns from our neighbors.

Synagogue leadership has poured their heart and soul into this project. Every detail has been meticulously planned and will, with your approval, be executed to an astonishingly high degree just as everything the Palm Beach Synagogue always is.

Hopefully, it goes without saying that this past year has been one of the most challenging years of the Jewish people globally in generations. The horrors of October 7th unleashed a resurgence of antisemitism across America that I never thought I would experience in my lifetime.

Throughout these unprecedented and challenging times when Jews in the diaspora are feeling overwhelmingly

1 isolated, Palm Beach Synagogue has gone above and beyond
2 to create a vibrant home where Jews in our town can
3 connect to their faith, their heritage, and one another.
4 It is impossible for a speech to fully explain the
5 positive impact that this community has had in my life,
6 and the lives of all my friends and family.
7 If the vision for the Town of Palm Beach is to
8 promote an exceptional quality of life for current and
9 future generations, no institution in town embodies these
10 characteristics better than Palm Beach Synagogue.
11 The Town of Palm Beach is without a doubt, an
12 exceptional place to call home. And Palm Beach Synagogue
13 is a treasure in the jewel box of our town. It is a
14 beacon of light in our community, and particularly in
15 these dark times, all residents of Palm Beach, regardless
16 of religious beliefs, should take pride in having a world
17 class synagogue in our town.
18 I wholeheartedly endorse this project and hope
19 you'll see the benefits of supporting it as well.
20 UNKNOWN SPEAKER: Yes. Yes.
21 MS. KLEIN: Thank you.
22 PRESIDENT LINDSAY: Thank you. Go ahead, sir.
23 MR. SPATT: Good, I guess afternoon now.
24 PRESIDENT LINDSAY: Yeah, well into it.
25 MR. SPATT: My name is Robert Spatt, and with my

1 wife, Lisa, I live at 150 North Ocean Boulevard here in
2 Palm Beach, and I am the President of that condominium.
3 And I am a member of the consortium, as it is called, or
4 the President's Council.
5 I am here to speak in opposition of the project, not
6 because I do not have the highest respect for Rabbi
7 Scheiner. He is terrific. And the fact that he has
8 brought so many of his congregants here to spend this day
9 with us to speak so highly is a measure of how charismatic
10 he is, what a great leader he is, and how terrific the
11 Palm Beach Synagogue is.
12 This is not about a question of how terrific the
13 Palm Beach Synagogue is. This is about whether or not an
14 expansion plan is too big, whether or not it violates Town
15 laws. You are not a religious council. You are a Town
16 Council here to decide whether those laws can be and
17 should be enforced, and whether or not these exceptions
18 are proper to be granted.
19 I have no doubt that everything that has been said
20 by all of these folks who are members of the synagogue are
21 absolutely right, that they need some expansion, they need
22 some renovation, they need more room. I also believe that
23 their architect is a brilliant guy. He did my apartment,
24 okay? They're great and I believe it's a beautiful
25 project. I think it's, unfortunately, in the wrong place

1 at this scale.
2 If this were sitting in West Palm Beach somewhere,
3 they could do everything they want to. But I believe
4 there is a level of work that can be done here that is
5 less than this, that can achieve what they need to achieve
6 and want to achieve.
7 This is -- no action you will take is against this
8 synagogue. Please, the people who are standing here
9 suggesting you are taking actions against the synagogue
10 are mischaracterizing this. You are merely here deciding
11 whether the synagogue, who has come to you to ask for
12 relief from the law, should be getting it. All right. I
13 would suggest that as stated, that's just not the case.
14 I agree Saturday, most of the day, Sunday most of
15 the day, is not the height of our traffic problem.
16 Parking, I'll tell you, on a beautiful Saturday or Sunday,
17 Sunrise, where I live, is packed with cars parked there.
18 So I'm not so sure where other people will park there.
19 But I was trapped in Amici's parking lot for over two and
20 a half hours, unable to get out one afternoon, when I
21 parked there, and Sunrise was backed up, and I couldn't
22 get out of the lot. And when I asked someone, well, why?
23 They said, oh, there's an event at the synagogue, and that
24 caused the problem.
25 So, the fact is you do get parking problems,

1 sometimes it is a contributing factor of what's going on
2 in the synagogue. We need to be cognizant of this. So, I
3 just -- let's not get into, it's not a constitutional
4 question, it's a facts and laws question. Thank you very
5 much.
6 PRESIDENT LINDSAY: Thank you. Okay. Keep going.
7 Go ahead, sir.
8 MR. KAMOR: Thank you. My name is Abraham Kamor. I
9 live at 13054 Redon Drive, Palm Beach Gardens, and I'm a
10 member of Palm Beach Synagogue. And I have a story to
11 tell you.
12 I'm the son of Holocaust survivors. I was born in a
13 displaced person's camp outside of Munich, Germany.
14 Shortly after the end of the war, my parents, my older
15 brother and I, we lived in that camp until 1949 while
16 waiting in hope to come to America. This is what my
17 parents dreamed of, to come to America.
18 In 1949 our prayers were answered, and America
19 welcomed us, and welcomed us with open arms. Our Judaism,
20 our faith, that's what sustained us as we found our way in
21 our adopted country.
22 Jewish upbringing and religious study were the most
23 important gifts our parents were able to provide, Sunday
24 school, Hebrew School, Sabbath services, Bar and Bat
25 Mitzvahs, et cetera. Simply put, Jewish life evolved

around the synagogue.

And now, 75 years after arriving to my adopted country, the same country that welcomed us without stretched hands, I find that there are those here today who wish to bind our hands and prevent us again from practicing our faith.

UNKNOWN SPEAKER: Yes.

MR. KAMOR: I hope that this Council understands the lessons of history, and that you be the collective voice of reason today, and allow Palm Beach Synagogue to be a synagogue, our synagogue, and not bind us with never before heard limitations and restrictions on practicing our faith, restrictions that have never been imposed on any other religious group, restrictions that destroy the fund -- the fundamental essence and purpose of a synagogue, and, for certain, destroy the fabric of what America represents.

As a son of Holocaust survivors, I see the world through a different lens, and it breaks my heart what I've witnessed both in the past and in the present, and especially why I'm here today and speaking.

When we were living in Germany, my parents were issued documents on behalf of the Central Committee of Liberated Jews in the U.S. Zone of Occupation in Germany. It was issued by the United States Armed Forces, and I

have my father's document with me. He carried it while we were living in the camps. And in this document it is written in three languages; Hebrew, German, and English.

And it reads, authorities are requested to extend every possible help to holder. Authorities are requested to extend every possible help to holder.

And who would imagine that 80 years later, after my father was liberated from Auschwitz, I would find myself in my parents' world of restrictions and quotas, and requesting of you, my fellow Americans, to extend every possibility to the holder.

I now, respectfully, ask that you stand on the right side of this historical moment for all of Palm Beach and summons your collective courage and your morality, and do what is just for Palm Beach Synagogue. Please help us. Help us move forward in time and not backward in darkness, please. Thank you.

PRESIDENT LINDSAY: Okay. Thank you. Please refrain from clapping. Go ahead, sir.

MR. LEVY: My name is Steven Levy. I live at 150 North Ocean Boulevard, Palm Beach. First, I want to thank the Mayor and the Council for their time and patience, which has been trying today.

I would like to focus on the traffic study that the Council hired, an independent traffic consultant, and

their analysis of a level of service in town. And when you read that data, the LS, level of service, was an F.

The intensity of this project is not going to mitigate that fact. It will exaggerate that fact. So, I wish you would consider that in this project. Thank you.

PRESIDENT LINDSAY: Thank you. Go ahead.

MS. HEYMAN: Hi, good afternoon. I'm Ronnie Heyman. I reside at the Biltmore, and I know some of you, and I want to thank you all for your service, and how much hard work goes into reading the materials and the codes. And I don't envy your jobs, and thank you for it.

I live at the Biltmore. I understand that my building is a part of the consortium that Mr. Eubanks alluded to. And just as there are residents at the Sun & Surf who have said that they were not consulted in this decision to oppose the Shul, our building joined, and I don't think anyone has conviction about opposition to this project.

We are right up the street from the Shul, but as one of the opposition speakers, himself, noted, the traffic in the afternoon during the week is untenable in the late afternoon, and we all suffer from that. But he, himself, who made the point, I think it was Mr. Simonson or Mr. Indursky, that this happens during the week and not Saturday and Sunday. And I, respectfully, suggest that we

are not contributors to that issue. This is not coming from the synagogue.

So, in a way, I understand and share everyone in the Town's outrage when the bridge is up, and when contractors are leaving the island, that it takes long to get from one place to another, but I think in this case we are pointing the finger at the wrong perpetrator of the issue. We are not contributors to that hardship.

And I agree with everything that has been said in support of the synagogue. I applaud the architect. And I must say that I don't take kindly to the suggestions of people that they know what we need, and they feel we could do it smaller. And they know that we have lots of money in the synagogue and could buy the Paramount property. I mean, that's just absurd. And thank you for your patience.

PRESIDENT LINDSAY: Thank you. Okay, go ahead sir.

MR. TARSH: My name's Simon Tarsh. I live at 130 Sunrise at the Sun & Surf, Apartment 504. I grew up in London, one of the great capitals of the world. And I will tell you that we have a declining Jewish community. When I grew up, there were more than 300,000. There are less than 200,000.

I moved to New York 18 years ago, I met my wife, and four years ago we moved to Palm Beach. And my wife and I,

she grew up in New Jersey, we were at different levels of observance, and we have been completely welcomed and joined by the leadership of Rabbi Scheiner, by Dinie, by all the other Rabbi, and by the community here at Palm Beach Synagogue.

I will talk about what matters. The fact that everybody's served, the children are served, my daughter's educated, and the people at Palm Beach Synagogue are, the children are educated and they're visible.

The young people are provided with events, leading events, lonely people, elderly, lonely people who are alone are reached out to. There are a meals sent, there are a gifts sent around Friday night around the holidays. There's leadership around Israel and all this in a community which is bursting at the seams.

You know, yes, people come at different times. At 9:30 when I come, and I walk, by the way, you know, it's easy to get a seat on a Saturday morning, but I will tell you that at 11 o'clock, it's not easy to get a seat.

To go to Kiddush, you know, it's hard. People leave the service early so that they can get a seat to sit with their families to eat. And I think all that's being asked is, please allow us to have a facility which is going to support not just today, but the growth and the sustainability of a community at a time which is

difficult.

The outreach on Israel is really important. We've all seen what's happened, and hopefully we have a deal with Hamas, and we have the release of the hostages, of 33 hostages today.

PRESIDENT LINDSAY: Wow.

MR. TARSH: And the support of Rabbi Scheiner around that is important.

So, my urge to the Council, and it's incumbent upon me to speak, I wasn't going to speak it's incumbent upon me to do so, is to please to ask you to provide the synagogue with the support and the facilities that it needs.

Remembering also, and I forgot to mention this, that this town is only busy half of the year. And on our busiest day of the holidays, the high holidays, we don't even have many of the people here because it's in the summer season. So, we're only talking about a part of the year, as well, when it's busy.

PRESIDENT LINDSAY: Okay. Thank you, sir. Go ahead.

MR. SHAPIRO: My name is Max Shapiro. I live on 29th Street in West Palm Beach. I've been coming to Palm Beach my entire life. My grandparents moved to Palm Beach in the late 1950s. They lived at the Palm Beach Towers,

now where my parents live.

And I would like to echo what others have said in the buildings that are part of the consortium. My parents, as residents of the Palm Beach Towers were never asked about their position on this issue for which they are, of course, in full support of the synagogue.

You all have a very heavy burden upon you. It is define -- to define what is the quality of life in Palm Beach and how should we, as a community, define it? Is it in the restaurants we have? Is it in the number of golf courses? Is it in the number of private dining clubs and country clubs? Or could the quality of life be defined in the number of institutions we have that when somebody walks in, they walk out a better person, a better citizen, and a better member of our community?

And as you've heard throughout today and over the course of this entire ordeal, the Palm Beach Synagogue is just that and so much more. The Palm Beach Synagogue is our quality of life. We live here in Palm Beach because of the Palm Beach Synagogue, and all that it gives to us. And now I think with your decision today, you'll answer the question, if we, this community, at this moment in time, are we worthy of such an institution? Thank you.

PRESIDENT LINDSAY: Thank You. Okay. Go ahead.

MS. O'NEILL: I thank you for having us here and

putting up with this late date and time. My name is Sharon O'Neill. I live in Cleveland, Ohio right now, but for 25 years I lived at 100 Worth Avenue, and I moved here from Michigan in 1954. So, I've spent my life running on the beaches and being here, but my life changed.

I'm a Jew by choice. I converted to Judaism 30 years ago, so I look at it from both angles. And some -- a part of me says that this is like first world problems that we're having, cars that take five more minutes to drive someplace. But the bigger problem -- the bigger problem that will be ours, at this defining moment if we choose to refuse Palm Beach Synagogue's growth that is miraculous, it will be a national story.

And the people that hate us and that have always hated us, will use this to build against us and point fingers at us and look, Jews against Jews. Why should we help them?

This is a very, very, very sad time for a Jew in America and in the world. They've chosen against us. They're picking us out. We have to have a armed guard at our door to come to temple. This is outrageous. It's a very sad time.

But for you, it's a pivotal time. Make a very important decision to allow spiritual growth in a community that yearns for it. Thank you very much.

PRESIDENT LINDSAY: Thank you. Go ahead.

MS. SEHAYIK: Good afternoon, and thank you for absolutely everything. My name is Shayna Sehayik. My address is 610 Clematis, Apartment 427, West Palm Beach, Florida, 33401. I'm a lawyer and I'm a teacher and a lifelong member of the Palm Beach Synagogue.

Today is about aha moments. What is an aha moment? It's when we see the hands of Hashem, when we see miracles.

Palm Beach Synagogue, like the Jewish people, is nothing short of a miracle. We're a miracle because we are victorious over and over and over again to the two threats to our existence, antisemitism on the one hand, and assimilation on the other. Two little A's, the letter A.

How do we do it? How are we victorious over and over again? It's because we have a humongous, capital letter H, right smack dab in the middle of those two little As. That big humongous H stands for Hashem.

Hashem is the master and manager of the universe. Hashem is within every single being, Jew or Gentile, black or white, man or woman. He is every human being's first, foremost, and forever friend and father, guide and guardian.

Therefore, as human beings, you are humbly and

respectfully requested today, to close your eyes, be still, and listen to the voice of Hashem within you.

The third eye, right smack dab between your two physical eyes will guide you, will guide you to hear the message of Hashem within you today, the big capital letter H for the aha moment. To be on the side of Hashem, to be on the side of goodness of miracles and vote a resounding yes for Palm Beach Synagogue. Thank you very much.

PRESIDENT LINDSAY: Thank you.

MS. STEEN: Hi, thank you. I wasn't planning to speak. My name is Stephanie Steen, 235 Sunrise, Unit 3207. I wholeheartedly support this project. I flew in from Canada last week and I was amazed to find out on Saturday that there was even opposition to this wonderful expansion project. I completely disagree with what the opposition has said, that this is a facts and laws issue. I think it's much, much more.

I want to just read the letter that I wrote to the Town Council. I don't know if you've read it or not.

I would like to write this email in support of the renovation project at the Palm Beach Synagogue. I bought a condo at the Palm Beach Synagogue in 2021, due to its proximity to the synagogue. And for religious reasons, I walk, and don't drive during religious holidays.

I have four children, two sets of twins who also

join me at events and during religious holidays at the Palm Beach Synagogue. I believe that the renovation project will enhance the synagogue and its appeal within the community.

For example, I have many non-Jewish friends who have participated and joined me during events at the synagogue. And it seems that all my friends want to participate and be part of this wonderful community. I believe this project will make the synagogue an even more integral part of the Palm Beach community for all of us.

Parking has never been an issue for me, my friends or my family, as we all walk to all the events. I strongly support this project, and I would be willing to participate, you know, in any additional questions. Thank you.

PRESIDENT LINDSAY: Thank you.

UNKNOWN SPEAKER: Thank you.

MR. GRINBERG: Hi, I'm Bob Grinberg. I'm at 130 Sun & Surf for 130 Sunrise. You know, I've heard a lot here today and I have to say that I don't hear anybody who's against what a great synagogue the Palm Beach Synagogue is. I'm of the Jewish faith. I grew up in Pittsburgh. I grew up with a lot of antisemitism as a young child. I'm very sensitive to it.

So, this issue is not about, and I don't hear it in

the room, anything about people with antisemitism. This issue is about quality of life in the Town of Palm Beach. And I am not against -- I think it's fab -- great architect, a nicely designed building, my main concerns is that traffic and parking in this community.

And I don't think anybody has an issue with the number of people that want to go to Friday night or Saturday morning services. That's not, I don't think that's of any great issue. I think that's fabulous. My concern is all the activities that the synagogue may have or will have during the week from Monday through Saturday afternoon, not Saturday evening.

And I rely on all of you and the Town Council. I have to tell you, I have a lot of respect and regard for the Town Council and staff. I've never been involved in small town politics, but I was involved in the Paramount issue and watched you, and I've watched you here. You're very impressive, and I know you listen and pay attention. And all I ask of you is to really think about how this could work, but how it won't affect our quality of life in the Town.

And I'm really concerned about the Monday to Friday. I don't understand the three events. Is it just events over 250? Is it unlimited number events from a hundred to 150? And I'm sure there's a way to put this all together

where it works. I don't know if I've heard it today.

But I appreciate what you do and I rely on you. And I just want to make sure that one of the reasons we all love the Town of Palm Beach is the quality of our life here, and that's become more difficult. And thank you so much for what you do.

PRESIDENT LINDSAY: Thank you.

UNKNOWN SPEAKER: Jerry?

PRESIDENT LINDSAY: Good morning. Good afternoon, I mean.

MR. ZARO: Good afternoon.

PRESIDENT LINDSAY: Past. It's even past our lunch break here.

MR. ZARO: My name is Jerry Zaro, and I'm the President of Sun & Surf 100 Building and the chair of the President's Council, which is the consortium of nine neighboring buildings. I'm also a proud member of the Palm Beach Synagogue.

I'd like to begin by applauding Rabbi Scheiner and the members of the entire Palm Beach Synagogue community and congregation for mobilizing in this way. We who, with a good heart, are in opposition. I tell you, I feel a little like a Yankee fan at Fenway Park today with the congregation's turnout.

You know, we've heard a lot of information today.

We've heard from lawyers, from neighbors, from experts, from staff. And when we find ourselves sometimes in a forest of facts and figures, codes and ordinances, and some of these emotional stories, it's often helpful to step back and ask, how did we get here and what is it we are trying to accomplish?

And I think we should remember that the initial impetus of the synagogue expansion was because the sanctuary where prayer and worship are conducted was too small, too cramped, and people were sitting on top of one another.

And we all agree that the area for prayer at the synagogue, the area for faith, as Reverend, Clergy, so beautifully articulated earlier, is the principle function of the house of worship, and we know it needs to be expanded. We support wholeheartedly that element of the application. And I might add that we also wholeheartedly support all of the wonderful programs that the synagogue has under its roof.

The problem is the roof is in the wrong location. And we've seen that the expansion, which is going to be of the synagogue portion, 4,100 feet, that leaves 87% of the building for these accessory uses.

Now, that really is a community center. And I think the testimony here today reveals that it's more a

community center than a house of worship. And a community center with a full daily calendar of events is a great idea, and it should be supported, but it should not be supported in this particular zone or this particular building.

They're wonderful programs, but they should be in a place which can comfortably accommodate them, that can comfortably accommodate their parking needs, and also, the elephant in the room, their future growth.

Rabbi Scheiner is probably the most successful Rabbi in achieving growth of his congregation that I've ever heard of, and I've been around the Jewish religion a long time. I think it would be foolish to think that that growth is going to stop now. Where will this continued growth be accommodated in the future? That's our concern, the geometric growth that this synagogue has achieved.

And let's face it, you can't govern by a declaration of use. Who among you is going to go out, and daily inspect and enforce whatever might be in a declaration of use?

Look, variances cannot just be given out to good people who do good works. You can't just toss out laws and rules for one really good group, because then you are going on to a slippery slope. Laws apply equally to all. That's the foundation of our society. And so, I say that

this Council must enforce the laws which are already in place, which protect our properties and our way of life.

Now, you've done so before. You've imposed a moratorium on new clubs, new bars, new restaurants, and we applaud you for that. And of course, you also did so by denying the variances and special exceptions so akin to these which were sought by the Paramount Theater to prevent an intensification of use and more traffic. And we applaud you for that as well.

But residents can and should reasonably expect the Council to honor and to enforce the zoning laws in place. As well intended as this application may be, it seeks to upend, to disregard, and to circumvent those protective laws by seeking these exceptions.

This is the very same conclusion reached by your own staff as outlined so clearly, so succinctly by Mr. Bergman. This Council has rejected this -- has recognized this when it rejected the synagogue's application on November 13, as being too massive and needing a diet. It's still overweight.

So, you must again deny this application and you must do so in keeping with law. You must do so because it is the right thing to do for the quality of life of the entire Palm Beach community. And I thank you very much for your time. Thank you.

PRESIDENT LINDSAY: Thank you. All right, go ahead. How are you?

MS. SCHEINER: Good afternoon. Good afternoon Town Councilmembers and all who are present here today. My name is Dinie Scheiner. I'm the wife of Rabbi Moshe Scheiner, Rebbetezin of the Palm Beach Synagogue and Director of the Synagogue's Hebrew School. I oversee many of the synagogue's programs, including women's events and education. I live at 180 Atlantic Avenue, Palm Beach, 33480.

I have lived in the Town of Palm Beach my entire adult life. Our six children and four grandchildren, thank God, were born and raised here. And I'm delighted that our two married daughters have chosen to continue calling Palm Beach their home. Our family has established deep roots in this community where they enjoy the beautiful childhood memories they want to create for their own children.

Honestly, I'm surprised that I'm standing here today defending a synagogue that has earned its reputation during the last 31 years as a stellar house of worship, a place that has a lasting impact on so many lives.

Our beautiful synagogue, often described as a jewel box, is renowned not only for its stunning architecture, but also for its welcoming atmosphere. It won the 2016

Faith and Forum Liturgical Architectural Award. Beyond its physical beauty, the synagogue is celebrated for its inner warmth, providing comfort, friendship, and a sense of community to people of all backgrounds, faiths, and affiliations, especially during these very challenging times.

We are a community that prioritizes connecting with all of our neighbors, Jewish and non-Jewish alike in friendship and solidarity. I believe we need to take a deep breath and broaden our perspective on what is truly vital for the strength and social fabric of our beloved Palm Beach community.

So, let's all just zoom out, please, for a moment. This beautiful synagogue is a place that enhances the town in so many ways. We are not an insular community, whether it is showing gratitude to our Town fire and police departments annually on 9/11, providing lunch for the workers during the construction of the Flagler Memorial Bridge, or donating a truck to a local homeless shelter, to collect gently used items for our neighbors in need, our community is well-intentioned and well-meaning, and enhances and infuses the very physical Town of Palm Beach with a place of spirituality.

Our Hebrew School provides Jewish education to the Palm Beach Day School's Jewish students. It teaches our

young the importance of values, morality, and ethics, and how to share our God-given gifts and talents with others.

One of our Hebrew School programs, Bubbie Buddies, connects our Sunday Hebrew School students with local home bound seniors, creating a bond of friendship and mentorship between the young and elderly. Last year, one of our students formed a relationship with the local Palm Beach Holocaust survivor, who recently passed away connecting them together as she was preparing for her Bat Mitzvah.

Palm Beach Synagogue is a multi-generational spiritual center where people come to learn and grow from the littlest Palm Beacher's with our mommy and me, to our senior circle.

The number of island residents who have joined the synagogue since October 7th is remarkable. We feel humbled to provide an emotional sanctuary for people to connect, feel protected, and find validation during this traumatic period for the Jewish community. Clearly there is a need for a place where Jewish people can worship safely and freely that wasn't always welcoming to us.

There's a concept in Judaism called tikkun olam, which means repairing the world. This is what we strive to do each and every day by elevating our community through acts of loving kindness. We look forward to

continuing to provide this community with an oasis, a place to come together in friendship and solidarity, and to spread good deeds for all residents in a place that we call our home.

I thank you for your time and look forward to enjoying a continued and lasting relationship with the Town Council as we have for the past 31 years. Thank you so much.

PRESIDENT LINDSAY: Thank you. Thank you.

MR. BERNSTEIN: Good afternoon, Madam Mayor, members of the Town Council, distinguished guest and speakers. My name is Ambassador Robin Bernstein. I live at 235 Sanford Avenue. I've been a resident of the Town of Palm Beach for close to 40 years. My children have grown up with yours and a lot of -- it is just a pleasure to be here today to address you.

I'm not going to reiterate a lot of the eloquent comments that were so beautifully spoken by the Rebbetezin, because I, as a mother and a new grandmother, I feel the same way. Our synagogue is a home for children, young adults, teenagers.

My children were Bat Mitzvahed at that temple. We've laughed together, we've cried together, we've celebrated together. There is no -- and I was so just moved by the standing together of our fellow temple, the

1 Rabbis from the temple, and as well as our brethren from
2 the Catholic and Christian churches.
3 I wanted to say that whether we like it or not, Palm
4 Beach will continue to grow, evolve, and hopefully
5 prosper. Because at least for the following four years,
6 we will indeed, continually, be looked at upon as the
7 center of the universe. That, in effect, has created
8 growth. It's created prosperity, and it also has created
9 a multitude of problems. But the most important one that
10 I want to focus on today is safety.
11 The world, as we know it, is becoming an incredibly
12 more unsafe place. And the design of the synagogue will
13 continue to enhance our safety, where we can pray in
14 peace, the safety of our children. We all saw with horror
15 what happened at the synagogue in Pittsburgh. We live in
16 an unsafe world.
17 And the design as we have presented it to you, it's
18 a result of compromise. I think that the members of the
19 synagogue, and Harvey Oyer's presentation was really
20 magnificent because we have compromised. And I think that
21 a lot of us will agree that we agree on 90% or 95% of the
22 issues presented here today.
23 As a former diplomat, I want to tell you that that's
24 how we come to -- I see Ambassador Fisher here. That's
25 how we come to agreement. Let's find the areas that we

1 agree upon. And most of them is beauty, architecture,
2 safety.
3 And Harvey Oyer was right. If something needs to be
4 revised, it's the traffic that comes that 3:00 to 4:00
5 p.m. or 3:00 to 5:00 p.m. traffic coming in over the
6 bridge. Thank you very much. I respectfully request that
7 you approve our project. Thank you.
8 PRESIDENT LINDSAY: Thank you. Go ahead, sir.
9 MR. HARUVI: Hello, I thank you for this
10 opportunity. I'm compelled to speak. My name is Abe
11 Haruvi. I live at 980 North Lake Way.
12 I feel compelled to speak, particularly, after
13 hearing the opposition at one point this afternoon state
14 that they were stuck in a parking lot in Amici for two and
15 a half hours. And the only explanation was that they
16 asked somebody randomly what was the cause? And the
17 response was the Palm Beach Synagogue. But I haven't
18 heard any evidence yet here of any traffic caused by the
19 Palm Beach Synagogue that would bring us to such
20 discussions.
21 We are not here as just a reflection of what we
22 would like to build. We here as a reflection of who we
23 are and what we have already built while amongst all the
24 townspeople for 30 somewhat years. Yes, right here on
25 this island. This island that we love and wish to respect

1 and wish to grow with.
2 My personal path with Palm Beach Synagogue has thus
3 far been 20 years. However, I am the son of a Holocaust
4 survivor that overcame the Belsen-Bergen, Auschwitz
5 concentration camps. I grew up in the Bronx without the
6 privilege that we have today, that I have today here.
7 I grew up in the Bronx with immigrant parents and
8 one brother. That was all that was left. One way I show
9 my thankfulness was to reconnect with my Jewish faith,
10 particularly as I age.
11 I have a local place where I feel like I have
12 family; our synagogue. It seems that many others feel the
13 same way as evidenced by our increasing membership. Our
14 memberships seeking a place of prayer for the sad times in
15 life, as well as the celebrations in life. The calendar
16 full of events and celebrations and reflections, with a
17 heavy dose of educational and worldly thoughts acts as a
18 magnet to our growing institution.
19 Kindly grant us the ability to grow. You can't stop
20 growth, only the buildings that we are proposing. So
21 please, approve our application. Thank you.
22 PRESIDENT LINDSAY: Thank you.
23 SPEAKER: Thank you.
24 PRESIDENT LINDSAY: Go ahead, sir.
25 MR. SHADOT: My name is Ami Shadot, 233 Royal

1 Poinciana, Apartment 2. I'm originally from Wellington,
2 and when I lived in Wellington, across the street from me
3 was a beautiful woman that now is my wife, that realized
4 that I'm from Israel. And she was very intrigued with the
5 fact that I know the Torah very well.
6 So, we started to look for synagogues around
7 Wellington and Jupiter, didn't find anything that she
8 liked or I really liked. And one of our friends mentioned
9 Palm Beach Synagogue. So, we said, let's try it. We
10 went, and that's 11 years ago.
11 And one day my wife telling me, I spoke to the Rabbi
12 and I want to convert Orthodox, but the Rabbi told me I
13 have to secure an apartment in Palm Beach because you've
14 got to be walking distance on Shabbat. Well, since 10
15 years ago, we lived in Bradley, Atlantic Avenue, and now
16 we live in Royal Poinciana. My wife converted Orthodox
17 with the inspiration of Rabbi Scheiner and Dinie.
18 On Friday night before we had the apartment, my wife
19 slept over in the Rabbi Scheiner's house, and she finished
20 her conversion successfully. We found an apartment. Then
21 Rabbi Scheiner come to me and told me, Ami, we need a
22 closer restaurant in the area. The synagogue helped me,
23 and I open Gardens Green in Palm Beach Gardens. Because
24 of COVID, I had to sell it.
25 But we've been coming to Palm Beach Synagogue all

the time. On Friday, I park my car in the parking lot, and we stay here for the entire Shabbat, then we go back to wherever we need to go.

But I want to tell you one thing. This synagogue changed my life. When I met my wife, I wasn't a Shema Shabbat, I wasn't kosher. But since my wife converted, I'm a Shema Shabbat, I passed the kosher, Mashgiach, the supervision course. I can be hired now in a restaurant to overlook the kosher that they're running. But I making sure my wife brought me back to my faith and Rabbi Scheiner give us a home to come all the time. Thank you.

PRESIDENT LINDSAY: Thank you. Go ahead sir.

MR. KEETS: Good afternoon. I'm Bob Keets, 2660 South Ocean, 304N. I'm President of Palm Beach Synagogue. I was vice-president for the seven years that Michael Scharf was president and got coerced into taking this position. I must be slower than a lot of people, because I don't understand what all this is about.

We are a functioning synagogue right now. Whatever we are doing is not going to be really changed that much with this expansion. So, this noise that's created from a few people about parking, oh my goodness. Or -- and we've proved that we have adequate parking for the Shabbats and for holidays. It's not really a problem because hardly any people are here anyway in the summertime.

So, the other issue is, oh, we're too big. We're too massive. Well, I certainly don't like the looks of our parking lot. I am anxious to get that covered up. And I think that our plan does that so adequately.

It's also a security issue that we are thinking about and dealing with all the time. I don't see any Catholic churches that have swastikas painted on them. I don't see anybody being killed in the Baptist churches or any place else in Palm Beach. No, we are the ones who are targeted. So, closing up the parking lot is really an important item to us.

Massive? I don't think so. I think it adds to the caliber of Sunset. So, I appreciate all your time, and I look forward to starting construction whenever we are able to do so.

PRESIDENT LINDSAY: Thank you.

UNKNOWN SPEAKER: Thank you.

PRESIDENT LINDSAY: Go ahead. Hey, David. Can you turn on your mic? Turn on your light here. The bottom. There it goes. It's, oops. There you go.

MR. MACK: Am I good?

PRESIDENT LINDSAY: Name and address, sir?

MR. MACK: I spent all my, I don't play golf. Oh, can you hear me?

PRESIDENT LINDSAY: Yeah. Name and address please

for the record.

MR. MACK: Okay. I don't play golf. I don't play tennis. I don't play cards. My hobby is government politics, and the police. And I compliment the Rabbi. I want you to know Ronnie, we're lifelong friends. Rabbi, I helped buy the house with you. I was one of the ones who contributed to the temple. I did all the good things that we should.

I'm on the board of Temple Emanu-El. My parents did start Temple Emanu-El. I'm the Chairman of Morse Life. I'm on the board of my temple in in Long Island. I have four government jobs.

PRESIDENT LINDSAY: I'm going to interrupt you for one second. So, it's Mr. David Mack and it's 958 North Lake Way for the record.

MR. MACK: Oh, okay. Thank you. I'm a 958 North Lake Way. And 130, I'm a board member, the longest sitting board member of the Sun & Surf. And, unfortunately, I see other residents that don't want to speak, I don't know why. I guess they're afraid.

But again, I've gotten calls, don't say anything. Their Jewish, Jewish, Jewish. I'm for the expansion of the temple. To what degree? Okay.

And I urge this board and the Council who gives so much of their time to turn down the expansion. And you

know why? Jerry Zaro, our President of nine buildings, and I am the founder of that group, I've lived here since 1952, quality of life and the rest of the residents are more important than anything else in Town. That's why we're here. And that's why we have the influx of so many people coming from the tri-state area.

I love the religion. I love what the Rabbi has done. We've got to compliment him, and look up to him. Again, I was shocked when I saw only 72 seats. Wow. You're only adding 72 seats. You have 700 members. But I'm not going to get into that. Renovate what you have to do under the law so that we don't set an example for others to say, hey, look, you've done it for this.

Now, I had someone else say, well, you know, if you give this approval, and we went through all the reasons why, he says if you give this approval to them, that in itself, might cause antisemitism.

SPEAKER: Boo.

MR. MACK: No, no, no, no. Not boo. Not boo. Listen, this is the best thing that could happen. Do it under the guidelines of the zoning. What could I say?

And that's where I stand. And I think I look at all of you, you know me too long. But all I can say, Rabbi, keep up the good work. You always have my checkbook. That's all. I want you to know. I'm cutting my dogs down

1 to two meals a day.
2 PRESIDENT LINDSAY: Thank you, David.
3 MR. MACK: Thank you. And thank you all.
4 PRESIDENT LINDSAY: Thank you.
5 MR. MACK: And Rabbi, thank you for your efforts and
6 thank every one of you for your time and efforts.
7 PRESIDENT LINDSAY: Okay. We're trying to get
8 through the public comment because we are going to have to
9 break for lunch. We haven't eaten at all today and then
10 come back and deliberate. But first let's go through the
11 -- okay. You're up next, sir?
12 MR. MARDER: Yes, I'm next.
13 PRESIDENT LINDSAY: Three minutes, please.
14 MR. OYER: Just one second. Madam President, I know
15 we need to break for lunch at some point, but we invited
16 Alan Dershowitz to be with us today to address one
17 important issue. And I'd like us to give him that
18 opportunity before he has to leave town.
19 PRESIDENT LINDSAY: Okay.
20 MR. OYER: So, I don't know if now's the appropriate
21 time or after the speaker.
22 SPEAKERS IN UNISON: Now.
23 PRESIDENT LINDSAY: Well, we can have public comment
24 finish when we get back if he's leaving town.
25 MR. OYER: Thank you for suspending public comment

1 for just a moment.
2 PRESIDENT LINDSAY: Okay.
3 MR. OYER: This is not our full rebuttal. I will do
4 the factual rebuttal, but we've heard a lot of discussion
5 about what the standard of review is, what the
6 Constitution is and is not. And there is no person on
7 planet Earth that can speak more authoritatively on what
8 the U.S. Constitution is or is not, than the gentleman
9 seated behind me.
10 So, I have asked him if he would spend several
11 minutes explaining what the jurisdiction and the standard
12 of review is vis-a-vis the U.S. Constitution.
13 PRESIDENT LINDSAY: Yes.
14 MR. OYER: So with that, Alan.
15 PRESIDENT LINDSAY: Welcome, Mr. Dershowitz. And
16 it's several minutes, what does that mean, sir?
17 MR. DERSHOWITZ: Five.
18 PRESIDENT LINDSAY: Thank you.
19 MR. DERSHOWITZ: Thank you very much. Thank you for
20 permitting me to speak to this distinguished group. And
21 thank you very much for listening to me.
22 PRESIDENT LINDSAY: Please say your name and address
23 too.
24 MR. DERSHOWITZ: Okay.
25 PRESIDENT LINDSAY: Name and address.

1 MR. DERSHOWITZ: I'm here because --
2 PRESIDENT LINDSAY: No, sir. Could you please for
3 the record, state your name and address?
4 MR. DERSHOWITZ: Alan Dershowitz. And I have to
5 admit, I live in Miami Beach, not here, but I'm here as
6 part of the legal team.
7 The fundamental mistake of the opposition can be
8 summarized by the statement made by Ms. Ward, quote, "It
9 doesn't matter whether it's a religious use or a
10 commercial use." Another one said, it's not a
11 constitutional question. Most fundamentally, I disagree.
12 Anytime a Town Council, which is a government unit,
13 makes a decision in any way restricting the free exercise
14 of religion, it is a fundamental constitutional issue. It
15 doesn't mean that it's resolved always in favor of one
16 side or the other, but it's a fundamental constitutional
17 issue. And I just want to spend a couple of minutes
18 laying out what I think the proper constitutional criteria
19 are for this Town Council.
20 First of all, every governmental unit, whether it's
21 the Supreme Court or this Town Council, must construe its
22 rules consistent with the Constitution's strong
23 presumption in favor of the free exercise of religion over
24 convenience. Over convenience, which means parking, which
25 means traffic.

1 Nobody is claiming here that there are issues of
2 life and death. There's an issue of free exercise of
3 religion versus what they say, quality of life,
4 inconvenience, traffic delays. That's number one.
5 And when you have a rule, particularly when the rule
6 is not self-defining, when it leaves some room for
7 interpretation, it must always be construed consistent
8 with the Constitution. The other rule is you don't have
9 to reach constitutional issues unless you resolve all the
10 statutory and rule issues against the applicant. So, I'm
11 here to give you whatever advice I can or advocacy I can
12 in the event that you have to reach the constitutional
13 issues.
14 Let me be very clear. You cannot deny the
15 application without reaching the constitutional issues.
16 You can grant it without reaching the constitutional
17 issues, but you cannot deny it without reaching the
18 constitutional issues.
19 So, if you have to reach the constitutional issues,
20 the free exercise and equal protection claims are very
21 compelling. Now, Oliver Wendell Holmes once said, the job
22 of a lawyer is very simple. He has to predict, or she has
23 to predict, in fact, what the courts will decide. So, I'm
24 here to give you my best opinion as to what the courts,
25 particularly the United States Supreme Court, would decide

if this case ever had to get to the Supreme Court, which it will if it's litigated. And this is a very important issue, and the court has dealt with these issues repeatedly.

There are cases, obviously, I'm sure many of you are aware of the cases, the Borne case, the Smith case, but let me tell you about a trend that's going on in the Supreme Court. And I follow these cases very carefully.

Twenty-five, 30 years ago, the trend was to favor the establishment clause of the First Amendment. Today the trend is clearly moving in the opposite direction, and cases are being resolved more in favor of the free exercise clause than of the establishment clause.

So, the issue is this, and my distinguished Co-Counsel will explain how all of this relates to the facts of this case. But my message to you is if this is a close issue, and can anybody deny this is a close issue? If this is a close issue, even if you believe that the better interpretation of the rules go against the synagogue, but if you think it's a close issue, if you think that reasonable people could support an interpretation of the rules that favor the synagogue, you are obliged as a matter of constitutional law to read those rules in favor of free exercise, to resolve all doubts in favor of the constitutional presumption that

says, if you have two issues, one involving the most fundamental right of any human being, to exercise their religious convictions based on their belief, their Rabbi, their synagogue versus traffic congestion, versus crowded conditions, versus very disputed concepts like quality of life, and by the way, the Supreme Court would never allow a decision to be made on something as vague as quality of life, you must resolve all those doubts in favor of the synagogue.

If those doubts are not resolved in favor of the synagogue, the matter will be litigated, obviously, and we'll go to courts, and courts will then apply the applicable law. But it'll be so much better, so much better, if this Town Council applied the rules in a way that doesn't require any litigation and any constitutional construction. Thank you so much for your consideration.

PRESIDENT LINDSAY: Thank you. Okay. Go ahead. Well, we can, I know. So, this seems to never end, the line, so I think we have been here sitting for, you know, six hours almost. So almost six hours. So, we are going to take a break. Is 30 minutes enough, Jane? Forty-five, 30 minutes? Forty minutes? All right. Forty-minutes. Okay, we'll be back in 40 minutes.

(OFF THE RECORD)

(BACK ON THE RECORD)

PRESIDENT LINDSAY: We're going to resume the meeting. Thank you.

MAYOR MOORE: Go ahead Bobbie, do your housekeeping item.

PRESIDENT LINDSAY: Okay. I've got a little housekeeping item I've got to do. There was a development review, it was actually a landmarking designation that asked for a deferral until next month. So, we need to make a quick motion to do that. And with the -- wait a minute. No, it's got some conditions because the speedy -- maybe Ted's going to do it.

UNKNOWN SPEAKER: Hang on one second. Let me unmute you, Ted.

PRESIDENT LINDSAY: Oh, she's, yeah, Joanne, they have to waive the right to a speedy something or. Do we have the address, Kelly?

MALE SPEAKER: Yes, we do. It's -

PRESIDENT LINDSAY: 1250 North Ocean Boulevard, yeah.

MS. O'CONNOR: You're right.

PRESIDENT LINDSAY: Mr. -- Mr. Green's left though?

MS. O'CONNOR: Mr. Green has departed.

PRESIDENT LINDSAY: Yeah, he asked for deferral.

MALE SPEAKER: Shall we call him to confirm that his client waives?

PRESIDENT LINDSAY: Yes.

MALE SPEAKER: Do you have the code provision? I'm happy to call him.

FEMALE SPEAKER: Should we ask if anybody else wants to do so.

MALE SPEAKER: That was the opposition, right?

FEMALE SPEAKER:: Except I don't have his cell phone. Do you have a cell phone with you?

FEMALE SPEAKER: I've got it. I'll call him.

PRESIDENT LINDSAY: No, I think, no, they would tell us we had somebody else do it already.

FEMALE SPEAKER:: Got it. I'll call them right now.

PRESIDENT LINDSAY: One of them, but because this is a landmarking thing, we have to do that.

MAYOR MOORE: Okay. I think Joanne's calling him.

FEMALE SPEAKER: I've got it.

PRESIDENT LINDSAY: Okay.

MAYOR MOORE: Okay, so Bobbie, keep going with public comment.

PRESIDENT LINDSAY: Okay. So, let's go back to public comment. Was I over there or over there? It's your turn. Yeah. Okay, sir, that's three minutes please. Thank you. Welcome back everybody.

She may have felt like it, but she didn't do it. All right.

MALE SPEAKER: Here you go.
PRESIDENT LINDSAY: There you go. That's it.
DR. MARDER: All right, thank you. I hope you enjoyed your lunch. And my name is Dr. Gary Marder. I reside at 123 Ocean Lane. I have been a resident of Palm Beach for 36 years. I have been congregant of Rabbi Scheiner's for almost -- as soon as he walked into Town.
I would like to number, one, second the idea of what Mr. Dershowitz had said about possibly having to go with this further, and that is the last thing I think the Town of Palm Beach needs. We don't need the New York Post, we don't need the Palm Beach Post to, basically, disparage our beautiful community here.
I have six children. They've all been raised here in Palm Beach and I'm very proud. Some -- I have two lawyers, two doctors, a techie, and a special ed teacher. Palm Beach is a very special place to me as it is I know to all of you.
That being the case, I want to clarify something that Mr. Zaro had said. First, he said that this would be a Jewish community center. I believe that's actually in Palm Beach Gardens. It's not here in Palm Beach. We already have a community center.
The second thing I would like to point out is that without the Palm Beach Synagogue, my children would not

have been able to have their Bar Mitzvahs, Bat Mitzvahs and so forth. And that being the case, I would never, ever consider limiting St. Edwards or Bethesda By The Sea, and how many weddings, how many confirmations they are allowed to. And I think it's totally inappropriate.
And the last thing I find interesting is that Mr. Mack is not even a resident of Palm Beach. He actually is --
SPEAKERS: Yeah, he is.
SPEAKERS: He is a resident.
MR. MARDER: No.
SPEAKERS: He is.
MR. MARDER: I understand. But he actually is from New York. His wife is a resident, but he is not a resident. Am I correct? I mean, this is what Mr. Mack told me. And I really find it a little bit disparaging that we, who live here, and I have seen this town grow over 36 years. That being the case, I cannot see how all the funeral cars, carriages that are in front of St. Edwards or the weddings, the beautiful trolleys that go by, I would never, ever say to anyone that they should never have any of these processions going on. And I just find that it's really unethical to even suggest that the Rabbi is only allowed to have so many weddings or so many Bar Mitzvahs or Bat Mitzvahs.

My daughter had the first Bat Mitzvah in all of Palm Beach, at the Palm Beach Synagogue when she was 12. She's 39 years old now and she's now an attorney and she's the Executive Director of Teach Florida which, basically, just accounted for $25 million that Governor DeSantis just gave to help schools for security purposes.
So, we have a lot to have offered our children and Palm Beach Synagogue has been a great benefit in my life and I just wanted to let that be known. Thank you so much.
MAYOR MOORE: Thank you very much.
PRESIDENT LINDSAY: Thank you, Mr. Marder.
Okay, go ahead. Thank you.
MS. KAYE: Good afternoon, Madam Mayor, Town Councilmembers. My name is Lisa Kaye. And I live and have lived for about 35 years now at 302 Eden Road in Palm Beach.
So, 30 years ago, actually, I was in labor, and I had a variance meeting that same day. And I called the Town, and they said, no way. We can't give you a time because this is Palm Beach. We don't do that for anyone. But then I had the pleasure of having my variance hearing be right after Bradley's, which was an all-day thing.
So, as I walked up, they said, granted, granted. So, things happen, and they do grant things to good

people, but luckily here, you don't have to do that today since you have the power to do that and hopefully we'll do so.
But as a mother, I learned, you know, and told my children, you may not like this decision now, but you'll like it later. And I really think, actually, and believe that even the opposition, the few opposition compared to the masses that have turned out for this today and that are not even here today, but would like to be, that they also will be happy in the end.
Firstly, the traffic. I just raced to Amici, and the traffic, like I saw today and like I see every day is coming from the construction trucks. It's coming because the bridge is open. And you all have done a good job so far, and I know you're continuing to do a good job to solve that problem, and it will be solved. The dredging will stop. You are coming up with solutions and it's not coming from Palm Beach Synagogue.
Beryl had mentioned earlier today that, oh, well people have to come to dinner. So, there is going to be traffic. Even though I agree, I admit that most of the traffic wouldn't even happen during the times of concern of traffic, which is during the week from about 3:30 to 5:30. I don't think anybody's even saying in the morning that it would be an issue.

But the Palm Beach Synagogue does not have events, to my knowledge, and I've been a member there for many years, at 3:30, and I don't think people are going to dinner at 3:30. If they're going to be doing that, it's going to be after.

Also, I'm a big fan of the movie It's A Wonderful Life. I don't know if any of you have ever seen it, but each of the one, you know, deeds, that happens because of Palm Beach Synagogue is multiplied many, many fold. So, I believe that the opposition could even benefit from that somehow in the future and maybe even see that.

But anyway, I also believe that, you know, they would be happy because they don't realize that we are -- maybe they don't fully realize -- that we are here and we're going to keep coming and everybody who's going to come is going to keep coming. This is not a case of if you build it, they will come, we're already here and we're staying, and we hope that we can build it. So, with that, I respectfully request that you grant the Palm Beach Synagogue's application for expansion.

COUNCILMEMBER CRAMPTON: Thank you.

PRESIDENT LINDSAY: Thank you. Okay.

MR. BORITZER: Hello everybody. My name is Paul Boritzer. I reside at 100 Sunrise Avenue, PH9, 509, whatever. I'm a Jewish kid from New York, been here 32

years in this town. Full-time, six years. Rabbi, I was at his Seder 25, 30 years ago when he first had it, and my wife and I said, why would someone put a temple on this main road? But that's besides the point.

I'm here to say that the Rabbi actually made a beautiful congregation, but he outgrew it. He actually outgrew it, and he needs a bigger home. That's my opinion. He needs a bigger home, not on the main street. The next thing you know, we're going to put girders up there so a car doesn't go into the synagogue, but that's besides the point.

So, I'm here to say that we're not here because Jews against Jews and 100 Sunrise against -- it's not true. I'm a Jewish kid. I'm more Jewish than probably half you guys, but it's the truth.

But the thing is that I love -- I love religion, but to them to do to -- listen, it's all zoning, guys. So, the real thing is -- is maybe get him a bigger place. You guys have enough funds. Get him a bigger home. He deserves it. That's what I have to say. Thank you.

PRESIDENT LINDSAY: Okay. Go ahead. Thank you. Hi?

MS. SIMPSON: Hi. My name is Sari Simpson. I live at 201 Monceaux, West Palm Beach in El Sid. I am a proud member of the Palm Beach Synagogue, but I want to speak

from the perspective of education.

I'm a public-school teacher. I teach seventh grade at Palm Springs Middle School for 19 years. And I find myself on the weekends drawn to the synagogue, but more specifically, to Sunday mornings. So today I want to speak as a proud Hebrew school volunteer.

So, I have the privilege of assisting with the drop off and pickup process for our wonderful Hebrew school students every Sunday. I see firsthand the vibrant energy and the children eager to learn about our heritage. It's a testament to how much this community values Jewish education.

One of the most remarkable aspects of our synagogue is how smoothly we've managed logistics despite our current space constraints. With thoughtful planning, clear communication, and a commitment to safety, we've maintained an efficient process without causing any traffic issues or disrupting our neighbors.

Officer Max Kelly, a Palm Beach Police Officer, is usually standing by my side on Sunday mornings, helping me open the doors for the kids coming out of the cars. And he can also attest to the zero traffic and zero disruption happening on the street.

An expanded synagogue would not only give our Hebrew school the physical space it desperately needs but would

also allow us to enhance the systems that keep everything running smoothly. Thank you for your time.

PRESIDENT LINDSAY: Thank you.

MS. MALINSKY: Hello, can I still speak? My name is Elsa Malinsky, and my address is 1801 North Flagler Drive, Apartment 135, from West Palm Beach, Florida. And I just want to say something which is very important to me.

I grew up in the former Soviet Union in Ukraine where religion was not permitted, especially for Jewish people. And I never went to synagogue and -- you know, living half of my life. And when I came to the United States, I had this freedom of religion, but I did not -- I wasn't drawn to any religious community. I was attending synagogues. So I never want to be a member. This is the first time in my seventies I became a member of a Palm Beach Synagogue, because it's like a home.

First of all, I would say it's the Jewish intellectual capital of Florida probably. We have people from Harvard and Stanford, the best speaker. And I come often to every single event and that is when I'm in town, because I'd like to learn. And, you know, I never had problem parking or never seen any problems with traffic. That's number one.

Number two, what I want to say that there's a lot of -- that a lot of synagogue provides tremendous value for

1 people like, let's say, like me, who did not, I didn't
2 have enough knowledge. And like Jeanie prepared me from
3 Bat Mitzvah. My granddaughter already had Bat Mitzvah. I
4 had Bat Mitzvah, you know, a year ago. And I would --
5 with 18 women from our synagogue. It's a amazing
6 experience, and I learn a lot.
7 And I would hate -- I think, how can you limit
8 number of people who want to learn and grow? And you
9 would tell them that the child or the people -- person
10 like me, you cannot, you will have limited number of Bat
11 Mitzvah or Bar Mitzvahs.
12 That's another thing I want to mention. I come with
13 my grandson or my grandchildren sometimes. And it is like
14 only standing room in the sanctuary. And -- sometimes.
15 And when we go for Kiddush lunch after service, you know,
16 my grandson goes and reserve room for me. But if I'm
17 alone, sometimes there's just no sitting place.
18 We're doing it to expand. We're doing it -- it's an
19 amazing institution and we should expand and grow.
20 PRESIDENT LINDSAY: Thank you very much. Flashing
21 like three times.
22 MS. KRASNIANSKI: Good afternoon, distinguished Town
23 Councilmembers. My name is, ah, sorry.
24 PRESIDENT LINDSAY: It's all right. We don't bite.
25 MS. O'CONNOR: Don't be sure about that. I'm

1 kidding. I'm joking. See, I'm going to make you laugh.
2 I'm funny.
3 MS. KRASNIANSKI: All right. Can we, let's redo it.
4 PRESIDENT LINDSAY: Restart her time. There you go.
5 MS. KRASNIANSKI: Yeah. So, wait, sorry.
6 PRESIDENT LINDSAY: Don't worry.
7 MS. KRASNIANSKI: You know, could you go first?
8 MR. CARDOW: Of course. Hello. Carlos Cardow, Sun
9 & Surf West. Hi. I came here today undecided, keeping an
10 open mind. And the opposition won me over, in part
11 because of the level of discourse.
12 They so many times went out of their way to
13 compliment the synagogue and compliment the Town Council
14 and your great work, whereas on the other side, there were
15 great points made as well. There was also quite a bit of
16 demagoguery. It was all very reminiscent of the Paramount
17 debate, but even a bit more so, unfortunately.
18 Sometimes a lower level of public discourse,
19 questioning and trying to ridicule a personal anecdote
20 about exiting a parking lot, that's in part what these
21 meetings are for, to recount personal anecdotes and
22 personal anecdotes are evidence too and equals one
23 evidence. Nobody on the opposition side questioned
24 personal anecdotes from the other side, trying to ridicule
25 them. Maybe there was reason to here and then nobody did.

1 Also questioning, I'm shocked that there even is in
2 opposition, and placing a charge on the conscience of the
3 Town Council, would you be able to live with yourselves,
4 would you be able to sleep at night if you, and veiled,
5 and not so veiled threats about the Constitution and the
6 Supreme Court and the New York Post.
7 Folks, I've learned over the years that you can
8 judge who's in the right by the level of public discourse.
9 Because when the law's on your side, you don't have to
10 resort to any demagoguery, and you can be gracious to the
11 other side.
12 And about the constitution and the law, the
13 constitution and the law are about not playing favorites,
14 no double standards, calling all the balls and strikes how
15 you see them. That's fairness, that's justice.
16 And we can't get into a keeping up with the Joneses
17 in a nuclear arms race, where if we do this for a
18 synagogue or a church, then someone else will say, you
19 have to do it for me too. And then we will have an
20 agnostic and an atheistic organization. No, I deserve, I
21 get that too and every, and we keep going and going.
22 And since the other side here and there took the
23 gloves off, I'll take one glove off for a second and say
24 that if this is done for a synagogue or a church, then
25 maybe someday one of those organizations, like I said,

1 will come here wanting. And maybe I'd see some of you
2 here with the ACLU saying, no, they have to get it too,
3 because the places of worship God, and we keep going and
4 going.
5 So, with that, I bring us to the issue at hand,
6 which is that we have this resort town, famous the world
7 over, which all of you are great leaders of, and we have
8 to keep it that way. And the traffic and the parking are
9 going in the wrong direction.
10 And my parents, who spend more time here than I do
11 are 80. And they have to go over two bridges to go see
12 their friends on the south part of the island all the
13 time. And that's a historical circumstance that has
14 nothing to do with your project, but we are where we are,
15 and it's life. So maybe now is not the time.
16 And like other great speakers on the opposition
17 said, there are other ways to do what you want to do, and
18 totally understandably and have earned. And I'd like to
19 --
20 PRESIDENT LINDSAY: Try to wrap it up here. You're
21 well over.
22 MR. CARDOW: Then let me leave it there. And I
23 thank everyone.
24 PRESIDENT LINDSAY: I'm sorry. Thank you. Thank
25 you very much.

UNKNOWN SPEAKER: Thank you.

MR. OYER: Oh, Hindi, please.

MS. KRASNIANSKI: Okay, so my name is Hindi Scheiner Krasnianski. I grew up at 230 Park Avenue. I now live at 255 Evernia Street. I'm the eldest daughter of the most amazing parents, Rabbi and Dinie Scheiner. And I want to share an insight about what we're asking for.

During this Town Council meeting we received very, very important global news that the deal for the release of the hostages has been signed. Now, this is a historic moment for humanity, and we're all going to remember it. We're all going to remember where we were. It makes us zoom out and realize the priorities of life.

The events of October 7th and Jewish growth have been mentioned here a couple of times. What's being called to question today is our Jewish growth as a community and our Palm Beach community growth. What could be more beautiful than a growing and flourishing community?

So, life is similar to a bicycle ride. If you're not pedaling up, you're automatically falling back. From my perspective, my parents and the community builders have been pedaling uphill, tirelessly, for the past 31 years. As a young woman raising children here in Palm Beach, I know that the resurgence in Palm Beach's popularity is

happening, specifically, because of the community's growth and not the hindrance of it.

Change and growth are very positive, but they're also very frightening. And from my perspective, I feel like the fear of parking issues and zoning, is more coming from a natural fear of change and growth.

Let's not take the historic news of the hostages released as a coincidence. We want to move forward as a community. And the way we do that is by moving towards unity as a community. Let's value our time and energy to make progress towards approval of our community's expansion.

PRESIDENT LINDSAY: Thank you.

MR. KLEIN: Thank you. Okay. And you just heard from my daughter Raya, who spoke in front of you. Oh, sorry. Casey Klein, 2295 South Ocean Boulevard. You just heard from Hindy, who is my daughter's Sunday school teacher, who you heard from earlier. So, Hindy, it was so beautiful to hear from you.

As many of you know, my name is Casey Klein. I'm the Chair of the Building Committee for the Palm Beach Synagogue. I happen to be the third generation to work towards the building of a Jewish community and the center that the Rabbi and Dinie and everyone that inhabits that building create a center of Jewish life.

The past six months have been a project out of passion, but also for your children that are also my children and our future. I didn't do this because it's fun. I was warned about synagogue politics, and everything that comes with it. I did it for the girl and her two siblings that you heard from, the girl that you heard from earlier and her two siblings.

We are at the most pivotal time of our synagogue that is commensurate with the time in my children's lives that will be living here for generations to come, God willing. And I stand up before you today to plead and ask for the support of a project that gives them the freedoms of Jewish learning, Jewish life, but Jewish values.

I also stand here in deep respect for the Town staff, Mr. Bergman, but also a man whom I know for a long time, Mr. James Murphy. But today, we will reasonably disagree, and we'll disagree on how my children and my fellow congregants and myself enjoy the building that we have designed.

And it may be 12, I don't know, Harvey, 12%, 13% a sanctuary or prayer hall. But please understand, and I understand that it may be foreign to all of you, including Mr. Murphy and Mr. Bergman, who I have deep admiration for, but that is our entire building of religious practice and faith.

Every Sunday when my daughter and my son and my youngest daughter, who Mr. Stepanski saw with no traffic this past Sunday while coming out of Hebrew School, that is where they're getting their Jewish learning. They don't go into a sanctuary every Sunday or a Saturday. They can't. They need to go into basic fundamentals to craft and love.

And when they have to play with their friends, and they volunteer with the young man that you heard from earlier in Project Connect, that's what the Jewish religion's about. That's our practice. That's what I'm trying to teach my children for our next generation, your next generation.

So, I want to close and say, I'm not going to get into the details of 230 and expanding the sanctuary and then holding back on the Kiddush Hall. But you heard my message of how my children and my family practice and how other people practice in the sanctuary. And please do the right thing for our community.

There's no pools here. There are no basketball courts. There's a spiritual life of learning, and that is for our future generations and your future generations. Thank you.

MR. FAJERTAG: Hi, my name's Marvin Fajertag, 177 Windsor Drive in West Palm Beach. I don't want to be

1 redundant and echo all the comments that were made, I
2 think they're fairly clear, that even the opposition
3 indicated the virtues of all the things that are happening
4 at the synagogue and recognition that those programs were
5 of great benefit to the larger community, in addition to
6 the members of the synagogue.
7 So, what they're saying, basically, is not in my
8 backyard. And I think that's a very narrow approach that
9 the commissioners here would have to consider the whole
10 case, not just look at the narrow zoning. That's one part
11 of it. As you heard, there's constitutional issues that
12 may supersede local zoning things.
13 And you have to use your judgment. It's not a
14 simple case of saying, this is what the law says, and,
15 therefore, that's going to be the decision based on those.
16 We wouldn't need you as leaders to make those decisions.
17 We go to a computer and say, well, you know, rejected. It
18 doesn't meet the criteria. That's the end of it. Okay?
19 So, in looking at the quality of life issues that
20 have been raised, all I heard, basically, was traffic and
21 parking as being the main issues of concern. Now, there
22 are a lot of other issues to be considered in determining
23 what's quality of life, and that is things like morals and
24 values, and education, and connectivity, and
25 intersectionality with the larger communities, a lot of

1 those things that are provided by the synagogue that
2 transcend just mere religion in this very narrow sense.
3 The educational component of the Sunday school and
4 these other programs are all geared towards the
5 celebration and the practice of Jewish traditions of
6 Jewish life. And it's something that's a very vibrant
7 organism that we have here that is flourishing. And just
8 whether it would be a flower or some other living thing,
9 it can't just be extinguished based on some narrow
10 interpretation of a rule.
11 A rule, by the way, which I've heard here today, is
12 broken consistently. So, you can't just rely on that
13 without being discriminatory.
14 And I don't see the undue hardship. I think there
15 has to be a standard when you're turning something down
16 like this, when you've heard all the positive things. The
17 people that have come here in person far outweigh the
18 opposition that are supporting the synagogue.
19 And so, the standard of undue hardship will not
20 apply here, I don't think, in terms of some vague traffic
21 issues that sometimes are not caused -- most times are not
22 caused by the synagogue. You have construction on the
23 bridge, et cetera, and the natural growth and development
24 of the community. And it's largely seasonal, and it's
25 often at times when it's not part of what the synagogue is

1 producing or providing. Okay?
2 So, they've taken concessions that seem remarkable
3 to me that they would do that. They've consulted, as
4 you've asked them to do, with their neighbors and received
5 strong support as we've heard here today. They're not
6 affected by it.
7 There are eyewitnesses that live, immediately,
8 adjacent to the synagogue that have not described the same
9 traffic issues that a couple of people here have. And the
10 group that is opposing, it we don't know that there's a
11 referendum or any real vote of confidence by the larger
12 membership that they're representing.
13 So, based on all those things, I think the
14 Commissioners will have to weigh all the factors in here,
15 and not just the narrow interpretation and support the
16 work that's being done by this organization that benefits
17 the community a lot more than the side effects that might
18 evolve from expanding this much needed space in the
19 synagogue and be able to get them to provide the services
20 that these people here desperately and eloquently have
21 indicated they require. I thank you for your
22 consideration.
23 UNKNOWN SPEAKER: Thank you.
24 PRESIDENT LINDSAY: Thank you.
25 MS. DAVIDOFF: Good afternoon. I think I'm the last

1 speaker. Oh, no? Okay. My name is Sheryl Davidoff. I
2 live at 209 Turnberry Court North, Atlantis, Florida, just
3 down the road. Many of you might know it as the Lost
4 City, but it's my home.
5 I'm here 50 years. I have sat on the Board of the
6 Jewish Federation and made multiple decisions that have
7 affected probably every Jew in our community. I am
8 appalled that this situation affecting my synagogue that I
9 have been part of for 31 years is coming to a vote. I
10 mean, it just really breaks my heart.
11 I didn't plan to speak today, but after listening to
12 everybody here, I couldn't sit in my seat any longer. I
13 really hope that -- and I won't reiterate everything that
14 has been said before, because the hour is late, of course,
15 so, I really hope that you'll make the right decision.
16 And I know there are rules, laws, whatever, but as
17 Alan Dershowitz, who is a personal friend of mine, got up
18 here, he's one of the dream team, and I hope you will
19 honor what he has spoken about. Thank you.
20 PRESIDENT LINDSAY: Thank you. Okay. Somebody on
21 this side? Ms. Pepper?
22 MS. BUDNITZ: Hi.
23 PRESIDENT LINDSAY: Hi.
24 MS. BUDNITZ: Good afternoon. I know you're all
25 exhausted. I'm Denise Budnitz, 44 Coconut Row. And there

is no one that could be here today or the last time we had a meeting that could dispute the wonderful work that's being done at the Palm Beach Synagogue, nor can you dispute the fact that we have some very, very talented and wonderful Jewish residents.

However, I do believe without following laws, you have anarchy. And I think when there are zoning regulations, they're put there for the safety of everyone. Not just for these people, not just for those people, but for everyone. And if we're going to have these regulations and these zoning restrictions, we need to follow them as best we can.

So, I think someone said earlier that perhaps the Rabbi is a victim of his own success, that he's just running out of space. There's a lot of great minds in this community. There has to be some way we can work with them, that he can find spaces to do the neat things he needs to do without creating this giant, massive intensification project that has been an issue since the very beginning.

And I hope someone can work together and collaborate with him. I know he spent a lot of time with Father Glen, because it bothers me to say no to this, but I really truly believe that we should not allow this to happen. Thank you.

PRESIDENT LINDSAY: Thank you.

MS. SUNNY: Good afternoon. I'm Amy Sunny, the Director of Preservation and Planning for the Preservation Foundation of Palm Beach. On behalf of the Executive Committee, I'm pleased to share today the foundation's architectural design analysis of this project. I will not be commenting on parking and traffic.

The design before you today shows a willingness to listen to the feedback from the LPC and the Town Council, and to adjust the design to better address the concerns of the community. In analyzing the proposal before you today, we find that the design is sensitive to the surrounding area and the architectural heritage of Palm Beach. The most important character defining features of the existing landmarked buildings are being retained and preserved. They're not being demolished.

Furthermore, the proposed replacement facades are in keeping with a compatible scale, massing and design. In my analysis, the design complies with the code criteria under section 54-122 for new construction, and 54-123 for exterior alterations. And the LPC concurred with this finding in approving the certificate of appropriateness for the project last month.

Now, before you today, are the technical issues of the special exceptions, site plan review, variances, and

declaration of use. As you deliberate this project, I would encourage you to consider the spirit of the code as much as you consider the actual code language.

As an example, I recognize that the project has nine variance requests. However, when analyzing each variance, I find that implementation of the variances does not negatively impact the historic structures. And in fact, the existing structures have nonconformities that are similar to eight of the nine variances. And further, that the design is better overall, is more gracious and visually appealing with the trash and the generator enclosed, which is the ninth variance requested.

Another example of considering the spirit of the code is the overall size of the project. After the concerns expressed at the Town Council and LPC meetings, the proposed design was reduced by 12% or 4,400 square feet. However, the proposal still exceeds the code maximum of 15,000 square feet, which exists regardless of lot size, which is not a standard zoning code practice.

Although theoretically, a completely new building on this site could meet the maximum, the current historic buildings do not. And potentially requiring the proposal to reduce space on the second floor, or remove the enclosed trash and generators to bring down the square footage might take the variances down to a smaller size,

but it does not improve the character of the public realm, nor the usefulness of the facility to the synagogue. It would be an exercise in code adherence, not place creation.

They are creating a beautiful place. A less useful design with three separate buildings could total over 41,000 square feet as opposed to the 32,382 square feet currently proposed but would not necessarily be an improvement.

The spirit of the code is to create a beautiful, contextual compatible architecture that enhances Palm Beach's character and charm, and this proposal does so. I'm happy to answer any questions that you have.

And I'd also just like to mention that if anyone needs a cocktail after this hearing, the Preservation Foundation is having our 45th anniversary celebration in Earl E. T. Smith Park at this exact time. It's from 4 to 6.

PRESIDENT LINDSAY: We know that.

MS. SUNNY: I invite any of you. I thought I was, but I'd invite any of you and anybody here that wants to come celebrate 45 years of trying to protect and preserve this Town, to please come over with us. And thank you all.

SPEAKER: Thank you, Sunny.

PRESIDENT LINDSAY: Thank you.

MS. PEPPER: Anne Pepper. 333 Seaspray Avenue. I would like to reiterate what the speaker before me, Denise, said and what Jerry Zaro has pointed out to you all.

We are a nation of laws, and the laws that govern the way this town has developed and has developed for the past hundred plus years are based on our code, our comprehensive plan, and our ordinances. And the adherence to these is what has created this place. So, as much as one is aware of the wonderful community that has been created here, I believe that this is not the correct location for a use of this intensity.

I think that you have before you and your staff a very clear outline of why this is not, as presented, suitable for here. This is a commercial town-serving district. This building that they are proposing is extremely out of scale with an intensity of use that is really going to affect all of us.

At a recent meeting, Mr. Oyer stated that people like me, who live on Seaspray Avenue, are not -- do not have standing in this issue because we don't live next to -- near the synagogue. I would disagree with that. I'm a resident of this town and an elector in this town and a taxpayer since 1987. And I believe that my standing is

equal to anyone else here.

I frequent this area almost daily, going to the market up there. And I think all the people of the town are affected by this area. It is not simply a question of who lives next door to it or near to it. So do not think that just because people from the Sun & Surf or the consortium are affected more directly because of parking and traffic, the rest of this entire town will be affected by it.

And you are elected to represent the residents of the town. And you are not to say Anne Pepper is a better resident than the Rabbi's members of his synagogue. We are equal under the law. And your job is to represent us and to make the decisions that are based on how this town has been developed. Thank you.

PRESIDENT LINDSAY: Thank you. Okay.

MR. STEPANSKI: And everybody wants to be the last person speak.

PRESIDENT LINDSAY: That's okay.

MR. STEPANSKI: My name is --

PRESIDENT LINDSAY: -- there you go.

MR. STEPANSKI: Hi. So, my name is Tony Stepanski. I live at 130 Sunrise. And I've been here for six, seven years. I'm going to keep this short and probably not repeat very much of anything that came before me, because

you've heard it all already.

I oppose the application before you, as it is constituted. Because I think, as has been stated by everyone before me that has concerns about the application, it's a gross over intensification. And there are other issues, Kay, which I will not repeat, but I am essentially in agreement with Mr. Zaro's perspective, Mr. Spatt's perspective, Mr. Simon's perspective, Mr. Mack's perspective, et cetera.

I'm a Polish-American. Most Polish-Americans are either of the Jewish or Catholic faith. I was raised as a Roman Catholic in a secondary, private, parochial school. I became an agnostic because I became disaffected with the Catholic religion.

In college, I became an atheist. And I've been an atheist for the last, I won't tell you how many years, long time. But in college, I met a brilliant, brilliant young woman. An hour after I met her, we fell in love. And she was a Jew. It turns out she was a secular Jew. Her father was a German Jew. Her mother was a Russian Jew.

Two months later, I met the parents, and she was concerned that they would reject me. And she said, by the way, as you meet some of my relatives, don't let anyone lay Jewish guilt on you. Right? We've seen a lot of

Jewish guilt here this afternoon. I'm sorry.

I'd like to leave you with just simply one thought. Your decision on the synagogue's application, which is before you, okay, in my opinion, has to be based solely on the competent and substantial evidence case that has been presented by Mr. Bergman, by Ms. Ward, by Mr. Spinks. Okay? And to a certain extent, also by Mr. Eubanks. Okay. Nothing more, nothing less.

I did meet Rabbi Scheiner on December 19th when he came to the Sun & Surf. We had a lovely conversation, and I could see, okay, why his congregation has grown and grown and grown.

I went with Cindy, and my partner, okay, this past Thursday to the event at the synagogue, in which they the Rabbi and Casey discussed the beautification of the project, et cetera, et cetera. I then eventually was walking past to go to Publix, okay, and I bumped into Casey, or he waved to me, no traffic on the street, and there was no traffic on the street. And then Dinie came.

MR. OYER: You watched the kids?

MR. STEPANSKI: Sorry?

MR. OYER: You saw the kids? You saw the kids?

MR. STEPANSKI: Yeah. Right. Okay. Sweet little kids too, by the way.

So anyway, at the conclusion of the December 19th

meeting, and I spent a fair bit of time with the Rabbi, I said, you know, Rabbi, if I was still CEO of the three technology companies that I built, I would hire you to be my spokesperson. Okay? Because you -- he is really, really charismatic. He's witty. If you read the document I submitted earlier, okay, he's extremely capable, and I can see why it's growing.

So, this past Thursday, I asked the following question. I asked (a), what is the current size of the congregation? I was told it's 750 people. I asked, what was the size of the congregation five years ago, I was told it was 450. That means in the last five years, the congregation has grown almost 70%.

I asked what the congregation size was like 10 years ago. My recollection is, subject to being corrected, it was like 125 people, maybe a little more than that.

I then asked, hey, Rabbi, what do you anticipate will be the size of your congregation in five years? The Rabbi, I responded, I expect to be retired by then. Okay? And the answer, okay, the question went unanswered. Okay.

My expectation and my belief is the concerns expressed by my Jewish colleagues who are leaders of the consortium is the implication of the potential growth that would take place in that community. Really, really

significant growth.

The Rabbi is like a pied piper. And I mean that in a really affirmative, positive sense. Okay? He attracts people. The organization is very active, okay, in reaching out to people in the community, irrespective of what your faith is I've been told, because I've been invited many, many times myself. Okay? And I think the reality is that this application has to be evaluated by you because your job and your responsibility is to base any decision about this application on competent and substantial evidence before you. Nothing more and nothing less. Thank you.

PRESIDENT LINDSAY: Thank you. Okay. Go ahead, sir.

MR. MINSKY: Madam Mayor, Town Councilmembers, thank you so much for staying so late. My name is Shneor Minsky. I'm one of the Rabbis at the synagogue. I have the privilege to be married to Rabbi Scheiner's daughter and to call Palm Beach home for now three years.

So, one of the things I do at the Palm Beach Synagogue is I run the special events, which is something that was brought up with concern from the opposition. So, I just want to point it out.

I come to the Palm Beach Synagogue every single day, and I stay till about 4 or 5:00 p.m. Days that we have

events or days that we don't have events, if you come outside on Sunset and County Road between 3:00 and 4:30, you'll see there's a long line of cars trying to make a right turn, regardless of what's happening at the synagogue. Most nights we actually don't have anything happening at the synagogue before 5:30, 6:00. And if there is something, it's someone coming to learn privately with the Rabbi or a private meeting, not any large-scale events before 5:00 or 6:00 p.m.

With that being said, for me to get off the island on a regular workday, when I want to go home after 4:00, I know it's going to take me about 30 minutes, and that there's nothing happening at the synagogue that night. And yet it still takes me from when I get out of the synagogue parking lot, till I get off the bridge about 30 minutes.

The traffic and the inconvenience on this island has nothing to do with the synagogue. And yes, it pains me and it hurts me. And when I want to meet someone in the afternoon, I either leave before 3:00 p.m. to my destination, or I tell them I'm going to meet them at 5:00.

Lastly, I want to say is that this year we've taken special -- we've taken some of our large-scale events offsite because we know that there is traffic on the

island, and we don't want to attract it to the synagogue, and we attract it elsewhere.

For example, on February 1st, we're having a large-scale event, and that'll be at the Kravis Center. I run the annual Summit Countering Antisemitism, and some of you have attended in the past. And that will be at the Four Seasons. And a colleague of mine runs a Jewish Wisdom Retreat, which happens also in West Palm Beach.

So, we are doing our part to make sure that no event that we do is causing any traffic or any inconvenience for any residence on this island. Thank you.

PRESIDENT LINDSAY: Okay. I guess you got last, after all. You've been here long enough, Marty.

MR. KLEIN: I don't know if it's good to speak after the Rabbi or not. I should probably learn my lesson. My name is Martin Klein. For the record, I live at 1060 North Ocean Boulevard. Mayor Moore, President Lindsay, members of the Town Council, I've served on your Town Boards for almost 30 years, and I don't think I've ever appeared before you in support or in advocacy of a project I've appeared in terms of process.

(BACKGROUND SPEAKING)

COUNCILMEMBER ARASKOG: You have. The Wells Fargo and some others. Wells Fargo and some others.

MR. KLEIN: Mostly in terms of process and zoning

reform.

Mayor Moore, who I adore, and I'm sort of skipping around because I want to shorten these remarks as I don't -- President Lindsay's looking at me already, but I hope --

PRESIDENT LINDSAY: I know.

MR. KLEIN: I've also borrowed some time from my colleague here, Mr. Oyer.

PRESIDENT LINDSAY: No. Three minutes.

MR. KLEIN: Yeah, no, it's okay. I'm proud to be one of the, probably the only person who's worked both for Mayor Moore and for her mom, who I adore.

Under her tenure, and under Mayor Leslie Smith's tenure, we had a debate about the cultural value of a school. And without violating any confidence, it was well known that her view was that a school brought immense value to a community. And similarly, I think Mayor Moore will agree, so does a church.

Just last week, there was an ABC News story entitled Churches Fight to Stay Open as Attendance Swindles. It pointed out that in the late forties, nearly 80% of Americans belonged to a church, or a synagogue, or a mosque, and today that number has decreased to 45%. Under Rabbi Scheiner, Palm Beach Synagogue has reversed that trend.

I adore the staff. They know that. I've never disagreed with them in public. This is the first time.

Let's jump to the heart of the issue and see if the staff has a real concern. And by the way, I would say to Mr. Zaro, Palm Beach Synagogue doesn't create the traffic, it doesn't contribute it, and denial of the project won't alleviate the traffic in this town.

The staff says the project is immense and there still appears to be too much program being requested on this property. Those are quotes from the staff's report. Neither is true.

And I'd ask the staff who I adore again, are they the arbiter of religious programming in a facility that's not increasing its footprint by one inch?

Let's face it. We're a large piece of property. We have 14,900 square feet on the ground floor, and 10,745 on the second. The synagogue has operated for 25 years without a complaint. So how does joining and securing these buildings translate into either an immense facility or too much programming, warranting a further reduction?

These are the same buildings, we're merely harmonizing.

PRESIDENT LINDSAY: Try to wrap it up there.

MR. KLEIN: Okay. We're merely harmonizing the buildings together. So, let me just talk for one minute

about security.

I recently attended services at a synagogue in New York. Do we need armed security? Sadly, we do. When I went to a synagogue in New York, I had to go through or go past armed police with some machine guns. I had to walk past concrete barricades. I had to go through a metal detector.

And then when I got to my seat, there was a placard on my seat. And I looked at it and I'm going to pass it to my Mr. Bergman to pass to you, and I said, oh, my God. Not another contribution request. It wasn't. It was what to do in the event of an armed shooter attack.

All we want to do is harmonize these buildings, secure the buildings, and we have an obligation to secure them for our worshipers.

President Lindsay is going to cut me off. I have lots more to say. I think what I'll do is I'll put the remarks in the record.

PRESIDENT LINDSAY: Great.

MR. KLEIN: And I would just urge you to approve the project. The footprint is not increasing. We're utilizing the buildings better, we're making them more secure, we don't want the congregants to go outside, and we want to be safe. And we thank you.

And we have a very short, short window. And to my

friends over there, one of whom I have adored and whose name is emblazoned on the synagogue, I say to them, are you better off? We're agreeing to limitations on activities when there are none now. We're going to do a strong Declaration of Use Agreement.

We could have 20 events this week. We're limiting our events to three a month. Are you better off with this or are you better off now. I submit you're better off with this. Thank you.

PRESIDENT LINDSAY: Thank you.

SPEAKER: Thank you, Marty.

PRESIDENT LINDSAY: Thank you, Marty.

SPEAKER: Thank you, Marty.

PRESIDENT LINDSAY: Okay. Oh well. After all, you're not done. Okay, go ahead Anita. This -- if there's anyone else who'd like to speak, please come up now so we know, you know, there's a podium over here. Okay. No, she can't. Okay. So, okay. Anita, three minutes, please. Thank you.

MS. SELTZER: So, hello. Anita Seltzer, Coconut Row. Thank you for your patience.

How many cars can balance on the head of a pin? Cars are not angels. They're temporal. They have mass. They take up physical space. They need to be parked. You know this and you know the specific codes, chapter and

1 verse.
2 So, I ask you, and I speak to you, not to be
3 sanctimonious, but from the heart and for good reason.
4 Our meetings always begin with an invocation. And I've
5 been struck by the fact that the applicant is a stone's
6 throw from four other religious institutions.
7 On the Judaic side, Torah insists justice, justice
8 shall you pursue. And the repetition connotes achieving
9 just ends unblemished by invalid means. At the same time,
10 a cornerstone of Christian observance is a plumb line
11 setting a standard that doesn't change with whim or
12 selective accommodation.
13 Our code of ordinances, our comp plan is a saving
14 grace to our community. Our saving grace, pun intended,
15 because it was put in place in order to enable us to
16 maintain a civil, lawful, compact, and not an arbitrary
17 one.
18 The synagogue has rights as a property owner, yes,
19 but the synagogue also has the obligation to comply with
20 the rule of law. And everything must be avoided that
21 might prove to be a source of injury to our community.
22 Our celebrated byways are mired. They're failing, our
23 gilded geography chokes us.
24 Forty spaces on Royal Poinciana Way, Mr. Crampton,
25 are about to become placards. The others are going to go

1 to Park Mobile. The 200 blocks of Sunset and Sunset
2 Avenue and Sunrise are already going to be Park Mobile.
3 The synagogue can't meet the standards for the
4 approval of needed special exceptions due to the
5 violations of the comp plan, and the effort to tap a
6 magical declaration of use wand to kind of conjure hocus
7 pocus, isn't a solution, because it cannot supersede
8 compliance with our Town Code.
9 The synagogue cannot bypass restrictions through a
10 declaration of use. And as you know, a development order
11 can't be issued contrary to our comprehensive plan. Staff
12 has told you this. Our attorney has told you this.
13 Finally, it looks as though Mr. Mizel is not here
14 anymore. I wish he was here because I would like to ask
15 him a question.
16 Kelly, how does this continue to be a thing?
17 Because it shows trucks coming onto the island across the
18 middle bridge, heading north on County Road, and then
19 entering the property by turning west onto Sunset Avenue,
20 when we know, painfully well, that Sunset Avenue runs east
21 and will continue to run east for many, many months.
22 This is just a small example, but there are drawings
23 that need a more thorough review, including the interior,
24 which now only provides four legally allowable bathroom
25 stalls for all of these new members. And also there is

1 insufficient traffic and parking data for you to deal with
2 in order to make your decision today.
3 So, I want to end by saying that as you deliberate
4 the applicant, however noble, needs to be separated from
5 the application. That's not the issue here. Thank you.
6 PRESIDENT LINDSAY: Thank you.
7 MS. O'CONNOR: Harvey, there someone --
8 PRESIDENT LINDSAY: Okay.
9 MR. OYER: Before I begin rebuttal, I believe there
10 are people on Zoom who would like to speak as well.
11 UNKNOWN SPEAKER: We thought we were here.
12 PRESIDENT LINDSAY: We thought we were here.
13 UNKNOWN SPEAKER: Nope.
14 PRESIDENT LINDSAY: No one's raised their hand, so.
15 MR. OYER: Okay.
16 MS. O'CONNOR: No one has raised their hand to
17 speak. If you're going to start rebuttal, we're cutting
18 off public comment members. No one on there. Nobody's
19 standing up.
20 MR. OYER: Let's ensure that we are done with public
21 comment.
22 PRESIDENT LINDSAY: Yeah. We've already checked.
23 There's nobody up.
24 MR. OYER: Okay. With that, I will try to make this
25 as brief as I can.

1 PRESIDENT LINDSAY: Well, what does that mean,
2 please?
3 MR. OYER: I'm sorry.
4 PRESIDENT LINDSAY: What does that mean in your
5 vernacular?
6 MR. OYER: Hour and a half?
7 PRESIDENT LINDSAY: No.
8 MR. OYER: No, I'm kidding. Ten minutes.
9 PRESIDENT LINDSAY: Ten minutes is fine.
10 MS. O'CONNOR: You need to get fined. You may
11 double it.
12 PRESIDENT LINDSAY: No, he's fine with 10.
13 MR. OYER: So, there are a few things that I feel we
14 need to factually correct, and then I want to try to bring
15 this in for a landing and figure out how we can work
16 together with you.
17 I know everyone wants this synagogue to be
18 successful, it's a matter of how do we do that and
19 mitigate any harm to the town. So that's what I'd like to
20 spend our time on. But just a few things that I think we
21 need to correct.
22 We heard this number several times, that it's 170%
23 increase in the size. And while I wasn't necessarily
24 great at math, I can tell you that if we have a 19,000
25 square foot facility that is going to 32,000 square feet,

that is not 170%, that is a 59% increase. And if you are to take out the 9,000 square feet of hallways, stairwells, fire exits, bathrooms, that's another 28%. So, you really have a 31% increase is what we're talking about.

And as I explained earlier, you're trading square foot for square foot on the existing Chez Jean-Pierre kitchen to create more north setback, which is what your code requires. So, we bring that into compliance, and we are moving that to a new kosher kitchen, which allows us to completely secure the northern perimeter of the property.

So, we're solving three problems there. We are giving you more landscape, open space, and setback, in addition to a utility easement. We are getting rid of all the trucks that deliver kosher food and clog up our roadways doing so, so it can all be prepared on site. And very importantly, we create a secure border for this facility.

So, the only new addition other than the connecting hallway which connects uses that already exist, is covering up that ugly parking lot, which I think we've all agreed is a good thing. So, I really think that this discussion has gone off course on how big this addition, actually, is.

We've heard discussion about limiting bonafide

religious functions, that it should be smaller. I think you've heard testimony, well, I know you've heard testimony today, of what constitutes a religious function. In fact, Mr. Dershowitz is the one who correctly, the only correct version that's been stated today, is that a religious function is in the mind of the beholder. None of us get to decide. Congress doesn't get to decide. What the U.S. Supreme Court has said repeatedly is religion is what is in your mind.

So, if you're in the broom closet thinking about your spiritual beliefs, technically, that, too, is a religious activity. But let me talk about what the uses are in this building.

They are Hebrew School. I think, we've established that Hebrew School is a religious function. The sanctuary is a religious function. The dining hall, the social hall is a religious function. It is the other half of a religious service where we, presently, do not have enough room to accommodate the people that attend. In other words, or stated differently, the entire building is a religious function.

If everything there and every activity is religious function, how would we in good conscience limit those religious functions? I'm not aware of any declaration of use on any other house of worship in this town that limits

Baptisms, Bible studies, confirmations, studying for confirmation. Why would we do it here? That is antithetical to what our nation stands for.

I mean, stop and think about it. When James Madison wrote the Bill of Rights, which one did he make first? Freedom of religion. Right? So, as Mr. Dershowitz correctly pointed out, your code does not trump the constitution. So, all of these comments about the constitution doesn't trump our zoning code. That's wrong. It does. And I will get to that more in a moment. But let me continue with a few factual issues.

We were told by the opposition's traffic engineer that it was calculated wrong. We don't meet the standards. We have a county traffic concurrency letter. That is the standard. So that means the county reviewed it, your staff reviewed it, your outside consultant reviewed it, and there is a traffic concurrency letter. And that is the defining authority.

I heard that there has been no competent substantial evidence entered into the record except what the opposition entered, which that, too, is interesting because I spent far too long in your eyes, Bobbie, presenting competent, substantial evidence both 60 days ago and today. My entire presentation was competent, substantial evidence.

Our entire written application was competent, substantial evidence. They may not like our competent, substantial evidence, but to state that there was none is patently false.

We also heard that we've demonstrated no hardship. If I need to go back through the presentation again and point out for you where that hardship explanation was, I will. It's in our written application and it's been in both of my presentations to you. Let me highlight a few of them.

We didn't create these buildings; we inherited these buildings. We inherited buildings that were built before your code. Those buildings don't meet your code. That is not a self-created hardship.

Seven of the nine variances were visited upon us when we acquired the buildings. And hundreds of times in the history of this Town Council, you have granted variances for that identical reason and identified hardships, and it's been litigated, and you've always won. So, none of those are self-created. All of those were inherited by us. They already exist.

Let's talk about the two variances that are of any substance whatsoever, which are the building larger than 15,000 square feet, and the parking. I don't know how I could present more evidence that there is no real parking

1 issue than what I've done. We have film footage, we have
2 still photographs. We've done it in the height of the
3 season over a running two months. I've demonstrated 375
4 available spaces for a staff mandated 139, which takes no
5 account of the fact that we've agreed to never use more
6 than one function at a time.
7 So, I would argue that 139 is artificially high.
8 You have recognized that staggered use in every other
9 Declaration of Use Agreement in my 29 years of being in
10 front of your Council. But for some reason,
11 astonishingly, we're not doing it here.
12 We are not a new applicant to Town. We're not
13 Carriage House, and you're not wondering, for example, and
14 I don't mean to pick on them, I love Carriage House, but
15 you had never had them before, is my point. You didn't
16 know what to expect. You know exactly what to expect from
17 us. Been here 31 years and in this space 25 years and
18 there are zero registered traffic or parking complaints
19 about our use of it, even testimony from the opposition
20 that there is not a parking issue. So, I'm not
21 understanding what hardship has not been demonstrated.
22 These buildings, like most CTS owned buildings, have
23 no parking whatsoever or limited parking. We have
24 demonstrated that we have never caused a problem. We have
25 made three times the amount of parking that your staff has

1 mandated available, but, yet, that's not competent
2 substantial evidence, and I beg to differ. I think we
3 have.
4 With respect to the buildings, we can go back, and
5 we can make three separate buildings, and we don't need a
6 variance from you. But let me explain if it's not obvious
7 what the hardship is there in addition to you granting it
8 27 other times, including the building that we're in,
9 including three of the other religious institutions are in
10 CTS and they're larger than 15,000 feet.
11 And what we heard is you should get a bigger piece
12 of property. You can buy the whole Town of Palm Beach,
13 and you still can't build a building bigger than 15,000
14 square feet.
15 So, we could buy Trevini, we could buy Publix, we
16 could own all the way back to Bradley Place. We could own
17 15 acres of land and I'd still be standing in front of you
18 seeking a variance, because the code doesn't have a
19 relationship between building footprint and how much land
20 you own, the code has a relationship to one thing; are you
21 more than 15,000 square feet.
22 So, we don't need a bigger piece of land, what we
23 need is security. And if you force us to be in separate
24 buildings, you're not only harming everyone in this room
25 that attends the synagogue and their children and

1 grandchildren, we're harming our Town.
2 Imagine if there's an incident there. You know,
3 what happens to the Town of Palm Beach, way beyond the
4 synagogue? Do you know how many people have canceled
5 their Mardi Gras reservations to go to New Orleans because
6 of what happened there a couple of weeks ago? This Town
7 is materially harmed if we let anything happen to the
8 people at the synagogue.
9 So, they did not create that situation. They didn't
10 create a world of antisemitism, a long history, 2000 years
11 of antisemitism. They didn't create that. They're simply
12 trying to exercise their First Amendment right in a safe
13 location in our Town, and we owe that to them. We've done
14 it for every other house of worship.
15 And the test is not who is here first, folks.
16 Because if that's it, I've been here longer than everyone
17 else. One hundred and fifty-three years my family's been
18 here. We planted the coconuts from the wreck of the
19 Providenciales in January of 1878 that gave Palm Beach its
20 name, and my family was the founding family of Bethesda,
21 the Episcopal Church, of Bethesda By The Sea in 1889, on
22 its original site, not where it is today. And they have
23 just as much right as I do to a house of worship with
24 fully functioning safe Sunday school rooms, and sanctuary,
25 and kitchen, and dining hall, and ADA compliant bathrooms,

1 and walkaways and hallways.
2 The test of the U.S. Constitution is not who got
3 here first, the test is equal treatment. So, when I hear
4 you have to apply the code equally, they're absolutely
5 right, you do. And do you know what you've done? You've
6 let every other house of worship in this town, regardless
7 of what zoning district they're in to be more than 15,000
8 square feet, you've let all of them be under parked.
9 You've allowed all of them to park in the public
10 right-of-way, and that's all we're asking you for. We're
11 asking for no special favors. We're asking for the same
12 treatment.
13 So, with that, I will stop talking. I appreciate
14 your time and attention. I know this is a tough issue.
15 We want to work through it with you, but I want to level
16 set what the discussion really is. Thank you.
17 PRESIDENT LINDSAY: Okay, thank you.
18 MR. OYER: And we stand ready for questions or
19 comments.
20 PRESIDENT LINDSAY: Is there any questions for
21 Harvey?
22 COUNCILMEMBER COONEY: Not for Harvey.
23 PRESIDENT LINDSAY: Okay. I think --
24 COUNCILMEMBER ARASKOG: And maybe I would, I can ask
25 staff instead of Harvey.

PRESIDENT LINDSAY: Okay. So, but I think we'll go into a executive session here talking and just amongst us.

COUNCILMEMBER MORAN: Can we ask some questions of Wayne --

PRESIDENT LINDSAY: And yes, with staff, I mean absolutely. Yes, I think --

COUNCILMEMBER CRAMPTON: We're going to our executive session folks.

PRESIDENT LINDSAY: I think you agree with that. So that means we're not going to talk to anybody for a while, but ourselves and staff. Okay. And our attorney. Thank you. Okay.

So, the board is starting to light up. Julie, Ted. Yeah. Bridget.

COUNCILMEMBER COONEY: Joanne, I'm going to need to lean on you because we've heard from a lot of attorneys today, but you're ours. Could you speak to two matters for me please? One would be the comments about our pending litigation with the Paramount, and how this request relates to that. And I think you know how to handle that. I think you get what I'm looking for.

And secondly, I definitely need some education because we just, on the constitutional questions that were raised. So, if you could address two of those matters.

MS. O'CONNOR: Sure. Good afternoon. Joanne

O'Connor, Town Attorney. With respect to the Town's pending litigation with the Paramount, that's a FLUEDRA proceeding, and while that proceeding is pending, other matters that the Paramount could bring against the Town are tolled.

So, the Paramount had also filed a petition for certiorari that's pending in the Circuit Court Appellate Division. It can also file -- after the FLUEDRA under proceeding, it can file a Bert Harris Action, a Section 1983 equal protection action.

As it stands now, I don't believe that a decision by you relative to the synagogue would adversely affect the current proceedings in the Paramount FLUEDRA. However, I will tell you, and you've heard it from Mr. Eubanks, and you'll hear it from Mr. Shubin, on behalf of the Paramount, that this idea that the only similarity between the two is that on the Paramount you approved the increase in membership in the house of worship, and here they're asking for the same thing. That is not what I would see as the only similarity.

On the Paramount, you denied them a special exception for a 7 -- a 475 member private club and a 30,000 square foot plus building. You denied that as inconsistent with the purpose of the Commercial Town Serving District and not in compliance with all elements

of your comprehensive plan, specifically, the policy that relates to intensification of use.

And so, here I've heard some arguments about how, oh, the synagogue is different because they are an existing house of worship, and that even though they're expanding into greater square footage, that that's somehow different than the Paramount coming in as a private club. I don't see a difference there. I think they're both special exception uses.

The house of worship is not a matter of right in this zoning district. We do have two zoning districts where houses of worship are permitted uses. So, I do think that that will sort of stir up issues in the Paramount.

Whether there's a, you know, legal effect that the magistrate judge might find, I'm not sure because this would be a decision after you decide on the Paramount. However, to tie them together, I do think when you look at your variance criteria, one of your variance criteria in 134-201(a)3 is that granting the variance rule -- requested will not confer in the applicant any special privilege that is denied by this chapter to other lands, building, or structures in the same zoning district.

So, I think you always need to be keeping in mind, particularly where this same Town Council just ruled on

the Paramount, you want to be even handed in the application of your code to various entities.

And to that point, if I might just go further and address Harvey's last point, suggesting that there be an equal protection claim because other prior houses of worship have been, quote, "allowed" in this same zoning district.

As you know I've handled litigation on behalf of the Town for more than 20 years. That's included a number of cases in Federal Court, including an equal protection case that went all the way to the 11th Circuit Court of Appeals, successfully.

To bring an equal protection claim, you have to be, what the courts refer to as similarly situated in all material respects. They look very strictly at the comparisons. And the courts have held that you are not similarly situated if you seek different forms of zoning relief, even from different decision-making bodies under different provisions of local law.

And so, I think unless you're going to parse it and identify something very, very, like, exactly the same circumstance, and here many of these houses of worship were before you had a zoning code. I think Sineds was in the 1920s that it was built in Bethesda By The Sea in the 1950s obviously before our code in 1974.

1 Other questions today? Oh, and I guess --
2 COUNCILMEMBER COONEY: Yeah, the second question was
3 about the constitutional stuff. And I guess as a follow
4 up to that, while you're answering it, does any of that
5 change your opinion about the request that we must be, for
6 lack of a better term, easier on a religious requests
7 compared to a commercial request?
8 MS. O'CONNOR: So, two things on that. What I heard
9 from Mr. Dershowitz, with all due respect to him, because
10 he obviously is far more experience than me, I didn't hear
11 a lot of specifics from him on how there would be a free
12 exercise issue.
13 What I did hear from him and what I've been looking
14 at you know since he spoke, there's an 11th Circuit Court
15 case that's our Federal Appellate Court in Florida from
16 just last year, 2023. So, when you're talking about
17 trends, that cites the Smith case that he referred to and
18 talks about the fact that the -- and it says, quote, "We
19 have found the enforcement of zoning ordinances as both
20 neutral and generally applicable. Several of our sister
21 courts have come to the same conclusion, and cites to the
22 10th Circuit Court of Appeals, the 3rd Circuit and the 7th
23 Circuit Court of Appeals."
24 And the idea here is that government action can
25 incidentally burden religious practices subject to only a

1 rational basis review, which is one of the lowest
2 standards of review in constitutional case law, so long as
3 neutral and generally applicable.
4 So, you heard from an individual here today about
5 the Hialeah case. That's a case that went to the Florida
6 Supreme Court. I believe it involved an actual zoning
7 ordinance that in the terms of the ordinance targeted a
8 ritual animal sacrifice practice by the Santeria religion.
9 And so not surprisingly, as you can imagine, that was
10 held to be, specifically, targeting religious practice.
11 Here -- and so based on my knowledge, the free
12 exercise clause comes into play only if the law at issue
13 discriminates against some or all religious beliefs or if
14 it prohibits conduct because it's undertaken for religious
15 reasons. We don't have that here.
16 I mean, we have, again, two zoning districts that
17 permit houses of worship as a matter of right. This is a
18 special exception, just like many other special
19 exceptions, just like the Paramount for private clubs. A
20 house of worship is a special exception in this zoning
21 district.
22 And then just second on that point, because in some
23 of the written materials you may have received, there was
24 reference to the RLUIPA Act, which is both a Federal and
25 Religious Freedom Act. It's the religious land use and

1 institutionalized persons act. That again, the case law
2 is clear, does not prohibit the application of valid
3 neutral zoning provisions to church property or to curtail
4 uses. It only applies in two circumstances.
5 One is where the government substantially burdens
6 the practice of your religion by coercing you to practice
7 in a certain way or to change your behavior. We don't
8 have that here. In fact, we've heard great things about
9 the ability of folks to practice their religion at the
10 Palm Beach Synagogue.
11 The second part of RLUIPA, and it's -- and its state
12 law component, is an equal terms provision, which
13 essentially says kind of like what I spoke to on equal
14 protection, that you have to treat similarly situated
15 non-religious institutions or treat religious institutions
16 the same as similarly situated non-religious institutions.
17 Here, actually, I mean, again, you just had the
18 Paramount on a kind of similar situation. So, I don't
19 think -- I don't see a RLUIPA or religious issue here. We
20 have very neutrally drafted ordinances that you all know
21 how to apply and apply evenhandedly.
22 COUNCILMEMBER COONEY: Just one quick question.
23 What are those two zoning districts at which religious
24 institutions are as of right now?
25 MS. O'CONNOR: CB and CPC.

1 COUNCILMEMBER COONEY: Okay. So, CPC is the Royal
2 Poinciana Plaza, and CB is just that 100 block of Royal
3 Palm Way, correct?
4 PRESIDENT LINDSAY: Right. And a small part of is
5 --
6 COUNCILMEMBER COONEY: Okay.
7 PRESIDENT LINDSAY: Right. Where the hotel is.
8 COUNCILMEMBER COONEY: Yes.
9 PRESIDENT LINDSAY: And on the other side.
10 COUNCILMEMBER COONEY: Yes. The 100 block. Yes.
11 PRESIDENT LINDSAY: Right.
12 MR. OYER: Madam President, I know you're in
13 executive session.
14 PRESIDENT LINDSAY: No, we are. We are.
15 MR. OYER: That is not the correct interpretation.
16 PRESIDENT LINDSAY: We are, I'm sorry, we're in
17 executive session.
18 MS. O'CONNER: That's Joanne's interpretation.
19 Thank you, Harvey.
20 PRESIDENT LINDSAY: Thank you. Thank you, Harvey.
21 We can't do that.
22 MR. OYER: That's up for me for questions.
23 PRESIDENT LINDSAY: Okay. Bridget, Julie?
24 COUNCILMEMBER MORAN: Oh, I still was digesting that
25 one.

COUNCILMEMBER CRAMPTON: We're still asking, we're asking questions at this point?

PRESIDENT LINDSAY: Right.

COUNCILMEMBER ARASKOG: Can I ask you a quick question? Can we have one break because this going to take a while just to --

PRESIDENT LINDSAY: Sure. Would you like a five-minute break?

COUNCILMEMBER ARASKOG: Just five minutes. All right everybody, we're going to break for five minutes and then come back to executive session.

COUNCILMEMBER CRAMPTON: So, we're going to ask questions and then we're going to opine, right?

PRESIDENT LINDSAY: Into each other and if you have --

(OFF THE RECORD)

(BACK ON THE RECORD)

PRESIDENT LINDSAY: Oh, sure. Absolutely. Well, I'm just going to get people to come back. Okay, everybody please come back. Oh, she's got everybody back in your seats, please. We're going to resume. So, go ahead, Mayor.

MAYOR MOORE: If everybody would take their seats. Because I think I, personally, am about to have a scheduling issue. This conversation is going to go on

probably for a significant amount of time. So, I'd like to ask my colleagues on the desk how they feel about finishing this issue, and rescheduling the rest of the meeting for -- come on, we're going to be here until 11 o'clock.

If you all want to stay until 11, then have at it. But I know there are some people on the Council, we'd like to finish this particular topic and then perhaps for the other items on the agenda, reschedule. But I'm going to ask my colleagues on the desk how they feel.

COUNCILMEMBER ARASKOG: I think we need to hear from the applicants, because I see David Fisher shaking his head. If they've been here with their representatives --

MAYOR MOORE: Okay. Well, then we stay.

COUNCILMEMBER ARASKOG: I mean, I don't know.

MAYOR MOORE: I'm game. Fine.

COUNCILMEMBER ARASKOG: Maybe there's some who'll be okay, but I'm just saying maybe we give them the choice.

COUNCILMEMBER COONEY: And I understand the frustration. I think, you know, this matter has taken a lot longer I think, than anyone even expected. We knew it would take a while. But I do know we don't make our best decisions when we run long.

COUNCILMEMBER ARASKOG: Yeah, we do not.

COUNCILMEMBER COONEY: And I don't know that it's

fair to our staff to keep them here for this amount of time.

COUNCILMEMBER ARASKOG: That's true.

MAYOR MOORE: You know what, I'm game. If you want to stay, I will remind the Council that the latest meeting at Council meeting went was the Mar-a-Lago Club and that meeting adjourned at 2:45 a.m. So, if you all want to stay, I'm game to stay.

MR. OYER: I don't think I'm interested in that.

PRESIDENT LINDSAY: No.

MAYOR MOORE: I'm game to stay.

COUNCILMEMBER ARASKOG: I think was more like about 9 the latest or 9:30, but --

MAYOR MOORE: Look.

COUNCILMEMBER ARASKOG: Oh, you know what? Hold on.

MAYOR MOORE: It was the courtesy of the desk.

COUNCILMEMBER ARASKOG: Hold on.

MAYOR MOORE: I was trying to come up with this. If you-

COUNCILMEMBER ARASKOG: David just said he'd be okay.

MAYOR MOORE: Okay.

PRESIDENT LINDSAY: I'm just letting you know.

COUNCILMEMBER COONEY: So, when?

PRESIDENT LINDSAY: He's fine, so.

MAYOR MOORE: I'm not worried about David, he's a big boy. I see him, he's a friend of mine. I know him really well.

COUNCILMEMBER MORAN: Mayor, would you be adding this to next month's agenda?

COUNCILMEMBER COONEY: No, we can't make people wait that long.

MAYOR MOORE: No, I'd be adding it to a meeting on next week --

PRESIDENT LINDSAY: A special meeting.

MAYOR MOORE: -- on Tuesday or Thursday. Remember Monday is Martin Luther King Day.

PRESIDENT LINDSAY: We have to do tomorrow morning. I think some people won't be here. So that's up to you.

COUNCILMEMBER COONEY: I can't do it, but I can do it a week from -- I can do it a week from now if we have to.

PRESIDENT LINDSAY: I don't, we'd have to ask the applicants. Do you want to ask them at least?

COUNCILMEMBER COONEY: The compensation of the professionals here is at issue.

COUNCILMEMBER MORAN: Have you offered any of the applicants to --

COUNCILMEMBER COONEY: That's a conversation for the professionals regarding this issue.

PRESIDENT LINDSAY: Well, we can go as long as we can, let's see if we can get through this.
COUNCILMEMBER COONEY: Okay.
MAYOR MOORE: Okay. All right.
PRESIDENT LINDSAY: Back to executive session, Julie.
MR. OYER: You're asking the applicant or?
COUNCILMEMBER ARASKOG: Not you. We're asking the other applicants.
MAYOR MOORE: Not you, others.
MR. OYER: Others.
COUNCILMEMBER COONEY: We're going to finish you.
MAYOR MOORE: So, and then --
COUNCILMEMBER ARASKOG: Mara, are you okay if we do you next week? Because this is going to take a long time.
MS. MARA: No.
PRESIDENT LINDSAY: You'd rather stay?
MS. MARA: Well, why don't you adjourn the synagogue and let us all go.
COUNCILMEMBER ARASKOG: We can't.
MS. MARA: Why?
COUNCILMEMBER ARASKOG: Because we're in the middle of having heard a hundred people.
PRESIDENT LINDSAY: We have a hundred and fifty people here.

MS. MARA: But I thought all there was you're done with public comment?
COUNCILMEMBER ARASKOG: No, we've already been in executive session. We can't stop now. It's whatever you all decide. You tell us.
MS. MARA: Mimi's out of town next week.
COUNCILMEMBER ARASKOG: Okay.
MAYOR MOORE: All right, so we stay. So, we'll stay, we'll stay, we're game.
PRESIDENT LINDSAY: Okay.
MAYOR MOORE: So, in the break, I still have the board, right Bobbie?
PRESIDENT LINDSAY: Yes, you do.
MAYOR MOORE: Okay.
PRESIDENT LINDSAY: Mayor's got the board.
COUNCILMEMBER ARASKOG: I was actually up.
PRESIDENT LINDSAY: Then you, Julie, and then Bridget. You're on there too.
MAYOR MOORE: I have a question for the applicant. Mr. Oyer, may I ask you a question?
MR. OYER: Yes, ma'am. Of course.
MAYOR MOORE: Since it was brought up and Joanne, of course there's no disrespect to you. Not only are you a Town Attorney, you're my friend and a fellow Dukey. So, I'm going to say that, as is Julie by the way.

But Harvey you may have a different -- I would ask you if you had a different take on the, what is it called? The RLUIPA? What'd you call that? RLUIPA. Hey, Chalupa, RLUIPA. Okay. You know, it's getting late.
So, Harvey, could you explain to me because I'm not a lawyer, and we all know that, explain to me a different take on it, or if you have another expert in the room who's not you, because you talk too much sometimes, I'd like to hear from them if I might Joanne, may I please?
MS. O'CONNOR: Not a problem.
MR. OYER: So, thank you Madam Mayor. So, there were two legal questions that were asked of your Town Council. The first was regarding the Paramount litigation, and I am not the expert on that. We hired a third-party expert. His name is Cliff Hertz and I'd like to ask him to address that. Then I will address the RLUIPA piece.
MAYOR MOORE: Is that -- thank you. Come on.
MR. HERTZ: Okay. Mayor, Council persons. For the record, Cliff Hertz, Nelson Mullins, Riley & Scarborough. Our address is 360 Cl --
UNKNOWN SPEAKER: Rosemary.
MR. HERTZ: Rosemary, Suite 1410. I'll be very brief.
First of all, I'd like to thank Joanne for her

collegiality, and she's been very accessible. We've had a number of conversations on the issue of how a decision here approving the synagogue applications might affect, or not affect, the pending litigation or potential litigation. Because as Joanne pointed out, right now, there is a administrative procedure, the FLUEDRA procedure, and subsequent to that, there could be additional. There's going to going to be a petition for a cert, which is in the nature of an appeal, but there could be other claims.
The one that seems to be the focus of if, to the extent there's any concern, because what I heard from your Town Attorney was, I'm not really scared, I'm not really worried about it. But she did go over all of the realm of possibilities of what, might or could be, alleged by Paramount.
But I think one of the most important ones that she focused on was the language in your code relating to variances. How there would be no special privilege, that others in the district were not going to be able or did not receive or not able to receive. And I'm paraphrasing, that may not be the exact language.
When I reviewed the development order for the Paramount, after the special exception for the club was denied, for better or for worse, and I think it's better

for the Town, Paramount withdrew the variance applications, because in essence they were moot, but they didn't have to withdraw them.

So, first of all, they were never ruled on, second of all they were withdrawn and, therefore, that could not form the basis of some sort of after the fact you gave that to them, but you didn't give it to me. And plus, frankly, in a equal protection setting, I've never really heard of somebody coming in with something that happened after their hearing and claim that somehow they were entitled to equal protection claim as a result of something that happened after as opposed to before.

So, I personally, it's my opinion, and I've looked at this pretty closely, and I've looked at the FLUEDRA demand letter, or request letter, as it's put, from Mr. Schumann to the Town and analyze the various potential claims, and I just don't see how the approval here would have any impact whatsoever.

I'm not saying, and I think the Town Attorney would agree, I mean, I can't tell you that they won't attempt to use it. But you know what we say, you know, for a few hundred dollars and a good imagination, anybody could make a claim against anybody else. And in this case I don't think it's likely that anybody could prevail as a result of an approval here on any claim.

More importantly, I mean, it would be, I put it in the category of white flies starting to eat plants that are resistant to them. I mean, it's just not going to happen. But I can't tell you they won't make the claim, and that they won't use an approval here to try to bootstrap their claim, but it will fail. And that's my opinion on that.

MS. O'CONNOR: If I could just add, and Cliff, I mean, I agree that the timing is a little bit funky in terms of how the Paramount might try to use an approval here, but keep in mind the Paramount could also come back and resubmit their application and then they'd be before you saying, hey, you just gave this special exception, you just gave these variances, so now you need -- you'd be hearing the same arguments you're hearing from these folks here in terms of treat us similarly.

MR. HERTZ: I think that other salient fact on an equal protection claim is that they're in the past, and I can't tell you what the future holds, every application stands on its own. But the prior application did not have any use covenant that under 2.4, the intensification provisions, you know, that's not a violation of the comp plan to intensify it, it's just they have to minimize the impacts. And the whole idea of the restrictions would be to minimize the impact here.

I'm straying a little far afield from my assignment, but that was not the case in the Paramount applications. There was no use restrictions that were offered to the Town to mitigate the impacts. So that's some of the reasons why they're different. Some of the reasons and why my opinion is that they could not prevail on a claim whether it be equal protection.

Bert Harris is out of the question. I won't even get into it. I will if you ask, but it's really the equal protection issue that I think is the most concern to the Town Attorney. And I hopefully I've addressed it satisfactory, at least given you my position.

COUNCILMEMBER ARASKOG: Can I ask you my question?

MAYOR MOORE: Yep.

COUNCILMEMBER ARASKOG: 122. I have a quick question for you please. So, you can guarantee me that because you just said it in a way that was not a guarantee. So, you can guarantee me if we grant these that they can't use it?

MR. HERTZ: No, I think they will try to use it.

COUNCILMEMBER ARASKOG: Thank you. That's all. But you can guarantee me that it wouldn't be found to be valid?

MR. HERTZ: I can't make any guarantees --

COUNCILMEMBER ARASKOG: Thank you.

MR. HERTZ: -- about what a court will do. I can give you my opinions.

COUNCILMEMBER ARASKOG: I'm just saying the way you spoke it sounded like --

MR. HERTZ: My opinion is very firm and it's not couched in any way, and it's absolute. But you know, I can't tell you that a one to five shot at the track is going to hit every time.

COUNCILMEMBER ARASKOG: Can we ask John, too?

MAYOR MOORE: Sure.

COUNCILMEMBER ARASKOG: I guess John may ask you the same question.

MR. EUBANKS: Well, I was going to ask you, what I was going to ask is that since we had, you know, some input from the other side as an expert, we still have Cecilia Ward here, 45 years. She's going to tell you what she knows of what's been happening, or what happens in these type of cases and if they've ever been sued on or anything else.

So, it seems like if you're going to take one expert, you need to take the other one and let them both have that. Now, you may want to go with what your Town Attorney says, but at least then you have both hands, you have both of them to in front of you.

MAYOR MOORE: I'm the one who asked the question, so

1 can I have the --
2 PRESIDENT LINDSAY: You want Cecilia Ward to answer?
3 MAYOR MOORE: Can I have the answer?
4 MR. OYER: The second answer?
5 MAYOR MOORE: I want that answer to the second half
6 of my question about the --
7 MR. OYER: So, you've received the same answer from
8 the Town Attorney as you have from Cliff on Paramount,
9 that yes, you can sue for $125 a ham sandwich in the local
10 court. That doesn't mean you're going to win. And I
11 think they're both saying that the applicant would be
12 unlikely to win.
13 MAYOR MOORE: Yeah, I heard that part. Go on to the
14 thing about the RLUIPA thing.
15 MR. OYER: RLUIPA, right. RLUIPA is a Federal Law.
16 MAYOR MOORE: RLUIPA, sorry.
17 MR. OYER: RLUIPA is the acronym for a long name of
18 the Federal Law. But in essence, what it is is many
19 decades ago it was common practice in southern states for
20 towns, municipal governments, to deny -- they required a
21 permit to start a church. And if you were black and you
22 walked in the Town Hall, you didn't get a permit. If you
23 were white and walked in the Town Hall, you got a permit
24 for a church.
25 So, the United States Congress stepped in, and the

1 Federal Government did what the states were failing to do,
2 and they created this law that says several things. One
3 is a religious institution cannot be treated any
4 differently than a non-religious institution.
5 MAYOR MOORE: Okay.
6 MR. OYER: And a religious institution cannot be
7 treated any differently than another religious
8 institution. So whatever one is permitted to do, the
9 other is permitted to do.
10 Moreover, it also says that a government cannot,
11 unless there is a compelling governmental interest, they
12 cannot inhibit the free practice of religion. And if they
13 do find a compelling interest, which is hard to establish,
14 incidentally, there are very few compelling interests
15 beyond someone's First Amendment right to freedom of
16 religion. They then have to narrowly tailor the relief.
17 So, it can't be a blanket denial. They have to narrowly
18 tailor a relief to protect that governmental interest. So
19 that's what RLUIPA says.
20 How does that apply in this instance? It applies in
21 this instance, because I pointed out to you, I think 24
22 examples of you and your predecessors allowing more than
23 15,000 square foot buildings. Some are pre your current
24 code, some are post, your current code. Those can be
25 religious institutions, or non-religious, but you have

1 treated them differently.
2 I pointed out to you a number of instances where no
3 one's ever gotten perpetual parking, but you have
4 recognized their offsite parking agreements, and you have
5 allowed them to enter into declaration of use agreements
6 even though they didn't meet the code parking. And you
7 have done that many times for non-religious institutions
8 and our peer group religious institutions.
9 We are a religious institution in the CTS zoning
10 district. There are three more religious institutions in
11 the CTS zoning district. They are all larger. They all
12 exceed 15,000 square feet. None of them meet the parking
13 code.
14 And then the kicker at the end of this, ladies and
15 gentlemen, is you have allowed all of them to use the
16 public road right of way to park. And when we sent in our
17 letter seeking the same treatment, it was denied. This is
18 a prima facia poster child --
19 COUNCILMEMBER ARASKOG: No, it wasn't.
20 MR. OYER: Well, we got no answer.
21 COUNCILMEMBER ARASKOG: There's a difference between
22 no answer and denied.
23 MR. OYER: So, then I look forward to the acceptance
24 letter.
25 COUNCILMEMBER COONEY: It's a distinction without a

1 difference.
2 MR. OYER: Right. Right. Justice delayed is
3 justice denied, Thurgood Marshall. And that's exactly
4 what is occurring here.
5 So, I would submit to you that you do have a RLUIPA
6 claim here because you are treating this religious
7 institution differently than non-religious institutions,
8 whether it's same zoning district or not, and you are
9 treating it differently than other religious institutions.
10 And then just to punctuate this point, I think it
11 was Ted that asked the question, what zoning districts are
12 you permitted by right to have a house of worship in, and
13 there are two. One is a single property, the Royal
14 Poinciana Plaza, and the other I think is two properties,
15 the Wells Fargo site and across the street.
16 So, while you have technically complied with, you
17 have provided a zoning district somewhere in your Town
18 that you can get a religious institution by right, the
19 overwhelming majority of your town, 99.999%, we have to
20 come to you to get your permission.
21 So, while it's obvious and bald faced what they did
22 in Georgia, Mississippi, and Alabama, it's a little more
23 complex in the labyrinth of rules here but let me untangle
24 it for you. There is no place in your Town that you can
25 get a religious institution by right that's at least

15,000 square feet. You've created three properties in the Town of Palm Beach where you can get a house of worship by right, but you can't get a 15,000 square foot building by right.

So effectively, through this tangled complex web of rules, you have perpetrated, not you, personally, there was no intention to do this, I'm not insinuating that anyone did this, but the net effect of this is, is no one has the right to build a house of worship in this Town by right without your permission. And that is a barrier to our First Amendment right to religious protection.

COUNCILMEMBER ARASKOG: Can we have Joanne comment on that, please.

MR. OYER: Stated differently, you've effectuated the same thing that Town Halls in Mississippi, Georgia, and Alabama did, not because you intended to, but that is the net effect of it.

PRESIDENT LINDSAY: Okay. Well --

COUNCILMEMBER MORAN: We need to clarify Harvey. When you say that, do you mean just, exclusively, just because of the size of the building?

MR. OYER: Yeah. So taken together -- yes.

COUNCILMEMBER MORAN: Take everything else out.

MR. OYER: Yes, ma'am.

COUNCILMEMBER MORAN: Just because of the size of

the building, we're prohibiting you from worshiping?

MR. OYER: No, that's not what I'm saying.

COUNCILMEMBER MORAN: So, tell me again what you're saying. Maybe a little slower.

MR. OYER: So, what I'm saying is while you have checked the box that you have a zoning district in your town that allows a house of worship by right, you have two of them, and they constitute three properties. So, pretty small universe of places that you can put it by right, which puts any house of worship in the position that they have to come to you, hat in hand, and say, will you please give it to me. Which by the way, is unconstitutional. You can't have any --

COUNCILMEMBER MORAN: But they would only have to come if they want in excess of 15,000 square feet. Is that correct?

MR. OYER: No, that's not what I'm saying. I'm saying --

COUNCILMEMBER MORAN: They're shaking the head -- says it's yes. I think that's correct.

MR. OYER: No, a house of worship is a special exception use in 99.99% of the geography of the Town of Palm Beach. There are only two places that you can put a house of worship without coming to you for permission. It's Royal Poinciana Plaza, Wells Fargo, and the property

across the street from Wells Fargo.

Anywhere else in the Town, which happens to be where all the other houses of worship are located, including ours, we have to come to you for permission, which means you could deny us, which is unconstitutional and violates RLUIPA.

Now, if we were to go buy Royal Poinciana Plaza, because apparently, we have a lot of money, so, after we buy Paramount, we're going to buy Royal Poinciana Plaza, we still can't build a 15,000 square --

COUNCILMEMBER MORAN: Stay focused on the one thing.

MR. OYER: -- we still can't build a 15,000 square foot sanctuary. So stated differently, it is impossible in your Town, without getting your subjective approval, to build a house of worship exceeding 15,000 square feet.

COUNCILMEMBER MORAN: Right. So, the key word is exceeding the 15,000 square feet.

MR. OYER: Yeah. Right.

MS. O'CONNOR: Harvey, I don't think that's correct in the CB district.

COUNCILMEMBER COONEY: That's actually not a true statement. In both of those districts that the religious use is the permitted use outright, the CPC and the CB floor area isn't a regulating lot yard or area requirement.

MR. OYER: You'd have to have enough land to do it.

COUNCILMEMBER ARASKOG: Well, you have --

MR. OYER: No, we don't, we're limited to 15,000 square feet. That's my point. We could own the entire northern half of the island of Palm Beach, and we'd still have to come to you to get the same treatment as every other house of worship.

COUNCILMEMBER MORAN: So ,it's a geography issue.

MR. OYER: No, it's not a geography issue. It is a code issue.

PRESIDENT LINDSAY: Code. CTS.

COUNCILMEMBER MORAN: For the piece, for the parcel that they own.

PRESIDENT LINDSAY: Right.

COUNCILMEMBER MORAN: If they owned a parcel in a different district, they wouldn't come here.

PRESIDENT LINDSAY: If they owned a parcel where Palm House Hotel is --

COUNCILMEMBER MORAN: That was larger, you may not be there.

PRESIDENT LINDSAY: Right.

MR. OYER: Maybe I'm not communicating this well.

COUNCILMEMBER MORAN: You're definitely not.

MR. MURPHY: Provisions allowed by CTS have been violated, if you will, all over Town, at least by the

1 number of --
2 MR. OYER: Repeatedly.
3 MR. MURPHY: Repeatedly, that's right. Prior to the
4 code, the 15,000 square foot provision in CTS, okay, has
5 been violated, to use your word, elsewhere in the Town.
6 Now, is that fair or is that not fair?
7 COUNCILMEMBER MORAN: No.
8 MR. OYER: Each had their own unique set of
9 circumstances. But what RLUIPA looks at is are you
10 treating a house of worship differently than a non-house
11 of worship in the same zoning district, or are you
12 treating it differently than a different house of worship?
13 It's a different standard.
14 And I assert to you that RLUIPA covers this
15 situation and that I don't know how the Town could make a
16 claim that you passed the RLUIPA test because you have not
17 created a compelling governmental interest that you're
18 applying the same to both parties.
19 So even if you were to create a compelling
20 governmental interest, which the burden's on you, by the
21 way, even if you establish that, you then have to show
22 that you've taken the minimum action necessary to protect
23 that compelling governmental interest.
24 And then to top it all off, you have to prove that
25 you have treated no one else differently. And I've just

1 established a whole bunch of people that you are treating
2 differently than the synagogue.
3 COUNCILMEMBER MORAN: Madam President, may I just
4 say just -- I have to tag along on James' statement. When
5 it comes to the CTS, where it is places of worship are
6 special exceptions, that is where there's the limit of
7 15,000. It's also in Worth Avenue, I believe. And the
8 COPI, it's a 30,000 square foot limitation.
9 There is no limitation on square footage in the CB
10 where a place of worship is a permitted use. And I think
11 that was what James was saying.
12 MR. OYER: And James is correct about that. It's a
13 ratio, but you have to have enough land to do it which
14 means we could only buy three properties in the Town of
15 Palm Beach, make sure we have enough land, then we could
16 achieve a house of worship exceeding 15,000 square feet.
17 But all of our peer group has been allowed to do it
18 in CTS, our zoning district, or worse yet, two more of
19 them. Royal Poinciana Chapel and Bethesda By The Sea are
20 in RB zoning, a more restrictive zoning district.
21 COUNCILMEMBER ARASKOG: Can we hear Joanne?
22 COUNCILMEMBER MORAN: Well, let's not keep going
23 over the same thing Bethesda was before we had the code.
24 MS. O'CONNOR: Yeah, I mean, let's, I just wrap it
25 back.

1 COUNCILMEMBER COONEY: It's not true.
2 MS. O'CONNOR: This is Joanne. I just wrap it back.
3 So, there's an 11th Circuit case, the Premera (phonetic)
4 case from 2006 that talks about RLUIPA and it says, to
5 establish a selective enforcement claim under RLUIPA, a
6 claimant must identify a similarly situated non-religious
7 assembly or institution that was treated better. It could
8 be another religious assembly or institution too, I
9 believe.
10 However, it's not just that you were treated
11 differently in some vague respect. Again, it has to be
12 what the courts refer to as a similarly situated
13 comparator. And that same court says, projects are not
14 similarly situated when they seek markedly different forms
15 of zoning relief from different decision-making bodies
16 under sharply different provisions of local law.
17 So, we don't know. I mean, sitting here today, I
18 don't know that there's record evidence before you about
19 what zoning relief was sought or obtained by any of any of
20 these other places. What they're --
21 MR. OYER: I think it's obvious. No other house of
22 worship meets the parking code, and you have allowed all
23 of them to operate.
24 COUNCILMEMBER CRAMPTON: Well, with the fact that
25 with the Town, I think this body made a street next to

1 Bethesda By The Sea, a one-way street --
2 MR. OYER: Every Sunday.
3 COUNCILMEMBER CRAMPTON: -- it was a two way street
4 to accommodate parking. I mean, is that -- is that
5 relevant? I mean, is that an instance where, I mean, we
6 did this, and now we're not going to do it for the
7 synagogue?
8 COUNCILMEMBER ARASKOG: That's not true.
9 COUNCILMEMBER CRAMPTON: To me, that's a question.
10 COUNCILMEMBER ARASKOG: We haven't said we wouldn't
11 do it for them. They asked for it, but they have not
12 heard back yet.
13 COUNCILMEMBER CRAMPTON: That is a specific instance
14 where, by God, we did do something that treated folks
15 differently. And if we're not going to follow that
16 example that we did for Bethesda, I have serious questions
17 about --
18 COUNCILMEMBER ARASKOG: You're talking about
19 something different.
20 COUNCILMEMBER CRAMPTON: Parking.
21 COUNCILMEMBER MORAN: That was done 50 years ago.
22 COUNCILMEMBER CRAMPTON: Not Bethesda, the church,
23 what we did to the street. We turned a two-way street
24 into a one-way street so people -- it was easier for
25 people to park at Bethesda By The Sea. We did that.

COUNCILMEMBER ARASKOG: That's not true, actually.
COUNCILMEMBER CRAMPTON: Yes, it is true.
COUNCILMEMBER ARASKOG: The police department, hold on. The police department said the reason they were doing it was for safety and for traffic. It was not -- Lew --
COUNCILMEMBER CRAMPTON: That's what they said, but we asked, they were asked by, I mean come on Julie.
COUNCILMEMBER ARASKOG: -- that's what the police, no, hold on.
COUNCILMEMBER CRAMPTON: That's a distinction without any difference at all.
MS. O'CONNOR: No, let's not talk at the same time.
COUNCILMEMBER ARASKOG: That's what the police chief said when we discussed this. He said it was a safety issue. If you want to bring him in, he said it was a safety issue. That's why they were doing it, not because Bethesda wanted to park. It had to do with the left hand turn lane and the issues they were having.
COUNCILMEMBER MORAN: That's right.
COUNCILMEMBER ARASKOG: The second thing was he wanted to help with the traffic. So please do not say it's because of Bethesda. You need to stick with the facts on this, Lew. Maybe you don't remember.
COUNCILMEMBER CRAMPTON: We do. I do remember, and we did want to help Bethesda with the parking.

COUNCILMEMBER ARASKOG: That's not why we did it.
COUNCILMEMBER MORAN: No.
COUNCILMEMBER CRAMPTON: That was part of the discussion.
COUNCILMEMBER ARASKOG: We didn't want it to be two way. We did not want it to be one way?
COUNCILMEMBER MORAN: No, it was brought to us, it was approved by us. And one of the reasons was for that, for religious services on Sunday, that there would be two -- parking on both sides of Barton going westbound.
COUNCILMEMBER CRAMPTON: That's right.
COUNCILMEMBER MORAN: Which there is.
MS. O'CONNOR: Right.
COUNCILMEMBER MORAN: So, but let's --
MAYOR MOORE: We're off the topic here.
COUNCILMEMBER ARASKOG: But let's stick with Joanne.
MAYOR MOORE: All right. Okay. All right.
COUNCILMEMBER COONEY: Another question for Joanne.
PRESIDENT LINDSAY: Okay. Go ahead.
COUNCILMEMBER COONEY: Okay. Well, since we're exploring these claims and having listened to Harvey's passionate argument this was before your time as our Town Attorney, but up the street, Publix is a much larger building than 15,000 square feet. And this body found it appropriate to grant a variance to the supermarket chain

to exceed that.
Would that instance meet the criteria you described earlier? I mean, I'm just -- it's stone's throw from the synagogue. So, it's same zoning district and same variance request. I'm just --
MS. O'CONNOR: I think you'd need to have a situation where Publix sought, you know, 21,000 square feet and the synagogue was seeking 21,000 square feet.
COUNCILMEMBER COONEY: Okay.
MS. O'CONNOR: I don't think you can say that just because Publix has over 20,000 square feet, the synagogue -- you know, you're going to be facing a constitutional claim because you won't permit a synagogue of 32,000 square feet.
COUNCILMEMBER COONEY: Okay.
PRESIDENT LINDSAY: Okay. So, Bridget, you were next or Julie?
COUNCILMEMBER MORAN: Yeah, I was, now I forgot my question, but I have plenty more.
PRESIDENT LINDSAY: All right. Well, Julie remembers hers. You want me? Oh, you remember?
COUNCILMEMBER MORAN: Yes.
PRESIDENT LINDSAY: Okay. Go ahead.
COUNCILMEMBER MORAN: Have you and maybe this, the ask here is for 215% increase of what is permitted. Have

you ever had a request like that before to that scale? It's a 67% increase in the size of the building, but 215% over what we would normally say is good.
MALE SPEAKER: Is this directed to James?
COUNCILMEMBER MORAN: And I'm worrying because you say, you know, we have to treat everybody, equally, which means if Bank of America tomorrow says, well, you gave them 215% over what's allowed, why can't I have 215%?
And then to that, okay, so a lot of these buildings that you talk about, Harvey, they were built in 1925, 1926. And our code, I mean, I think, this is probably why we came up with town-serving, which says they're to create and preserve and enhance an attractive small-scale retail, personal and professional business services to be developed either as a unit or individual parcels providing the frequency of recurring needs of townsperson.
And I'm not -- first of all, let me say, I think that the synagogue is a wonderful place. I really do. I think it's a great addition to the Town, and I want good things to happen, and good things will happen. We'll work it out. But for me being new, this is big, and I think this is big in keeping with the scale and feel of small town.
How is it that this is not self-inflicted when you tell me -- I've heard about, you know, you've inherited

1 the buildings, okay. That I get. But you've accepted
2 membership that exceeds what your capacity is. So how is
3 that not self-inflicted?
4 MR. OYER: That's why we purchased the property next
5 door.
6 COUNCILMEMBER MORAN: And still you're exceeding
7 what your capacity is. Okay. So, I don't -- can you do
8 what you need to do in the existing square footage?
9 MR. OYER: We can make three buildings tomorrow that
10 are each 42,000 square feet or total of 42,000 square
11 feet. Are you better off? No.
12 COUNCILMEMBER MORAN: I'm not saying you are. What
13 I'm trying to, you know --
14 MR. OYER: So, we applied for the variance. If you
15 would like us to separate the buildings create a security
16 risk, we'll build more square footage with no variance.
17 Is that a good compromise?
18 COUNCILMEMBER MORAN: Well, I'd have to think on
19 that, because --
20 MR. OYER: That's a bad compromise.
21 COUNCILMEMBER MORAN: I'm just saying.
22 MR. OYER: And by the way, your Bank of America
23 example, you don't need to have any fear about that.
24 RLUIPA protects religious institutions, not banks.
25 COUNCILMEMBER MORAN: But fair is fair. And I treat

1 everybody the same.
2 MR. OYER: Well, we're talking about RLUIPA, which
3 is different than fair is fair.
4 COUNCILMEMBER MORAN: I understand.
5 MR. OYER: It's the federal law. And it's been very
6 strongly enforced by the Supreme Court. And our Supreme
7 Court today is even further, as Mr. Dershowitz said, more
8 pro-religious institutions. So, you don't need to have a
9 fear that Bank of America or any non-religious institution
10 could ever exercise a RLUIPA claim.
11 COUNCILMEMBER MORAN: Okay. I would just have a
12 problem saying this person can have it and that person
13 can't. And they can have it because they're a religion.
14 MR. OYER: Well, I agree.
15 COUNCILMEMBER MORAN: If you're taking religion out
16 of it, which is what I am trying to do. You know, I'm
17 trying to be fair to everybody.
18 MR. OYER: And I acknowledge that. I mean, you're
19 very -- everyone up here is very fair. That's what we're
20 asking for. We're asking for the same size in the same
21 zoning district with the same parking relief as all of our
22 peer group has. As you heard from all of the clergy in
23 the Town, they're supporting that. So, we are asking for
24 fair is fair.
25 COUNCILMEMBER MORAN: Yeah. What my problem is, is

1 I think that it meant, some of it may be self-inflictive,
2 some of it may be a geography issue. And then when you
3 talk about things like scale, it's a sort of scale to
4 property. When you talk about Publix one to the other, I
5 mean the scale is off, in my opinion. And then if I was
6 on LPC, I may have a problem with this.
7 MR. OYER: Do you want me to bring up one of the
8 other examples that isn't Publix?
9 COUNCILMEMBER MORAN: No, I don't.
10 PRESIDENT LINDSAY: No.
11 COUNCILMEMBER MORAN: Absolutely don't. We've heard
12 a lot. I'm just telling you my opinion.
13 MR. OYER: Publix is the most extreme because that's
14 the largest one in Town.
15 COUNCILMEMBER ARASKOG: Right.
16 MR. OYER: All right.
17 COUNCILMEMBER MORAN: Whatever. Pick any other
18 building.
19 MR. EUBANKS: That's what's weird because your code
20 says it doesn't matter. And that's when I sit here, and I
21 go and every time you look at the variance section,
22 there's a sub B. A says all the things you're supposed to
23 do. B says, thou shalt not point to somebody else's
24 property and say, I'm entitled to that too.
25 You put that in the code for a purpose. So, we're

1 not standing here going, well, that one's different. That
2 one's different. That one's different. It's in your code
3 right now.
4 COUNCILMEMBER MORAN: Right.
5 MR. OYER: The code doesn't.
6 MR. EUBANKS: So why are we arguing about that?
7 COUNCILMEMBER COONEY: The code is not --
8 MR. OYER: John, the code doesn't override RLUIPA.
9 MR. EUBANKS: Well that's the point.
10 COUNCILMEMBER MORAN: Guys. Let us.
11 PRESIDENT LINDSAY: Yeah. Okay.
12 COUNCILMEMBER MORAN: You can talk out there.
13 COUNCILMEMBER ARASKOG: All right, I got some
14 questions. Okay. All right.
15 COUNCILMEMBER COONEY: So, Bridget, and then --
16 PRESIDENT LINDSAY: Bridget's not finished yet, are
17 you? Or are you?
18 COUNCILMEMBER MORAN: I think I've spoken enough for
19 now.
20 PRESIDENT LINDSAY: Okay. So, Julie, Ted.
21 COUNCILMEMBER ARASKOG: Okay. So, John, whoops.
22 Where did John go? Oh yeah. I wanted to ask you because
23 you wanted to bring Cecilia up because she had an opinion
24 on the case?
25 MR. EUBANKS: Sure. I mean as 40 years of as a

1 certified planner, she's been seeing these things come and
2 go as well too. So, I think if you're going to have one
3 side, then you might as well have the other. So, I'll let
4 Cecilia talk about that.
5 MS. WARD: Thank you again. Cecilia Ward, JC
6 Consulting. I'm not going to respond as a lawyer, because
7 I'm not a lawyer. I'm an expert planner with, John said,
8 45 years' experience. And in my 45 years, both partially
9 as a consultant and also representing municipalities in
10 writing codes, drafting codes, drafting land use
11 regulations, interpreting those provisions in accordance
12 with we're required to interact with our town, our city
13 attorneys, and also understand the provisions of Florida
14 law, I've never experienced a situation where a use that
15 is a house of worship can violate the city or that city's
16 zoning and land use regulations.
17 I understand the distinction that Mr. Oyer and
18 perhaps Mr. Dershowitz was saying, which is you cannot
19 prohibit the free exercise of the freedom of religion and
20 worship. So that, from a planning standpoint, means if
21 you have one house of worship that's a Christian church
22 and you have another house of worship that's a synagogue,
23 you must apply the regulations the same. So -- and then,
24 so, I would agree with your Town attorneys, obviously, her
25 conclusions, because they are similar to my 45 years'

1 experience.
2 Also, one of the points I believe that she made was
3 when you're looking at what has happened in the past and
4 why these things exist all of a sudden and how come that
5 church or that use exists and it has more special, it
6 looks like more, more square footage and less parking, et
7 cetera, there has to be a similarity. And that's another
8 thing that I've experienced over time.
9 I don't see another house of worship coming in and
10 asking for a 215% increase. I don't see another house of
11 worship coming into the Town and asking for an 87% less of
12 the required parking.
13 So, all of these nuances are very critical to the
14 understanding of when you're comparing, I'll use Mr.
15 Oyer's terms, the apples to the apples or the apples to
16 the oranges in this case. So, I just want to give that
17 input.
18 COUNCILMEMBER ARASKOG: Thank you. And then Wayne,
19 I have a question. And if you can't answer it, I may have
20 to go to James or somebody. Doesn't St. Edwards have a
21 parking lot behind their -- the center that they have
22 across the street --
23 MR. BERGMAN: Behind Greens.
24 COUNCILMEMBER ARASKOG: Behind Greens, right?
25 MR. BERGMAN: By the diocese.

1 COUNCILMEMBER ARASKOG: Isn't that owned by the
2 diocese?
3 MR. BERGMAN: I have to check.
4 COUNCILMEMBER ARASKOG: It is. Then doesn't Temple
5 Emanu-El have an entire floor of parking underneath?
6 There's -- hold on. I just want to --
7 COUNCILMEMBER MORAN: I was just going to clarify --
8 COUNCILMEMBER ARASKOG: Sure.
9 COUNCILMEMBER MORAN: -- as to what St. Edwards
10 parking situation is. If you'd like the answer, I'm happy
11 to give it to you. They do have a parking lot behind the
12 parish hall --
13 COUNCILMEMBER ARASKOG: Yes.
14 COUNCILMEMBER MORAN: -- that holds about 16 cars.
15 COUNCILMEMBER ARASKOG: Right.
16 COUNCILMEMBER MORAN: Like eight on each side. That
17 is separate from the Greens parking lot.
18 COUNCILMEMBER ARASKOG: Right. So that's what I was
19 talking about. They have Greens and they have that.
20 MR. BERGMAN: They own it, but it's also used by
21 these businesses.
22 COUNCILMEMBER MORAN: Of course. Yeah. But the
23 only parking lot that the church actually has is the
24 parking lot behind the parish hall, which holds about 16,
25 maybe 20 cars.

1 MR. BERGMAN: It's probably closer to 20.
2 COUNCILMEMBER ARASKOG: They have stuff and then
3 they can park in front of it too.
4 COUNCILMEMBER MORAN: Yeah. Which is on street
5 right-of-way parking.
6 COUNCILMEMBER ARASKOG: Okay. So no, no, no. I'm
7 talking about right in front of the doors they put about
8 10.
9 MR. BERGMAN: Yes. Yes. We park in the travel
10 lanes.
11 COUNCILMEMBER ARASKOG: All the time. Then the
12 other question -- so this is Wayne or James. Doesn't
13 Temple Emanu-El have a parking lot underneath one of their
14 floors? I mean, I was looking at it yesterday.
15 MR. BERGMAN: Yes, they do.
16 COUNCILMEMBER ARASKOG: Yes, they do. So, they have
17 a pretty big parking lot. So that's a distinction.
18 Doesn't Paramount have enough spaces for their house of
19 worship?
20 MR. BERGMAN: No.
21 COUNCILMEMBER MORAN: With the 45, I was told, yes,
22 so I'm a little confused. Either by Joanne or -- Joanne,
23 you tell me.
24 MR. MURPHY: Forty-five spaces, Julie.
25 COUNCILMEMBER ARASKOG: Hold on. Yeah.

MS. O'CONNOR: Isn't the parking equivalency of 133, they have 205 members. So, they would need about 50 spaces, and they have 133.

MR. BERGMAN: Well, they would -- not counting what they were approved for originally, it would just be that increase that would trigger the requirement.

COUNCILMEMBER ARASKOG: But they have -- so I'm saying they have -- this what I was told by Joanne, because it's Sunday. No, Harvey, I'm just asking some questions. Can you let me.

MR. OYER: Forty spaces --

COUNCILMEMBER ARASKOG: So they have 45; 47.

MS. O'CONNOR: James? Right. Paramount has 47 spaces.

MR. OYER: I can get the answer to that.

COUNCILMEMBER MORAN: Something like that.

COUNCILMEMBER ARASKOG: So, that would be enough for two for -- on Sundays, their only use is the church. I thought you told me that was enough, and they're grandfathered under the principle of equivalency. Right?

So, I just wanted to -- and then the last thing, which one of my colleagues brought up, if you look at the difference between the property that they have, that's why it becomes such a high percentage because St. Edwards has a huge property. You can see it just from the grass they

have. Same with Bethesda By The Sea, same with the Paramount. So, it's like you're not comparing apples to apples.

But going back to, and then I'll come back. So, Harvey, in one of the meetings you said, and I'm trying to find it, that one of these variances was self -- it was at landmarks where you said?

MR. OYER: Yes, the 15,000 square feet. And we could avoid the entire discussion if you'd like us to build two buildings, three buildings.

COUNCILMEMBER ARASKOG: So, here's my second question. You're saying you can build that big, but doesn't he have to have parking if he's doing three buildings?

MR. OYER: Yes, we have to have parking.

COUNCILMEMBER ARASKOG: So how can you, you do 41,000 square feet. Where's the parking?

MR. OYER: We've already established that we can use the public right-of-way, like every other house of worship.

COUNCILMEMBER ARASKOG: No. But can they, if they build three buildings, do they not have to have parking lane? They don't have to have any on site.

MR. MURPHY: No.

COUNCILMEMBER MORAN: Wait a minute. We're not

understanding, so you have to repeat that.

MR. MURPHY: The hypothetical scenario that Mr. Oyer points out is that the site could accommodate three detached buildings that would be below the 15K threshold as the floor area requirements.

COUNCILMEMBER ARASKOG: Got it.

MR. MURPHY: That's a true statement, but it doesn't tell the whole story because we would then still need to review what's that lot coverage? Where's those parking spaces? Is there another setback variance? Is there another open space variance? So, we would have to review that, but that would eliminate the floor area variance. That's true.

COUNCILMEMBER ARASKOG: Thank you.

MR. OYER: We did do that James, so you know.

COUNCILMEMBER ARASKOG: Wait, Harvey.

MR. OYER: We can still meet the lot coverage and get 42,000 feet.

COUNCILMEMBER ARASKOG: Harvey, maybe don't you think it would be -- we had this once before.

MR. OYER: Yeah.

COUNCILMEMBER ARASKOG: Can you sit until we ask you a question? I'm sorry.

MR. OYER: Well, you just called my name, so I assumed that was a question that you had.

COUNCILMEMBER ARASKOG: Yeah. Yes. Thank you. I just think it's going to go back and forth and back and forth.

PRESIDENT LINDSAY: Okay.

COUNCILMEMBER CRAMPTON: I took myself out of queue, by the way.

COUNCILMEMBER ARASKOG: I'll let you go.

PRESIDENT LINDSAY: I know, but you're still in the queue.

COUNCILMEMBER CRAMPTON: Okay.

COUNCILMEMBER ARASKOG: I still have more to go. Go ahead.

PRESIDENT LINDSAY: All right, go ahead.

COUNCILMEMBER CRAMPTON: Oh, when's my turn. When do I get this?

PRESIDENT LINDSAY: You're next, Lew. You're next.

COUNCILMEMBER COONEY: Well, if there are still questions, I have no more questions and it's been a long day. I'm kind of ready to start telling you all where my head's at. So, whenever that time is appropriate, Bobbie, please let me know.

PRESIDENT LINDSAY: All right, Lew.

COUNCILMEMBER CRAMPTON: Yeah, a couple of questions. Is the person from the synagogue here who can take us through the calendar? What I'm interested in

1 finding out is this deals with spillover effects from
2 events at the synagogue.
3 I must say that when I saw a copy of the calendar in
4 our backup material, I was really surprised at the number
5 of events, huge number of events, and it certainly looked
6 like it was kind of overbearing in terms of the effects on
7 the outside. However, I think if we were to look behind
8 what the words on the calendar face say, the actual
9 results and the corresponding impacts on the community
10 might be a bit different.
11 So, Rabbi, maybe you could take us through your
12 calendar and just what is happening at the synagogue and
13 what is happening offsite.
14 RABBI SCHEINER: Thank you, Mr. Crampton. It'll be
15 my pleasure. Thank you.
16 So yes, we are a very active community, and we have
17 a very beautiful calendar that we work on throughout the
18 summer to produce for the coming year, just like every
19 other religious and cultural institution. However, it is
20 misleading because many of the programs in the calendar do
21 not take place in the synagogue.
22 So, for example, Young Jewish Professionals, we have
23 a Rabbi who lives in West Palm Beach and he conducts the
24 Young Jewish Professional events. Friday night, Shabbat
25 dinners at his home. He has a large balcony. He invites

1 people to his home. So that's offsite in West Palm Beach.
2 Ask the Rebbetezin. Just last night, my wife had an
3 event for Ask The Rabbis Wives, the group of Rabbis wives.
4 Again, 30, 40 people attend. It's always in different
5 congregants homes throughout the community. Last night it
6 was in West Palm Beach.
7 Women's Tanya Class is an online Zoom class. Mommy
8 and me, that takes place at the homes of the mothers and
9 the babies. Encompass, like, yesterday we had an event in
10 a lawyer's office in downtown West Palm Beach. That's a
11 Torah study, Bible study in businesses, in law firms, or
12 businesses in community areas.
13 Jewish Living, The Essentials, again, that's a
14 program that takes place on Zoom. It's a class I give
15 monthly. Then you have the women's Bat Mitzvah Journey,
16 which my wife had to cancel today because she had to be
17 here today. But that's in our home, in our living room.
18 My wife has a group of 20 women who are becoming Bat
19 Mitzvahed, like the woman who spoke here instead, at age
20 70, she had our first Bat Mitzvah because she grew up in
21 communism. And that takes place in our home on Atlantic
22 Avenue.
23 Same thing with Teens Girls Club. So, the Challah
24 Bake, my wife has a wonderful Challah bake program once a
25 month, first Fridays, once again in our kitchen.

1 So, I would say about 50% of the activities that you
2 see in our calendar do not take place at the synagogue.
3 They either take place in people's homes, or in offices or
4 other places.
5 We really believe in outreach to the extent to go to
6 wherever the communities are and serve them offsite
7 because our community is very diverse, and we try to meet
8 people and make it convenient for them. So, thank you for
9 asking that question.
10 COUNCILMEMBER CRAMPTON: Okay. Hold on. Question.
11 How many of those events are large events? That is a
12 hundred people or more?
13 RABBI SCHEINER: So, none of these are large events.
14 You know, my wife's Bat Mitzvah class is 15 or 20 women,
15 you know, Ask The Rebbetezin, maybe 30 women. But that
16 takes place in people's homes in the evening.
17 The large events are Saturday and Sunday morning,
18 and we do have very popular lecture series, but we agreed
19 to do that even later than usual, not to start before
20 6:30, I think, in our use agreement at 6:30. Like someone
21 said earlier, you don't even have to wait for the light to
22 change to cross the street. It's quiet in Palm Beach.
23 And like I said, when I opened my remarks, there
24 were hundreds of cars coming to Jean-Pierre six nights a
25 week. If we do it once in two weeks, we still have less

1 cars once in two weeks versus every night of the week.
2 COUNCILMEMBER CRAMPTON: So, you would say that
3 expectations from looking at the calendar, which might
4 lead to impressions of a massive influx of events and
5 large numbers of people coming into the area, that's
6 misleading --
7 RABBI SCHEINER: Extremely misleading, yes.
8 COUNCILMEMBER CRAMPTON: -- based on the actual
9 amount of events you have in terms of their size. And
10 with respect to the larger events, you are willing to
11 limit that number and to time those out so that they don't
12 impact the ordinary strategy?
13 RABBI SCHEINER: Right. Absolutely. There are very
14 few large events. When I'm looking at the list of things,
15 you know, Mysticism Mamoca, it's a wonderful class
16 Saturday morning that my son-in-law gives, but there's
17 maybe 10 or 15 people in the library there.
18 Most of them are -- we have here a grievance, not
19 grievance, but a grief; PBS Grief Support. We have 10 or
20 15 people who lost their loved ones, who come together
21 once a week with a guidance counselor to process their
22 grief. Again, small events. Just because it takes up
23 space on the calendar doesn't mean that there's large
24 attendance.
25 COUNCILMEMBER CRAMPTON: Thank you, Rabbi. I have a

1 question for Wayne.
2 COUNCILMEMBER MORAN: What was --
3 COUNCILMEMBER CRAMPTON: You want to follow up?
4 COUNCILMEMBER MORAN: Yeah. What was last Thursday?
5 And I'm asking --
6 RABBI SCHEINER: So last Thursday --
7 COUNCILMEMBER MORAN: I saw people everywhere. I
8 had to stop my car and say, please get out of the road.
9 Somebody is going to hit you.
10 RABBI SCHEINER: So last Thursday we had the Levy
11 Forum. We had Professor Ruth Weiss (phonetic), who's a
12 renowned figure, and we had a large attendance. The Levy
13 Forum lecture usually starts at 6:00 p.m., but we've said
14 we will push that up to 6:30.
15 COUNCILMEMBER MORAN: Would you consider, like, and
16 I know we're not doing the declaration of use now, but
17 when we get to that, can you think on 7:00, because people
18 get there early?
19 RABBI SCHEINER: If that's what it takes to make
20 this work --
21 COUNCILMEMBER MORAN: I'm just saying.
22 RABBI SCHEINER: -- we'll do that for you for sure.
23 COUNCILMEMBER CRAMPTON: We still have to negotiate.
24 COUNCILMEMBER MORAN: People arrive early, I'm just
25 saying.

1 COUNCILMEMBER CRAMPTON: We still have to negotiate
2 the declaration of use.
3 COUNCILMEMBER MORAN: I know I said you think about
4 it when we get to that.
5 RABBI SCHEINER: We're happy to work with you.
6 COUNCILMEMBER CRAMPTON: So. my question to Wayne,
7 is this. Wayne, are we allowing the principle of
8 equivalency to apply in this case?
9 MR. BERGMAN: We are not because of the level of
10 demolition that's taking place on the existing building.
11 COUNCILMEMBER CRAMPTON: And are we allowing the
12 principle equivalence to take place with respect to other
13 religious institutions in Town?
14 MR. BERGMAN: It makes no difference of the type of
15 use, Mr. Crampton. It's based on the level of demolition.
16 COUNCILMEMBER CRAMPTON: The 50% rule?
17 MR. BERGMAN: Yes.
18 COUNCILMEMBER CRAMPTON: Okay. And again, on
19 Bethesda, I simply want to say that, yes, the Chief of
20 Police did come in here and make the request, but our
21 discussions clearly covered the impact on Bethesda, and
22 the convenience that would be applied as a result of
23 turning that street into a one-way street to promote
24 parking. That was part of our discussion, and it's
25 certainly one of the reasons why I voted for it.

1 PRESIDENT LINDSAY: Okay. Julie?
2 COUNCILMEMBER ARASKOG: Okay. So, I just wanted to
3 read something that your mom --
4 MAYOR MOORE: Can we please stop quoting my mother
5 today? It's almost too much for me.
6 COUNCILMEMBER ARASKOG: In 1999 when parking was a
7 problem in Town, even then there was a concern. These
8 similar issues were approached by then Council President
9 Smith in the minutes, in the June 8th, 1999, minutes of
10 the Council.
11 According to the minutes, she stated there were
12 constant complaints that there was not enough parking in
13 the area and asked if the applicant had spoken with Saint
14 Jean-Pierre, Greens Drug Store, St. Edwards about parking
15 in their lots.
16 President Smith also pointed out that their Friday
17 nighttime parking would compete, and others, would compete
18 with the restaurants in the area, and suggested they
19 needed to have nighttime shared parking agreement.
20 Member Jack McDonald was concerned not just about
21 special occasions, but about membership growing from the
22 150 to 160 members, which he stated would, dramatically,
23 increase traffic and parking arrangements at that point.
24 So, I just wanted to say there's a lot that was
25 going on in that 1999 meeting that talked about parking,

1 talked about the need for it, and talked about the traffic
2 situation aspect when there was only -- there was only 150
3 members.
4 I do want to say, again, that every other church or
5 religious establishment that's been talked about has far
6 more property. And also, Harvey, I'm not asking you, I'm
7 sorry. It's just we'll never get anywhere if we keep
8 having each attorney come up.
9 But the lot size, and I asked for them, so I've
10 looked at them, are far bigger on St. Edwards. Of course,
11 the Paramount, which is not religious, on Bethesda, and
12 also at, what's the other one? And the percentage of lot
13 coverage is much smaller.
14 So, I think that again, this is apples to oranges.
15 This is not apples to apples. And we keep hearing about
16 them, but they're a different -- I mean, look, everybody
17 up here would like to say yes, there's no question, right?
18 But we have to follow the law.
19 And if we don't follow the law for you, then
20 somebody else is going to come after us. And could, you
21 know. I see Lester here. We've already had someone speak
22 about issues that could arise -- and hi, Lester. I didn't
23 mean that nothing. We talked about it, so earlier when
24 you weren't here.
25 So, you have to realize there could be

repercussions. And then how do we treat anybody else differently if this is approved?

So, I'm looking at the law. I'm not looking at -- you know, I think everybody knows you have an amazing synagogue. I've been there, it's beautiful. And all the people who go there, it's amazing what you've created.

However, this is a huge ask and that's what our staff says. Staff says it's an intensification of use, which if you look at the definition, it is. Square footage, seats, all of that.

And while I know Harvey talks about, and I'd like to hear from Joanne, that this would -- which I need to wait until she, hi. Sorry, I had a quick question.

So, it's been stated that everything that they want, so the library, the school, the classrooms, there's a lot in there, that that is considered the religious worship, which would then go under a constitutional right.

But don't you look at the synagogue use as the, I'm just a little confused by what he said. So, I'd love to hear from you because we have principle, and the ancillary uses cannot be bigger than the principal and are supposed to be subservient. So, if we're looking at all of these as part of the synagogue, then it's different.

Does that question make sense, or do you need me to reword it?

MS. O'CONNOR: I'm not quite sure. I mean, I think under our zoning code their, you know, ancillary uses is, are subservient to the principal use. I'm not sure that anyone's really challenged whether these are accessory uses. I mean, I think -- and then so, and I think for purposes of RLUIPA, the whole thing is a religious institution. I mean, I wouldn't distinguish based on which part is the social hall. I do think the whole thing is a house of worship.

COUNCILMEMBER ARASKOG: No, I meant the classrooms, the kitchen.

MS. O'CONNOR: It's all a house worship.

COUNCILMEMBER ARASKOG: So, the whole thing is?

MS. O'CONNOR: Yes.

COUNCILMEMBER ARASKOG: That's what I was asking. I wasn't sure. Also, I just wanted to say, we had said that it should be put on a diet, and I was surprised that the architect at the meeting kept saying slight diet, slight diet, slight diet, just for a point of reference.

Harvey, when I looked at my notes, it appeared that when you said it was self-created, that it was in regard to the backside that you're -- the variance is for a reduction in the setback. And yes, I'm asking you, sorry, a reduction in the setback.

MR. OYER: Just making sure.

COUNCILMEMBER ARASKOG: I know. I know. The reduction in the setback was self-created because you could have created the building in the back with the setbacks.

If I remember it's going -- you want seven and a half and it should have been 13 and a half or 12. I don't have all of that in front of me. But you could build it with that setback correctly, because --

MR. OYER: Kelly may -- oh, we're up. Thank you.

COUNCILMEMBER ARASKOG: Okay.

MR. OYER: Julie, I think you are referring to this area. We are a few feet short of meeting the setback. This is the Sunset proposed extension, meaning Trevini would be over here.

So, we actually met your code requirement as long as we kept our old building, because that was considered a rear setback, or I'm sorry, a side setback. The moment we acquired Chez Jean-Pierre, it now became a, whatever the other one was. It flipped and --

COUNCILMEMBER ARASKOG: But to rebuild -- my only point is you're rebuilding.

MR. OYER: Yeah, but I just want to make a distinction.

COUNCILMEMBER ARASKOG: You're tearing the whole thing down.

MR. OYER: Had we not acquired Chez Jean-Pierre, there would be no variance here.

COUNCILMEMBER ARASKOG: Of course.

MR. OYER: There's only a variance here because we acquired Chez Jean-Pierre, and even though this is not anywhere near Chez Jean-Pierre, this is on Sunset. So that's fact number one.

Fact number two, we could shave this off --

COUNCILMEMBER ARASKOG: Doesn't the variance -- and I'll ask Wayne, doesn't the variance also have to do with, you're taking Chez Jean-Pierre down and you're completely constructing a new building so that's why you have to meet the code? If you weren't taking 50% down, you would not have to meet the code. Is that correct?

MR. OYER: Well, I'll let Wayne answer that.

COUNCILMEMBER ARASKOG: Yeah.

MR. MURPHY: If the building is coming down, you will need the variance to rebuild it in the same location. If it's non-conforming today.

COUNCILMEMBER ARASKOG: There you go. Thank you.

MR. FANT: Yes. To further that, if they were building within the footprints of the existing building and doing some improvements, getting rid of some of the non-code compliant features and also compromise aesthetics on some of the facades, they would be able to A, utilize

1 the principle of equivalency. So, the parking variance
2 would go way down. And there would be -- a lot of the
3 other variances would not be in question because they're
4 not adding new square footage. They're just building
5 within their existing one.
6 COUNCILMEMBER ARASKOG: Thank you.
7 MR. OYER: Julie, would you like me to complete the
8 answer to that?
9 COUNCILMEMBER ARASKOG: No.
10 MR. OYER: Because I didn't fully answer you.
11 COUNCILMEMBER ARASKOG: You can, I'm sorry.
12 MR. OYER: Yeah. So, if we didn't want this feature
13 here and behind this beautiful Mizner-like pecky cypress
14 store with the architecture is a generator or garbage
15 dumpster and all the stuff that none of our neighbors want
16 to see. So, we can take that off and then we wouldn't
17 need that variance from you. We'd have a lot of angry
18 neighbors, and it makes no sense.
19 We are offering to spend a lot of money to hide our
20 ugly stuff, our garbage.
21 COUNCILMEMBER ARASKOG: No, I understand that. I
22 was just asking about the variance, whether --
23 MR. OYER: So, when I stated it's self-created, it
24 is, because we're trying to do better for the
25 neighborhood.

1 COUNCILMEMBER ARASKOG: Yes. That's what I was
2 stating, because in the code it does say that -- and no,
3 I'm not going to ask you another question. So please --
4 MR. OYER: You promised that last time and then you
5 did.
6 COUNCILMEMBER ARASKOG: No, I know. Once you get up
7 here, then everything -- please.
8 MR. OYER: You don't like my answers.
9 COUNCILMEMBER ARASKOG: So, I'm not going to ask you
10 a question, but what I was going to say is certainly in
11 our code it says that, and by variance law, it cannot be
12 self-created. The other thing is for a variance, you
13 cannot have reasonable use of the property without it.
14 There are a lot of things, and this is what's
15 causing me a lot of heartache, because I would love to
16 say, yes, but I don't think, legally, we have a right to
17 approve the variances or the special exceptions. And I
18 think that, you know, unfortunately we've had a lot of
19 evidence to that factor. And I'm just having, I can keep
20 asking questions, but I think it's just going to take us
21 into the same place.
22 So, I think, just the last thing I think we really
23 need to look at though, is the Town's code on parking,
24 because it's very concerning that they're just going to
25 have this huge deficit. So, I don't know how you say yes

1 to basically eight spaces. I just don't. And even if you
2 look at -- so the membership, if I remember, is 700
3 people? What was the membership, I am asking? Sorry,
4 Rabbi.
5 RABBI SCHEINER: Approximately, yeah.
6 COUNCILMEMBER ARASKOG: Okay. So approximately 700.
7 And I read in here that, was it 160 that lived within a
8 mile? There was like one --
9 RABBI SCHEINER: I'm sorry, what were you asking?
10 COUNCILMEMBER ARASKOG: I'm sorry. What was the
11 number that lived within a mile? I can look up. It was
12 198.
13 RABBI SCHEINER: -- within a mile, right?
14 COUNCILMEMBER ARASKOG: So, you've got 198 within a
15 mile.
16 UNKNOWN SPEAKER: Households.
17 COUNCILMEMBER ARASKOG: Subtract that --
18 RABBI SCHEINER: Those are households.
19 COUNCILMEMBER ARASKOG: Pardon me?
20 UNKNOWN SPEAKER: Households.
21 RABBI SCHEINER: Those are house households?
22 COUNCILMEMBER ARASKOG: Okay.
23 RABBI SCHEINER: 190, so families.
24 COUNCILMEMBER ARASKOG: So, families. So, you have
25 198, you subtract that from 700. Where do the other 500

1 live? I'm just looking at cars.
2 RABBI SCHEINER: Just like in any religion, some
3 people come -- people join the synagogue. Maybe they come
4 two days a week on the High Holidays. Sometimes it's like
5 a gym membership. You don't always use it, but you may be
6 a member. So, in case you want to go work out. People
7 feel they need a little spiritual fitness, they come to
8 the synagogue. But --
9 COUNCILMEMBER ARASKOG: It's like church --
10 RABBI SCHEINER: -- it takes a little effort to do
11 that. So-
12 COUNCILMEMBER ARASKOG: Okay.
13 RABBI SCHEINER: So you can't really look at the
14 numbers of membership. You have to look at the attendees.
15 COUNCILMEMBER ARASKOG: Because I did read from a
16 gentleman in one of his letters, this was Mr. J. Axelrod
17 and he said, being Jewish it is hard for me to oppose this
18 house of worship and their important missions. However, I
19 do not see -- oops, this is the wrong part. Well, he
20 says, I don't see how this expansion is really a
21 worship-focused planned. Reads like a blueprint for major
22 expansion beyond the religious mission. Something that
23 our already overcrowded island could not support.
24 This is what I really meant to read. Their
25 suggestion that street parking would be available is

1 dishonest. As an aside, despite the fact that the
2 synagogue is Orthodox, more members ride to Shabbat
3 services than walk. I can, personally, confirm this based
4 on my attendance, and that of my fellow Jewish friends who
5 are members.
6 I'm just saying because it's been used, or it's been
7 stated that most people walk, and I guess a lot of the
8 people who go there are not Orthodox. So, I'm just trying
9 to get an understanding because we receive letters like
10 this. I know you're shaking your head, but it was a
11 letter, and letters come in as evidence. So, I'm just
12 trying to resolve this in my head. So anyway, I'll let
13 somebody else speak. I'm sorry.
14 PRESIDENT LINDSAY: I have a question for the Rabbi
15 too, because I'm just trying to understand. There's --
16 RABBI SCHEINER: Harvey, I'm not taking your job.
17 PRESIDENT LINDSAY: No, you're so popular, sir, that
18 --
19 RABBI SCHEINER: Well, not in front of this Council
20 yet. We'll find out. We'll find out tonight.
21 PRESIDENT LINDSAY: Now, wait a minute.
22 RABBI SCHEINER: This is what matters.
23 PRESIDENT LINDSAY: Right. I was reading an article
24 that was recently, I think it was three months ago or so,
25 about a satellite Palm Beach Synagogue in West Palm Beach.

1 RABBI SCHEINER: Yeah. Thank you for bringing that
2 up.
3 PRESIDENT LINDSAY: Well, is that correct?
4 RABBI SCHEINER: Absolutely. But that is to
5 alleviate people coming to Palm Beach. In other words,
6 High Holidays, we have no room. So, we opened the service
7 in West Palm Beach, which 50 people attended. So, 50 less
8 people had to come to our synagogue.
9 We're looking for solutions to have people
10 congregate in their communities. We're not trying to
11 create a problem, we're trying to create solutions, and
12 that's part of the solution.
13 PRESIDENT LINDSAY: Right. I mean, it's a nice
14 article, but it's a little unclear because one of the
15 fears that all of us have, and I think you've seen, is
16 this area, the circulation around your current synagogue,
17 but even before it's made larger, is very crowded, as we
18 all know. This is an area of high congestion and high
19 traffic. And so --
20 RABBI SCHEINER: Not during the hours that we use
21 it.
22 PRESIDENT LINDSAY: I understand but --
23 RABBI SCHEINER: We're not a rush-hour organization.
24 PRESIDENT LINDSAY: But in your new scenario, if you
25 have members, if it's Palm Beach Synagogue over there, but

1 your other campus, they're allowed to come to this campus,
2 right?
3 RABBI SCHEINER: Those were existing members who
4 live in West Palm Beach. So, we said, let's provide a
5 service for you there so you don't have to come onto the
6 island.
7 PRESIDENT LINDSAY: So, they're part of the 700.
8 RABBI SCHEINER: Exactly.
9 PRESIDENT LINDSAY: But you must be adding more
10 because you said thousands and thousands of Jews live in
11 downtown --
12 RABBI SCHEINER: I said there's lot of people in
13 West Palm Beach could join that congregation, but that's
14 going to be a separate entity. Right now, it's just
15 sporadic services. If we ever get an entity there, that
16 will be a separate entity detached from us. Just like you
17 have churches that have multiple, you know, locations.
18 PRESIDENT LINDSAY: I understand. I understand what
19 you're saying, but what we're worried about is you said
20 they can decide which one -- where they go to worship.
21 RABBI SCHEINER: These are people who are members of
22 our synagogue that now can choose to go there instead of
23 coming here because they're already members of our
24 existing synagogue.
25 PRESIDENT LINDSAY: Right. But I mean, they'll talk

1 about --
2 RABBI SCHEINER: But new members will join that
3 congregation and not --
4 PRESIDENT LINDSAY: Okay. So, this thing is wrong
5 where it says West Palm members --
6 RABBI SCHEINER: Correct.
7 PRESIDENT LINDSAY: -- can actually -- they quoted
8 you saying they can decide whether they want to go to
9 synagogue over here. I'm just worried about future --
10 because you are definitely going to grow.
11 RABBI SCHEINER: No, on the contrary. We're trying
12 to create a satellite there, so, we have less people
13 coming over. That's exactly the intention to de-intensify
14 the use.
15 PRESIDENT LINDSAY: And they're not allowed to come
16 over.
17 RABBI SCHEINER: They will be a separate, and if we
18 get to that point that we get a structure there, there
19 will be a separate entity.
20 PRESIDENT LINDSAY: And you would be comfortable
21 with that in your declaration of use?
22 RABBI SCHEINER: Yes. If we get to that point and
23 someone joins the West Palm Beach congregation, they will
24 belong to that congregation, not our congregation.
25 PRESIDENT LINDSAY: Okay. But if a West Palm Beach

1 person joins your congregation?
2 RABBI SCHEINER: Anyone could join our congregation,
3 obviously, and we're town-serving. Sixty something
4 percent of our members are from the Town of Palm Beach.
5 But we do have members just like every other house that
6 worship attracts people from all over.
7 MR. OYER: But some of the people who appeared here
8 today, Bobbie, came from West Palm Beach in support of
9 this event.
10 PRESIDENT LINDSAY: I understand. I understand, but
11 this is -- this is just confusing and because there's
12 another one with the Sunday school, because again, it says
13 the kids, the max is 150 right now, but as you grow, of
14 course, that max will grow.
15 RABBI SCHEINER: We capped it for that reason. If
16 we grow, we're going to have to get another building
17 somehow to accommodate more kids.
18 PRESIDENT LINDSAY: Okay. You capped it so you
19 capped kids, because it says any member --
20 RABBI SCHEINER: That's one of the self-imposed caps
21 that we placed to alleviate any concerns.
22 And look, Bobbie, what it comes down to is what the
23 photos have shown. I walk to synagogue every Saturday,
24 and like Larry Susnow, who lives on Sunset Avenue, three
25 houses up to the street said, I witnessed, I don't have to

1 wait for the light to change. There is no traffic on
2 Saturday morning. There's no traffic on Sunday morning.
3 It's not even an issue.
4 And in the evenings at 7:00 p.m. there's no traffic
5 when the lecture series takes place. So, traffic is a bad
6 word, and no one likes traffic.
7 I live on Atlantic. I have to get off the island
8 just like everyone else. I suffer the same situation.
9 But this has nothing to do with the traffic problems
10 because we're a house of worship.
11 Our days of operation are Saturday and Sunday, and
12 maybe once a week we have a lecture in the evening that
13 attracts over 100 people at 7:00 p.m. when, once again,
14 the streets are absolutely quiet and peaceful and there's
15 no traffic whatsoever.
16 PRESIDENT LINDSAY: Okay. So, my last question is
17 just if there's no cap on the membership, and I asked
18 somebody the other day, and there's no interest in putting
19 a cap on the membership, but I understand that.
20 RABBI SCHEINER: Yeah. And look, synagogues --
21 PRESIDENT LINDSAY: But that means there's really no
22 cap on the Sunday school either.
23 RABBI SCHEINER: No, we do put a cap. That, you
24 have to enroll your child in the Hebrew School. In the
25 churches, I understand you don't have membership, right?

1 So, anyone could just come and--
2 PRESIDENT LINDSAY: No, we do --
3 RABBI SCHEINER: You can join as a member?
4 PRESIDENT LINDSAY: You can go, or you can become a
5 member. Either one.
6 RABBI SCHEINER: You could what?
7 PRESIDENT LINDSAY: You could just go and not become
8 a member, or you can become a member.
9 RABBI SCHEINER: You do have a membership in the
10 church?
11 PRESIDENT LINDSAY: Yeah. So that's what's
12 confusing to me is, and then member-sponsored events, if
13 they're members, we're going to have Bar Mitzvahs over
14 here for members over there, it's what you're saying?
15 RABBI SCHEINER: No. We put a limit on that for
16 evening functions. We are not looking to host Bar
17 Mitzvahs and wedding parties. We want the religious
18 ceremony, but not the parties.
19 We want people to go to hotels and other venues.
20 Our synagogue is a beautiful place. We do not want it to
21 be a party venue. We've never rented it out or encouraged
22 use of it as a facility. It's just to accommodate the --
23 PRESIDENT LINDSAY: It's just the religious part?
24 For the ceremony --
25 RABBI SCHEINER: Yeah. It's holiday meals, Shabbat

1 meals, Passover Seders, things that we do, religiously, as
2 a community that we do in the synagogue.
3 PRESIDENT LINDSAY: Okay.
4 RABBI SCHEINER: Next weekend we're going to have
5 the Mayor of Jerusalem, maybe I should introduce him to
6 you, coming to our synagogue. He's going to speak at the
7 luncheon, and people are going to come to hear a message
8 from the Mayor of Jerusalem. That's part of our Shabbat
9 service.
10 PRESIDENT LINDSAY: Okay. Thank you.
11 COUNCILMEMBER MORAN: So, Rabbi?
12 RABBI SCHEINER: Yes.
13 COUNCILMEMBER MORAN: Just a question. Well,
14 regardless of how many members you have or how many
15 families, you only have 200 seats. You can have 1000
16 members but if you only have 200 seats, you can only seat
17 200 people.
18 RABBI SCHEINER: Absolutely.
19 COUNCILMEMBER MORAN: Isn't that correct?
20 RABBI SCHEINER: That's absolutely correct.
21 COUNCILMEMBER MORAN: I mean --
22 PRESIDENT LINDSAY: Well, they have a lot chairs.
23 They put out four square foot --
24 MS. MORAN : I asked and you said you wouldn't use
25 the folding chairs if we gave you the seats.

1 PRESIDENT LINDSAY: Right. So, I mean --
2 COUNCILMEMBER MORAN: I did ask that question --
3 RABBI SCHEINER: Yes, you did. I remember that
4 question.
5 COUNCILMEMBER MORAN: No, so I mean --
6 PRESIDENT LINDSAY: That could be in the declaration
7 of use --
8 RABBI SCHEINER: We just want to be confident. I
9 tell you what. I have one fault. I give long sermons.
10 COUNCILMEMBER MORAN: Yes, you do.
11 RABBI SCHEINER: And I feel bad because I see
12 elderly people standing for 30, 40 minutes, and I feel
13 terrible that they don't have a seat.
14 COUNCILMEMBER MORAN: Well, there's a message here,
15 Rabbi. I know Father Glen gives long sermons too. So, I
16 would suggest to both of you that you shorten your
17 sermons. Okay. I'm trying to speed it up a little bit.
18 So, no, I mean, I guess I was just going to --
19 regardless of what your membership is, it's the seat
20 count. The number of people that you can seat in your
21 sanctuary is the pews -- and are they called pews?
22 RABBI SCHEINER: Pews, yes.
23 COUNCILMEMBER MORAN: Okay. Good. But that you
24 would be adding pews to the sanctuary --
25 RABBI SCHEINER: Yeah.

1 COUNCILMEMBER MORAN: -- to seat more people in real
2 chairs --
3 RABBI SCHEINER: Comfortable chairs. Right. And I
4 just say like the churches, we're similar too. You don't
5 have to be a member to come to Palm Beach Synagogue.
6 We're not a club that you need to be a member. Everyone's
7 welcome. People could just walk in. You choose to become
8 a member.
9 So, capping membership doesn't change the fact that
10 people will come if they just choose to come. But people
11 tend to say, there's not enough room there, I'm going to
12 go somewhere else. The seats are full already. And
13 that's what it is. It's going to be those 200 seats, and
14 that's pretty much what it is.
15 COUNCILMEMBER MORAN: Well, I'm happy your seats are
16 full, and Father Glen is filling his seats too, so --
17 COUNCILMEMBER ARASKOG: You sure? Is he here?
18 COUNCILMEMBER MORAN: No, he's gone. But I mean,
19 Father Glen hears me talk enough. Anyway, I just wanted
20 to have an idea of what the actual seat count was and so
21 it's going to be 220.
22 COUNCILMEMBER COONEY: 230, I think. Yeah.
23 COUNCILMEMBER MORAN: 230. Sorry. I've lost track
24 of how many seats.
25 PRESIDENT LINDSAY: You're adding 72, I think.

1 COUNCILMEMBER MORAN: Okay. But regardless, it
2 doesn't matter what your membership is that your seats
3 would be capped to --
4 RABBI SCHEINER: Yeah. I think that approval for
5 the amount of seats we have was in 2009. So, 16 years
6 later, we're asking for another 72 seats, and then we're
7 asking for matching space in the social hall to
8 accommodate those 72 seats. It is very modest, if you
9 consider the fact that the last time we got approval for
10 seats was 16 years ago, and we're just asking for 72 new
11 seats.
12 COUNCILMEMBER MORAN: Okay. That was my only
13 question, Bobbie. I'll stop talking.
14 PRESIDENT LINDSAY: That's fine. Well, there's Ted,
15 Lew, Bridget, and Julie.
16 COUNCILMEMBER COONEY: Well, I'm going to talk for a
17 bit since I guess we've started going into some opinions,
18 so, I'm going to go there. And I heard St. Edwards is
19 getting a lot of attention tonight, and St. Edwards had
20 the fortune of being gifted its land by Edward Bradley and
21 his brother, who actually built the roads and platted the
22 subdivision that both of our houses of worship fall into.
23 So, they got off easy. They didn't have to buy an
24 expensive restaurant.
25 But at the time the Catholics were outnumbered by

1 the Episcopalians and were the newer religion to Town, and
2 needed their own house of worship, which feels somewhat
3 similar to what we're doing now with the discussion we're
4 having about Palm Beach Synagogue which I'm delighted has
5 grown.
6 Rabbi Scheiner has become a friend. The community
7 you've built is fantastic. I grew up and went to Palm
8 Beach Day and went to Bar and Bat Mitzvahs all the time,
9 but you weren't quite up and running then so, they were at
10 other synagogues.
11 But the Jewish community has grown and has been
12 flourishing. And as you know, I live within a block of
13 you. So, I often get the privilege of watching your
14 community worship, which always brings me joy.
15 So, I want to talk about a few things. I don't
16 think anyone in the audience envies our job up here today.
17 I assure you. I'm questioning my sanity first, for
18 continuing to do this. But we do have some things to talk
19 about, and I am going to end up having to make a decision
20 on this matter and I'm nearing one.
21 So, the experts are right here. We've got to review
22 this application on its own merits. And I have done an
23 immense amount of reading and spent a long time here with
24 all of you today. So, I feel like I've had a chance to
25 digest the materials, understand the issues at hand, and

1 understand a bunch of legal questions, many of which
2 always go over my head because that's out of my
3 wheelhouse.
4 And, indeed, since COVID, we're all losing our minds
5 about traffic and intensity, and we're all in this
6 together. So, I get the fear, and the concern.
7 I know these projects are scary, and they do scare
8 me. I don't want any more intensity of use in this Town,
9 specifically, commercial intensities of use. We all know
10 we can't afford it, and we are at our max, and traffic is
11 at its max, and we need to be -- like, we asked your plan,
12 we need to be on a diet and manage these things and take
13 requests very seriously.
14 So, I take this request very seriously, and I am
15 heartened by the fact that the community is demanding more
16 religious services in an era when we definitely need that
17 most. But let's talk about the actual issues that we're
18 going to have to vote on.
19 So, we've heard a lot about -- we're going to talk
20 about variances. I'll note that seven of the nine
21 variances are to revest existing conditions, and those are
22 routinely granted. So yes, nine variances sound scary.
23 Seven are triggered to revest, largely because they're
24 demolishing, and they can't use the principle of
25 equivalency for parking because they're demolishing 50% of

1 the building.
2 Paramount's application was able to apply that,
3 although knowing the age of the building and watching how
4 much demolition ends up happening on some of the buildings
5 of similar age in this community, I'm skeptical that they
6 may have actually been able to keep 50% of the existing
7 building. Nonetheless, we're not talking about that
8 project today; we're talking about this project.
9 So, size of the building. Your initial synagogue
10 plan would've been extremely unacceptable to me. It was
11 too massive. Kyle has done a masterful job with this in
12 repurposing your facilities but leaving County Road
13 essentially unchanged. So that as you drive by, a drive I
14 do every day of my life, will look largely the same. And
15 the massiveness that I hear described I don't see, and our
16 Landmarks Commission did not see.
17 What I see on Sunset, yes. Is there more building?
18 Yes. On the west side of your worship hall, you've added
19 circulation so that your members can be safe. And then
20 you've also added a building that not only encloses and
21 provides much needed security for your congregation but
22 looks a hell of a lot better than that ugly parking lot
23 right now. So, on mass, I don't see that.
24 I find the design contextual with CTS. I don't find
25 it overwhelming and out of character with the small-scale

1 character that the code calls for in CTS. I find it
2 consistent with the size and mass of other existing
3 buildings within the community.
4 I also find the use, and I quote from the CTS code.
5 While you may be a special exception use, and Harvey may
6 be correct in saying that is too restrictive for a
7 religious use, I do find a religious use, I'll quote from
8 the code, "providing for the frequently recurring needs of
9 Town persons."
10 Well, like my gym membership, Rabbi, I don't always
11 make it to church, and I should go more often, but we do
12 need faith in our lives, however we choose to practice it.
13 So, I find this a compelling and acceptable use.
14 And then let's talk about the elephant in the room.
15 Everything we always talk about lately is intensity of
16 use. And we do not want intensifications of use. And our
17 comp plan is always pointed to about that specific event.
18 So let me tell you a couple things about where I'm at and
19 how I'm interpreting this application.
20 I don't view it as a large intensification of use.
21 This is an existing use that has existed in the community
22 for a while. We know the use. The only intensification
23 beyond what presently occurs there week after week within
24 the facility is the addition of 72 seats to your
25 congregation hall -- to your worship hall, which I know

1 you need. I came to -- after the horrible events of
2 October 7th -- to a very packed room there. I know you
3 need the space, and that space is far too intimate for the
4 size of your congregation.
5 And then in the fellowship hall, I believe that's
6 what we're calling it, you're mirroring that size and I've
7 learned a lot -- social hall, sure. Sorry, I've learned a
8 lot about the Jewish faith in considering this
9 application. So, I've also learned that you guys need a
10 facility that functions differently from the worship
11 centers I know because of the way you congregate, and that
12 you eat after services. I'm usually going to Greens for
13 greasy food across the street, and you guys are staying
14 together.
15 And the educational needs of a Hebrew School being
16 different than just me sitting in the parish hall with
17 Sister Margaret Victor learning Catholic Sacraments, which
18 is what my Sunday School was. Yours sounds more fun.
19 So nonetheless, I don't see the intensification of
20 use because you're teaching Sunday school now; you're
21 having religious services now; you're having lectures now.
22 And yes, are you losing a few parking spaces compared to
23 the existing conditions? Yes, you are. We've all
24 acknowledged that. But it's not like you have a plethora
25 of parking that's now going away.

And furthermore, the way staff has calculated the parking loads is as if, and I don't fault them for this, staff was doing their job for us, but as if the sanctuary and the hall and the classrooms were used contemporaneously, and I am comforted. And while the code requirement may be that high, I try to dwell in the practical real world, and where the real use, and intensity of that parking load is not going to be at the 100% max. That is what was advertised and honestly is pretty scary. And if that were how intensely you were going to use the building, I think that would be unacceptable to me.

But in fact, you guys have offered, and I think Harvey is correct, that no other religious institution has a declaration of use agreement. You guys have offered self-imposed limitations to be a good neighbor, and you are a good neighbor, and you have been a good neighbor. And I expect your congregation to continue to be a good neighbor.

And it is not lost on me that while you can't get credit for buying Chez Jean-Pierre, I work at a restaurant two nights a week, that has multiple turns. You're going to have less frequency of that volume of traffic limited to when you do events, which you're self-imposing a cap on, and limited to -- and the times at which you host

events are outside of when I am uttering expletives in my car, frustrated because I'm running late. And then I have to pray for forgiveness for that.

But nonetheless I have looked at this, and I was really scared of this application, but the more I looked at it, and the more I understood it, and the more I understood how it all works together, how you worship and how you plan to use the facility, and the restrictions that have penalties to them that you are volunteering to participate in, I've gained a good deal of comfort with the request. And I think I've talked enough for now.

PRESIDENT LINDSAY: Okay. Lew, Bridget, Julie, Dani.

COUNCILMEMBER CRAMPTON: First of all, thank you to all of you who have shown up here today. Those of you who are still here certainly deserve the Iron Britches Award given for sitting in one place for a long period of time and for those people who have come. I actually have had fun today. I have learned a lot, and I also respect the fact that we do live in a democracy.

And yeah, it's tough and it takes a lot of hard work and a lot of blooming and contending and human cry, but in the end, we get the facts laid out for us and we can make a decision.

So, I will say, first of all, that I was going to

vote against this project when I came here, based on the staff report but I'm changing my mind, and I want to start off by -- so my rationale for that is -- let me start off by saying that I think Ted, for me, has covered very well the design and the code and the intensification issues that have come up. I mean, frankly, of all the people on this body, Ted, I think, is the leader in terms of acknowledge and eloquence on those kinds of issues.

I would just add, we have this wonderful code. Code says, can't do this, can't do that. But I will say this, from having served for seven or eight years now on this Council, our code is broken. It's filled with inconsistencies with respect, its definitions of things and CTS.

The proof of the fact that it's broken is that we are beginning a several-month long formal review of our code in which everything, every jot and jittle, every --all of the things that we have bloomed and contended about today are going to be submitted to the cold light of day and reviewed again.

Obviously, when we finish that process, the code will have to be consistent with the comp plan. That's what all those rules are for. But as to the comp plan, since when have houses of worship and the work they do, not complied with the vision of a comprehensive plan?

They always do.

And I don't care what anyone says about numbers, the fact of the matter, out of the work of this preexisting organization is well within the limits, and I just brought it with me, well within the limits of the comprehensive plan.

So, the issue for me is how to evaluate our anachronistic code alongside, and this is something Harvey brought up, the concessions that we have made to other houses of worship in Palm Beach. Bethesda is certainly one example. I realize that wasn't the only issue that was discussed, but I discussed it in my minutes.

So, in my opinion, what we've done for other established houses of worship, we must do for the synagogue. That is the Palm Beach way and that is fairness personified.

No, this is not a massive incursion. We just went through the calendar and showed that most of those events are taking place offsite. Most of those events are really small events. And for those events that are over 100 people attracted, or what have you, the Rabbi is willing to change the time so that it is more effective. And he's also willing to limit the number of events that take place at that church too. I believe it is three per month. So, is it a massive incursion as it has been described by

1 some. No.
2 Traffic and parking. I was up here this past
3 Saturday while the service was in session at the
4 synagogue. I counted 17 vacant spaces on Sunset. I
5 counted 30 spaces on County, and I counted about -- no, 15
6 spaces on County and roughly 30 on whatever that place is
7 down there, Bradley. Yeah, Bradley Place.
8 So, I mean, there are spaces, and I'm not even
9 dealing with the spaces that the Rabbi or the church --
10 the synagogue has made arrangements with to provide that
11 extra parking. I would like to see those written, and I
12 expect I will when we start to negotiate the declaration
13 of use, which will follow on this process if we approve --
14 if we approve the project. So, to me, traffic and parking
15 in the real world, not a major impact.
16 Now, yes, we must control for spillover effects and
17 that -- on the community. And that place to do that is in
18 the declaration of use. And the Rabbi has shown a great
19 deal of flexibility in terms of meeting the requirements
20 and the demands of our public.
21 Yes, the code is going to undergo changes. We don't
22 know what it's going to look like. And that, to me makes
23 it less of a -- what I would call major standard. I mean,
24 some people are talking about the code in religious terms.
25 I don't agree with that, especially given the fact that

1 the code is going to change.
2 So based on the testimony and based on the weight of
3 the evidence I've heard, and in my opinion, as this one
4 counselor, all of that brings me to the conclusion that
5 this expansion proposal should be approved.
6 PRESIDENT LINDSAY: Okay. Bridget.
7 COUNCILMEMBER MORAN: So, I, like Lew, came saying
8 wow, this is still a lot. And I think that --
9 MS. O'CONNOR: Bridget, would you get closer to your
10 mic?
11 COUNCILMEMBER MORAN: Sure. Sorry. So, I, like
12 Lew, came with the opinion that this expansion is still a
13 lot, and I think it is a lot. And I'd be remiss if I
14 didn't mention that I think that the architect is very
15 talented, and when we asked that it go back to him, we
16 were certainly not expecting just what I would consider to
17 be a small decrease.
18 I was really hoping for something a little more
19 measurable. And I know you can do that because you're
20 talented. So that's what makes me disappointed, is that
21 when I looked at this proposal, it wasn't like, wow, they
22 really tried. It was more like, wow, they shaved a little
23 bit off.
24 Did they do what we had asked them to do? Yes, it's
25 smaller. If it was a foot smaller, it would also be

1 smaller. So, I am disappointed in that.
2 What I did learn here today, which is important, and
3 I think I knew, but I didn't really respect it enough, was
4 when we talk about ancillary areas, and we talk about the
5 size of the actual space, I was thinking it's just those
6 seats where you worship, but it really is there in the
7 lunchroom or lunchroom or social hall, sorry. So, you can
8 double that space.
9 As far as input from the public, in my opinion, from
10 what I've seen, it's still 50/50. The letters that we got
11 the first go round were mostly reasons why we should not
12 approve this and today, mostly why we should. Oh, no
13 reverse that.
14 The letters that we got this go round in our files
15 in the mail and on email, were mostly against it, and the
16 letters the first go round were for it. And I believe
17 that a lot of the people who wrote letters the first time
18 were here today to speak. And a lot of the people that
19 wrote letters this time were not here to speak. Some
20 we're, but I think most weren't.
21 Yeah, this is a difficult decision. I think that we
22 do need to work together. I'm encouraged when I speak to
23 the Rabbi, and a lot of the issues I have, and I've said
24 this to many people, are with the declaration of use and
25 how that's going to affect our Town. It's flatly an

1 increase in intensity when you're asking for more people.
2 That's an increase no matter how you do it. If you're
3 there or not.
4 So, when you tell me it's no more people, but from
5 my point of view, it's more than the last time you had,
6 which I believe was 180 or something. So, from 180 to
7 what's written in paper, you know, I know how many people
8 show up, but what we have as a record is clearly an
9 increase of use.
10 Regarding the size of the building, getting back to
11 that, I'm sure we could ask Kyle to cut it down further,
12 and it would still look beautiful, but to Ted's point,
13 would it be measurable in something that would make a
14 difference?
15 And I think that the volume, when I said that, when
16 you look at it, it is big. I don't know if it matters,
17 would you rather look at a parking lot or an exposed trash
18 bin? So anyway, that's where I'm at. Still torn.
19 PRESIDENT LINDSAY: Well, I guess I can go, then
20 Julie, then Dani.
21 You know, I'm a little torn myself, but I think, for
22 me, we do have right now, Planning and Zoning Commission
23 is looking at changing the definition of Town serving, and
24 I expect that that will go up. In other words, instead of
25 being 51%, it's going to go to 75 or something higher.

1 And anything we would do today; I would want to make sure
2 that you would be agreeable to whatever that goes to.
3 It's just we know, we've been hearing from Cordino
4 Group, from Kimley Horn, from literally everybody who
5 looks at our intersections is traffic. Everybody's
6 growing on the other side. We don't. We really aren't
7 growing. People keep saying we're growing. We have the
8 same number of households we had, practically, when I was
9 a kid.
10 We've had it added a few more townhouses, but very
11 few. I mean, principally we're not growing very much.
12 And there may be some changes down in the south end with
13 some of the buildings, but even those may be less dense
14 because they're going to be larger units and we're likely
15 to lose.
16 But if you look at -- it is really a true statement
17 when it says we're a built-out environment for the most
18 part, and I think we want to keep it that way. We really
19 don't -- we fear we have in the code the right to say it
20 is, and I believe it is an intensification. How much is,
21 what's debatable and how much can you control of that by
22 changing the Town-serving definition and changing the
23 number of just what we're trying to do is reduce those
24 trips across.
25 I mean, as you know, we talked about this the other

1 day. Some of you I know we're listening. It's one of the
2 ways is to just reduce the number of people coming onto
3 the island because we can't add roads. We just simply do
4 not have any room to do that. So, that is something that
5 worries me.
6 The large variance on the parking also is a big
7 concern of mine. I'd like to see that shrunk a little
8 bit. Now, I don't want to be threatened with looking at
9 ugly trash in order to do that, but one area I see you can
10 do it, which would relieve some other fears that some of
11 us have is in the classrooms.
12 And because the State Law for classrooms, these are
13 for academic schools, the public school that's here has a
14 certain size according to the State. We don't want you to
15 have academic school. We don't want anybody to have an
16 academic school, and we'll put in whatever into -- the
17 declaration of use isn't enough, because another Council
18 could come and change that and it would go away. And even
19 a deed restriction may not be enough.
20 In fact, Joanne's looking at something that would be
21 more like a whole town referendum to change it because we
22 really don't want any more schools on the island. They're
23 generating -- they're no longer -- when I was a kid, there
24 were three schools on the island. There were almost 100%
25 local Town island kids. Today, I'm sure those numbers are

1 less than -- it's probably 80% off island in the public
2 school, and it's probably 50% with the Day school. It's
3 much different because they're growing much faster. We
4 are stable and we don't have as many young families here
5 because of the cost barriers of moving here. So, I think
6 that is another problem for me.
7 And if there was a way you could consider, how could
8 you reduce that, particularly that parking variance really
9 bothers me. There's none of us who don't think the
10 architecture's nice. We just think it's large -- and the
11 problem that I grapple with on the intensification, why
12 I'd like to find ways to reduce that, is because that is a
13 very clear criteria in granting a special exception is you
14 have to meet all of the comp plan. And the comp plan's
15 very clear about reducing the intensifications of use.
16 So even if you -- I think somebody said today 87% of
17 the new building are these other uses. They're not the
18 actual sanctuary. There isn't a person up here who
19 wouldn't give you the extra seats for your sanctuary. I
20 mean, I guess that we're all on board on that one.
21 So, it's really how do we -- can we -- can we reduce
22 the classrooms? It gives us comfort that they're not
23 going to be made into, you know, academic ones, you know,
24 and so that they're not legal for a school? That would be
25 a simple thing to do. I mean, and make a real effort at

1 it.
2 Because you don't need, for those smaller classes --
3 I mean, I know toddlers like to run a little more than
4 maybe eight-year-olds, but you don't need these big
5 classrooms. You could find that. That would also reduce,
6 I think if you reduce some square footage, there's your
7 variances. And that would be a big positive for all of
8 us, because there's a lot of pressure on this desk not to
9 give variances.
10 Yes. Did we used to give them? We all used to give
11 them. But as it gets busier and busier on the island,
12 people are, more and more, don't give them any variances.
13 And this is people who even showed up today about this
14 issue. This is in general, I can tell you.
15 This is my ninth year up here, and the change is
16 dramatic from when I joined, and Dani was a first-year
17 member. And so, I guess, you and I have been on the
18 longest, and then Julie came, and then Lew and Julie, Ted,
19 Bridget but it's just gotten more intense every year.
20 So, it's really important to us that you make an
21 effort, or to me, I want to embrace this, and I want it to
22 happen, but I want some assurances on the school, the
23 academic part. I want some -- I think the classrooms
24 could get smaller and that would reduce your variances.
25 And I do understand now that I -- and thank you for

1 having me over on Monday, because when I met with your
2 security guard, and I recognize that a fair amount of
3 square footage in this building is corridor, so that you
4 don't have to walk outside, and I understand that. I
5 understand why you might think that's an important thing
6 to do when you're going to spend this kind of money and do
7 this.
8 And so, I would almost try to -- assuming you're not
9 activating those, they're mostly halls, then, I think we
10 give that. But even those would get smaller, maybe
11 perhaps a small amount if you reduce the classrooms.
12 So those are where I'm kind of coming down. And
13 that's a long way from where I was. But we've got a ways
14 to go. So, let's see who is next.
15 COUNCILMEMBER MORAN: Many of the classrooms in
16 Florida have exterior entrances, so --
17 COUNCILMEMBER COONEY: Yeah, I think we all want see
18 the assurances and I think the Rabbi is willing to provide
19 --
20 PRESIDENT LINDSAY: Okay. I guess, excuse me,
21 Julie, Dani.
22 COUNCILMEMBER MORAN: Okay.
23 COUNCILMEMBER ARASKOG: I can go first if she wants.
24 COUNCILMEMBER MORAN: Go ahead Julie. I don't care.
25 COUNCILMEMBER ARASKOG: Okay. just a couple of more

1 things. You have morning services from 9:00 to 9:30. No?
2 Is that somewhere else? You have --
3 RABBI SCHEINER: Our morning services are from 8:00
4 to 9:00 a.m.
5 COUNCILMEMBER ARASKOG: Okay. So, you have 8:00 to
6 9:00. What is the amount of people, usually? That is at
7 peak traffic time coming off island.
8 RABBI SCHEINER: Approximately 15 people.
9 COUNCILMEMBER ARASKOG: Okay. And mostly on island
10 --
11 RABBI SCHEINER: Golfers. What?
12 COUNCILMEMBER ARASKOG: Mostly on island people?
13 RABBI SCHEINER: Yeah, half of them walk.
14 COUNCILMEMBER ARASKOG: Half of them walk. Okay --
15 RABBI SCHEINER: They're golfers.
16 COUNCILMEMBER ARASKOG: Okay. And then Harvey, you
17 asked -- thank you, Rabbi.
18 Harvey, you said that you were going to ask for
19 parking during your services. So you do need parking?
20 MR. OYER: We, obviously, need parking during
21 services, but we have loads of it. I put, I don't know, a
22 dozen photographs of empty streets on Saturday morning and
23 Sunday morning. We have wonderful neighbors who have all
24 given us free parking. You have 197 striped spaces. When
25 you add them all up there's 379 spaces, I think, was the

1 numbers --
2 COUNCILMEMBER ARASKOG: May I ask you a question on
3 that?
4 MR. OYER: Sure.
5 COUNCILMEMBER ARASKOG: So, as I understand it,
6 Echo, you can only do when they're not using their --
7 obviously, their lot.
8 MR. OYER: Correct.
9 COUNCILMEMBER ARASKOG: And they have to have
10 additional to what they're required. That includes,
11 actually, all of them.
12 MR. OYER: Correct. But Echo --
13 COUNCILMEMBER ARASKOG: So how can you -- including
14 Paramount, which is your Sunday classrooms are at the same
15 time that the Paramount has their church program, which
16 they need their spaces for church.
17 So, I mean, my only question is, if you're going to
18 have some of these, you know, speakers at night, maybe
19 it's 50 to 75 or 100, whatever it is, you're not going to
20 be able to use those lots because Echo is going to be
21 serving dinner. I have -- I, like Bobbie, have real
22 issues with the parking. And --
23 PRESIDENT LINDSAY: With the what?
24 COUNCILMEMBER ARASKOG: Not having parking.
25 PRESIDENT LINDSAY: The size of the parking lot.

1 COUNCILMEMBER ARASKOG: And I think that Wayne,
2 we've kind of gotten off some of the track that Wayne and
3 James did, which Bobbie, you just said you believe it's an
4 intensification of use. Wayne, I'd like to ask you again,
5 because I think we haven't heard from staff in so long, is
6 this an intensification of use in your opinion?
7 MR. BERGMAN: Absolutely.
8 COUNCILMEMBER ARASKOG: And is intensification of
9 use allowed in our code? Hold on.
10 MR. BERGMAN: It is allowed in the code. It is not
11 what you want to do. But, basically, in our code, there's
12 some things you must do as an applicant if you are
13 intensifying the use. And in this case, they have -- they
14 have gone down that route.
15 COUNCILMEMBER ARASKOG: So, what do they have to do?
16 MR. BERGMAN: The legal mailing notice is larger.
17 But in this case, because there was a parking variance,
18 they were going to 1000 feet anyway. And they must follow
19 Chapter 30, which is the concurrency. So, they're not
20 exempt from traffic concurrency. So, they did go through
21 that exercise, as well.
22 COUNCILMEMBER ARASKOG: And anything else? So
23 that's all they have to mitigate in order to give them a
24 variance from --
25 MR. BERGMAN: There is no variance from

intensification of use. It's --

COUNCILMEMBER ARASKOG: Right. We just don't want it. And the comp plan says that the administration should do everything they can to lower the intensity. But those --

COUNCILMEMBER COONEY: Yeah, no, you're right. A declaration of use --

COUNCILMEMBER ARASKOG: A declaration of use can't do that.

COUNCILMEMBER COONEY: -- also reduces intensity.

PRESIDENT LINDSAY: Combined, Julie, with the redefinition of Town-serving.

COUNCILMEMBER ARASKOG: But you've got to do square footage -- what is the definition, if you increase square footage, if you increase seats, if you could do hours --

MR. BERGMAN: Onsite parking demand, and the other one was hours of operation. So, there's four criteria that if you -- if you increase those at all, you're an intensification of use. Quite honestly, if they were adding a four-square foot closet to the existing building, it would be an intensification of use under our code.

COUNCILMEMBER ARASKOG: But you feel from what I read in the staff memo, that it's too big, too much programming for that space.

MR. BERGMAN: We still at staff feel that way

because of the nine variances that are required. And at 10:45 today, I mentioned some ways that they could go about decreasing the size of the building if they were interested. If you were interested.

COUNCILMEMBER ARASKOG: Can you tell me what some of those ways are so we go back to some of the things that you said. Because it's --

MR. BERGMAN: Right. What Bobbie was talking about, the size of the classrooms. I respectfully disagree with Kyle when it comes to the calculation of the classroom. They designed those 12 classrooms to meet the State requirement for public school, charter school classrooms.

If they're only using these educational spaces on Sunday mornings and it's directly associated -- as we all agree, it's directly associated with a religious use, these could be religious educational spaces and could be designed at one-third the size of what they're proposing.

Now, again, they may not accept that, you may not want that, but that is a way they could carve 2000 square feet off their classroom size immediately. That would also translate to less of a requirement for their parking variance. Less need for the variance.

Also, there is a large amount of space ancillary to those educational classroom spaces. Perhaps those hallways and some of the accessory space on that second

floor could be deleted as well. Again, these were just ideas in talking with staff of ways to reduce the number -- to reduce the intensity of the variances that were requested.

COUNCILMEMBER ARASKOG: And I think that's one of the biggest problems I have, is that were supposed to not show any partiality, and I feel like in this case we are, and we do have someone here that we denied based on several things, with the comp plan and intensification of use, and how do we allow intensification of use if we haven't allowed it with other projects.

And I would also say we haven't allowed variances and didn't in that particular case. And I think we've heard from Joanne on what the repercussions could be. I know the gentleman over there disagreed, but we have heard from our Counsel on that, that that could, if we approve today as is, it could have repercussions in that.

PRESIDENT LINDSAY: Well, that's why I asked for reduction.

COUNCILMEMBER ARASKOG: And I was just going to say, I think it can be reduced and what I would ask is, I know you have all those hallways, they're quite big, you could use some of the space in those hallways, so the hallways don't have to be as big and use some of that space for the classrooms for the different things.

Bridget came up with a great idea at our last meeting, which was, look, you're going to have this 4,000 square foot social hall, which I still think is too big, but you could do -- you could put, if you put up dividers for Sunday, you don't use that for services. I know you're shaking your head. I'm trying to come up with a way to not intensify and be able to approve this project.

You know, I'm very concerned about what'll happen in other areas if we do this and allow intensification here when we didn't in other areas. So, I think that there are ways to come up with using that social room. You don't use it on Sunday. Break that up.

RABBI SCHEINER: Can I interject for a minute? Because I'm hearing a lot about the school. So I'm just going to say one word, just quickly.

COUNCILMEMBER ARASKOG: Quickly.

RABBI SCHEINER: Yes, of course. Regarding using the social classrooms, they need amenities to be a proper classroom. A social hall is not a classroom. It's a room to gather, but you don't have a blackboard. You don't have the facilities you need. That's number one.

Secondly, what I really want to just say here is I keep hearing about the classrooms. I just want to say it's straight to the Town Councilmembers because I've said it to the opposition, but it hasn't been received.

I'm under oath still from taking an oath earlier. We have no intention, no desire, no plans to ever turn this into an academic school. This is purely Sunday morning. And let me explain to you why.

First of all, we have a thriving Jewish day school in our community called the Maya Preparatory School. That's where our children go. I have no interest in competing with the local Jewish school. Our population is not big enough to have two Jewish day schools.

Second of all, if I wanted to start a school, I had 30 years to do that. That's not in my cartwheel. I'm a Rabbi of a congregation. I'm not a headmaster of a school.

And third of all, if I ever dreamt of starting a school one day, Palm Beach would be the worst location to have a school. I would buy a building by the turnpike where all the communities can come to, to have a school. I would never ask people to come over a bridge to the ocean to come to a school.

So, I just want you to know, I've said this as clear as possible, there will never be a Jewish day school in that building Monday through Friday. Maybe after I retire, some other Rabbi, I don't know, I can't speak for him, but that is not in our plans. It never has been, so, you don't have to worry about that. It's three hours on

Sunday morning when the Town is quiet. So let the kids have a proper classroom.

COUNCILMEMBER ARASKOG: That's not what the problem is. I think, again, the problem is -- I don't think that's what you're going to do. You've told us over and over again that you won't do that. I think you're, obviously, a very religious man and you wouldn't go back on your word. So that's certainly nothing that I'm concerned about.

Again, intensification of use goes against our comp plan. We're supposed to follow our comp plan. We're supposed to, in order to give a special exception variance, you have to meet certain conditions.

So, I go back to what Bobbie said. We did not say a slight diet. We said a diet. And I think that what needs to happen is we need to work together, and you need to find a way to make those classrooms smaller.

I know you need blackboards and things like that. There are ways, because I've seen it before, there are ways to -- I'm not, sorry. There are ways to separate things and be able to have -- put blackboards in. I mean, I've seen it in many spaces and places. So I can't approve this today, but I certainly would be up for a deferral.

And I think it should come to us. I think my

concern about going to Landmarks is exactly what ended up happening. It's the most beautiful building. If I could drop it in another area, which we have said many times to different people, not religious institutions, but others, we just wish you didn't have it here.

So, I think in this particular case, I wish I could take it and move it into where St. Edwards is because there would be no problems. But anyway, I think we need another bite at the apple.

I hope, though, that we don't have to go through a seven-hour process next time. Maybe what could happen is the people who are for it, maybe, if you speak and everybody raises their hand and anybody who's opposed, because I think five hours of testimony is a lot. And then we get tired up here and you don't get the best result.

So, my feeling is it's against the comp plan. It's too much of an intensification of use. I think we should work with you. I don't think we should deny. And I, actually, think none of the opponents, just so you know, they've been represented in a certain way. They all said, we want this to be -- we want a great temple, we just -- and in area, it's just too big. And we're worried about these things.

So, I think they were kind of demonized in a way

that wasn't fair because in their letters they all said, we are not against having this renovated and adding space, it's just too much. So, I do want to say, I think there's a middle ground that the Council can come to, but I do think there needs to be a decrease because it is, and I agree with our staff who we absolutely respect, and who have really studied this, that this is an intensification of use. Bobbie said it.

So how do we pass this when we haven't allowed it anywhere else? And I'm not asking you. We're in executive session. So, I'm not asking you, Harvey, I'm just trying to talk about that issue, which Wayne brought up, staff brought up. It's all over. So that's it for me.

PRESIDENT LINDSAY: Okay. I think next is --

COUNCILMEMBER COONEY: Mayor.

PRESIDENT LINDSAY: Oh, let's see, Mayor. No, Bridget, Ted --

COUNCILMEMBER ARASKOG: I thought it was Dani.

PRESIDENT LINDSAY: I know. Did you take yours off?

MAYOR MOORE: No, I turned my light on so I could talk.

PRESIDENT LINDSAY: Oh, no, sorry. Donnie, you are first. You are right. I'm sorry.

MAYOR MOORE: Okay. So, first of all, I agree with

everything Ted said. The minute we agree to increase the seating in order for there not to be folding chairs, it's an intensification of use. And I think we've all agreed, I think I hear that more seats for the congregation is a good thing. So, the minute we agree on that, there's your intensification of use regardless of what else happens.

If, you all, decide that they should be able to put tushes in seats, real seats, then they need to expand the social hall because those tushes and seats over here need to go over here to eat. I'm getting it right, correct, Rabbi?

RABBI SCHEINER: Yes.

COUNCILMEMBER MORAN: Okay. So, I mean there's your intensification of use regardless.

Harvey, could I see the picture of the Sunset, I was going to call it Sunset Boulevard. That side, the big side. The side that, you know, the pretty picture of Sunset.

MR. OYER: Yes. Kyle, come up here please because I think you can --

MR. FANT: I would go to our presentation and show the perspective.

COUNCILMEMBER MORAN: Because I have to say that my --

MR. OYER: Why don't you do that?

COUNCILMEMBER MORAN: -- major issue, I hear the parking concern. I also -- and I'll be perfectly honest, I've been in support of this project from the get-go. And I told Mr. Mack that from the get-go. Did I think it needed a diet? Yes, I did.

No, I want to see the pretty picture. I mean the rendering on that side, because -- there, I'll take that. It's from the other end, but I'll take it.

One of the concerns that I had -- there, I'll take that. I was looking from the other end. I certainly understand the perspective of making it -- keeping the garbage and the generator in that building. So, although it's a variance, to follow Ted's comments, seven of the nine are existing.

After the events of last summer, which had to do with me and my enormously big mouth, which I still believe I was accurate on that, but there are security concerns, and I have to say that, you know, I'm just one little person. There is an entire congregation there.

So, although I had concerns about this, my comfort in that scale on Sunset was alleviated by the fact that their congregation would be safe. And for me, the safety of this particular flow of traffic through the courtyard in and out gives me comfort because I know that in several of the unpleasant phone calls that came into Town Hall

people did not care for some of the positions I took over the summer. And there were some threats made which were concerning for people with young children. I don't think my 15 and 16-year-old would consider themselves young, but I do.

So, I understand the anxiety, just as a single person, that comes from things that might be considered a threat to my family. And I can't possibly imagine, no offense, being a Jew, who are always persecuted, and not always looked favorably upon, that the anxiety that must come just from practicing your faith.

So -- and I understand that, yeah, the classrooms probably could use a diet. I have less concerns about parking based on what I've seen. I know you have shared parking, and when they're having their services, Echo is not serving dinner. So, I mean --

COUNCILMEMBER ARASKOG: They've had events. They'd have a hundred here, a hundred there.

COUNCILMEMBER MORAN: Yeah. Well, but hopefully -- I'm just saying that I believe that they have a shared parking agreement with the Diocese for the Greens lot for however many spaces that was; 40. I think they have ample parking for their events. Plus, I believe they'd use a valet for a significantly large event.

COUNCILMEMBER ARASKOG: I'm just asking.

COUNCILMEMBER COONEY: On the street, where Temple Emmanu-El parks.

COUNCILMEMBER MORAN: Well, yeah, on the street where Temple Emmanu-El parks in the Paramount lot, which has already been shared to them in the Bank of America lot, which they also have. So, in my opinion -- or in the 175 empty spaces that seem to be on the street. I'm not as worried about that.

I think that if you want to -- I think we can agree on certain things that putting people in real seats is a good thing. It automatically triggers intensity of use just based on that. I think that if you want to ask them to defer and put the classrooms on a diet, and have Kyle do a little more magic work, I think that's not a bad idea.

But I think that -- I think the architecture is beautiful. I think Landmarks has done their job. And I agree with Ted and Lew, and I think a house of worship is a good and proper thing for our Town.

PRESIDENT LINDSAY: So next is Ted, then --

COUNCILMEMBER COONEY: Okay. Yeah. You know I respect the concerns of the opponents, and I respect all of you, my colleagues, and the concerns you've raised. So, I've tried to make a couple notes here as you've all been talking, as I've been listening to you just to

1 respond to.
2 The biggest being the comprehensive plan because the
3 assertion was made, which is correct that we cannot grant
4 something if it violates the comprehensive plan. And I'm
5 going to explain to you why I don't believe that this
6 does.
7 Is there presently an intensification? Does
8 increasing the seats intensify the use? Yes, but that's
9 the only thing that's intensifying there. In fact,
10 they're self-limiting on events, and we will negotiate
11 that in a declaration of use agreement here and with the
12 Rabbi. But the comprehensive plan component that
13 everyone's talking about is policy 2.4, and I'll read it.
14 To prevent critical and dangerous overuse of its
15 streets, parking resources, public services and
16 facilities, and damage to its historic character and to
17 overall property values of the community, the Town will
18 take all technical and administrative measures legally
19 available to minimize the change or transition of existing
20 low density areas or structures to more intensive use
21 patterns and, thereby, lower the pattern of density where
22 possible and to minimize tourism and flow.
23 The word patterns and pattern is very important in
24 my interpretation of policy 2.4. It does not specifically
25 outlaw any increase of intensity in the Town of Palm

1 Beach. It outlaws patterns of it.
2 And when you look at the parcel of land that the
3 synagogue has acquired, while they're demolishing 50%, and
4 they're unable to apply the principle of equivalency from
5 a parking consideration, from the realm of applying the
6 comprehensive plan standard of review, I can consider, and
7 I must consider the recent history, it was post -- Chez
8 Jean-Pierre didn't close until after COVID when we've
9 started having our problems.
10 So, in the very recent history, this parcel of land
11 had a more intensive use pattern than is being proposed.
12 The synagogue is only adding 72 seats, and all the
13 remaining uses are things they already do. So, I don't
14 find that this violates that plan.
15 This is a very important thing, and we will use this
16 tool to deny commercial intensifications of use, turning
17 low intensity uses into stronger uses. This is not that.
18 A busy restaurant, mind you my favorite restaurant, I miss
19 you Jean-Pierre, but that is a busier use that is
20 abandoned permanently by this plan. And they're merely
21 adding 72 seats and self-imposing a cap in their large
22 event space. So, in my opinion, the comprehensive plan
23 argument doesn't work with this specific application.
24 And then I made a couple other notes. Bobbie on the
25 Town-serving threshold, and I know that's something you're

1 passionate about, and I will join you in applying strict
2 standards to commercial uses. But I don't see how we
3 could hold them to a theoretical higher standard of yet to
4 be determined higher standard of Town-serving, nor, how
5 the Rabbi could do that because as he is testified, you
6 don't have to be a member of his congregation to attend.
7 Anyone can walk in, people do choose to be members.
8 So, I don't know. When I worship at St. Edwards, no
9 one asks me where I live. I walk in and I worship, and I
10 leave. So, I don't know how we can do that. I hear --
11 PRESIDENT LINDSAY: You can't for walk-ins, but you
12 can for members.
13 COUNCILMEMBER COONEY: Okay, but we're not capping
14 their membership. So, I --
15 PRESIDENT LINDSAY: No, we're not capping it but you
16 can reduce -- if it's Town-serving said -- you could have
17 less that are coming from other places that are trips
18 across the bridge that are causing our congestion.
19 COUNCILMEMBER COONEY: So, then I want to address
20 the Paramount comparison because I neglected to point out
21 one thing. We did -- and why any legal argument that this
22 is similar to the Paramount request and that we're
23 treating them differently, I don't believe we are. In
24 fact, we unanimous -- the only thing we approved for the
25 Paramount, and we did so unanimously just this summer, was

1 an expansion of their worship hall. Or four to one,
2 sorry, apologies, Julie. I can't remember how we vote all
3 the time.
4 But we did, the majority did approve an expansion of
5 the house of worship, which is the only intensification of
6 use that's been alleged on this desk about here. So, we
7 would, in fact, be treating the synagogue differently from
8 how we treated Mr. Werner's church and that would be
9 problematic for me.
10 And then I also hear the desire, and you know I feel
11 the pressure from the community about variances. It is
12 real. And even in my not quite four years on this desk
13 with you all, the pressure has increased dramatically,
14 almost, exponentially, in that time. And I hear the
15 community loud and clear, and I will be tough on
16 applications.
17 But in this one, I think this desire to want to
18 shrink the facility, which they have already done so
19 twice, that original proposal had a residence for the
20 Rabbi and a bunch of other things, they have -- they have
21 been shrinking this down. This is the space they need to
22 accommodate safety, and the Mayor's absolutely right.
23 They need a safe facility and a protected facility.
24 It's not lost on me that there's not an armed guard
25 when I worship at St. Edwards but there is here, and it's

a shame that there has to be. But they need a secure facility.

And while that -- and so I wanted to approach this by working with them the same way to shrink this down. But then Kyle did square footage calculations that are in our backup that show how much is circulation. So, I mean, we could try to squeeze some things out but circulation is, even if we reduce some of the hallways, that's not going to reduce any intensity of use.

And then if we shrink the size of classrooms, they already have 150 students in their Sunday school. So, all we're going to do is cram these sweet kids into a smaller room. And I did some back of the napkin math. Mind you, this was eight hours ago from Wayne's opening comments, but it was whatever the total square footage given the 13 classrooms proposed in the plan, gets them to about 150 to 200 square foot each. That's not big. It's really not big.

So, I mean, I question the wisdom of wanting to look like we're being tough on variances and extracting a pound of flesh or whatever, or squeezing some reductions here and there that may not be perceptible in reality and really don't -- aren't going to materially change the intensity of the project or the size.

And it's not lost on me. And the architect of this

project is in the back of the room. He could confirm this number. Publix is three times the maximum building size. They're exceeding it at the synagogue request, but not to the extent Publix is.

And so, my proposal is going to be at some point when the times right -- oh, and furthermore, this could never become a day school. And I know they're offering to self-impose a restriction on that. But as we learned with the last preschool State Law requires an outdoor recreation space for students. Remember, we granted them a variance and got sued over it when they grasped over some parking spaces. But that's a state Law requirement.

So, they can be a Sunday school, but on this site they will never have the green space that state law requires. And so, what I want to do is, I would like to approve the project. I would like them to return to us with a declaration of -- when we have fresher heads and negotiate the terms of the declaration of use agreement with your document as a starting point.

I'd like you to return with parking agreements that our legal counsel can review. And then I would also want to encourage the Town Manager to authorize the use of the right-of-way, to treat this house of worship the same way we treat the other house of worship when we view this as parking.

And I would also part of that negotiation process with the declaration of use, I would propose that the component that does create fear is the use of that larger social facility. And I would propose that we mirror what we've done very successfully in the past in previous things that really concerned the community. Like the Carriage House where we started them off somewhere and then they acted like a good neighbor.

And as we saw with the Carriage House, when they came back for a membership increase, these chambers were packed with neighborhood opponents. And they all turned around when the Carriage House proved itself to be a good and kind and respectful neighbor and that a lot of the fears never came true.

The Rabbi is a good neighbor. I am his neighbor. And I can personally attest to that. And I know that if we start him on a step plan, which may not be fair, they will prove to the neighborhood that they can conduct themselves in a manner that is not disruptive, does not ruin traffic, and is respectful to the neighborhood and the Town at large.

COUNCILMEMBER CRAMPTON: May I go next?

PRESIDENT LINDSAY: You are next.

COUNCILMEMBER CRAMPTON: Yeah. Let me start out by saying that I think I've heard that intensification in and

of itself is not a sin. It's what you do to limit the intensification that makes it acceptable to the surrounding community. I mean, people toss around the word intensification all over the place and frankly it's a little bit of a shibboleth. It doesn't compute if we limit the intensification.

And the device for us to do this, with respect to this project, as Ted pointed out and I have pointed out, is the declaration of use, just as we did with the Vignetta, excuse me, thank you, which was a very controversial project as well. We went deep into the night on that one too, but we approved the project in the beginning and came back and negotiated a declaration of use that dealt with a lot of these issues of intensity.

With respect to shrinkage, I mean, Wayne pointed out, maybe we could skinny down the classrooms. I, personally, don't care. The students are limited to 150. If you want to make a Taj Mahal out every one of those classrooms, it's okay with me because there're only going to be 150 students there. The building envelope from the street looks great as all of us up here have said. So essentially, why are we meddling with a project that's pretty good as it is, I think anyway.

So, let's take the Sunset Street extension. There's no question, sad to say, that that particular building is

vulnerable to security incidents. And they really do need to wall off that up, and have a control through the driveway, and through the gate in order to protect themselves. I can't -- I mean, it's a serious situation right now that needs to be alleviated.

The second thing is, is the visual impact. If you look into that area right now, it's like dog patch. It's a damn slum. I mean, really, they got cans and stuff all over the place, and a whole bunch of ugly things. I mean, if we care about beautification the Palm Beach way, don't look in there, because it's going to be pretty disgusting. That's going to be covered up by that extension.

So, I mean, I agree with Ted. We need to approve this project today, and we need to have them come back, as we did with the Vignetta, thank you, Julie, to negotiate a declaration of use, not only on the issues that we have discussed here, but there may be others that have been brought up during the discussions that need to be covered.

And I will say, based on having listened to the Rabbi for the last --

PRESIDENT LINDSAY: Eight hours.

COUNCILMEMBER CRAMPTON: Thank you. Several hours, my stomach is growling, that I'm quite sure that he will be flexible and amenable to any reasonable limitation that will deal with this intensification thing. Okay?

Again, read my lips. Intensification itself is a fact of life. As Fant said, if they added a four-foot closet to that place, that would be intensification. It's what you do to limit the intensification so that it doesn't impact people in a deleterious way. I believe that the declaration of use would serve as the appropriate instrument to do that.

So again, I think, when appropriate Bobbie, I know there's more discussion. I'm prepared to make a motion to approve this project with a condition of a process that would require the synagogue to come back and negotiate a declaration of use with us, just as we did with the Vignetta Hotel.

PRESIDENT LINDSAY: Vignetta.

COUNCILMEMBER CRAMPTON: I know. I'll never get it right.

PRESIDENT LINDSAY: It took me a while. Okay, Bridget?

COUNCILMEMBER MORAN: I want to say thank you to my colleagues, Ted and Dani, for pretty eloquently summarizing some things that I maybe didn't consider. And thank you, Ted, especially on the outdoor space. It gives me some comfort to know that it could never be a school just for the outdoor space, which is really my concern because when the post office sold, I was, like, I thought

it was always going to be a post office. So, buildings aren't always what they're intended to be as you know because you bought a restaurant.

But anyway, I really appreciated being up here and learning from you. I don't think I have anything else to add.

The classrooms, if they're 10 by 15 now -- I think I've changed my mind. I don't mind so much that they're -- that's not that big. My purpose in reducing it would really to be, to ensure that in the future a different Rabbi wouldn't want to make a school there. So good point on that.

So, I don't know that reducing the size, we probably wouldn't notice it so I don't know what the benefit would be. Although I still can see both sides of the argument. I'm more leaning towards if we reduce on the interior, which I know is probably where it would be done, I don't know that the Town would experience the benefit from a reduced -- a reduction in space, but certainly the synagogue would be less comfortable.

And I don't have a problem with the number of people. And now that I'm thinking a little bit further on it, although I really don't like that you increased the seats without permission, technically, by bringing in the folding chairs, it's already there. So, I think that the

Town may have already absorbed that impact of the additional people because you're telling me that 230 people are sitting there today, so it is an increase in on the books, but in actuality, is it an increase? No, when you're telling me that that's what you're doing. So, I don't know that we'll see more of an impact on the streets.

When we get to the declaration of use, I would like to go through that very carefully. And I think that we have room there to really control things that we can, as far as you had said you'd move some things a little later and there's room there to do some things. That's it.

PRESIDENT LINDSAY: Okay, then Julie, and then I'll talk and then we'll --

COUNCILMEMBER ARASKOG: Joanne, I have a question because Ted, and I appreciate that, gave an interpretation of the comp plan, and I just want to make sure that's true because of other decisions that we've made.

MS. O'CONNOR: Please turn me back on. And I also wanted to say I appreciate what Ted had said about the patterns of use, and I think that that's important to mention. I was really listening very carefully to that.

COUNCILMEMBER ARASKOG: Maybe Joanne didn't hear me.

PRESIDENT LINDSAY: No, she's looking it up, but I just want to give her an extra minute to say that.

COUNCILMEMBER ARASKOG: Thank you. Aren't there two different places?

MS. O'CONNOR: I mean, Wayne went through like the four items that constitute an intensification of use. And so, I think, the way Ted's reading policy 2.4 is a fair reading of it but --

COUNCILMEMBER ARASKOG: Okay. So, you think in this particular case, even though they have the increased square footage -- question about increased seating other than just in the synagogue, because it sounds like they're going to have the same number of children. So, whether they're sitting on the floor in a chair, I think is kind of similar.

But -- so, you're saying that even if something falls under the definition of an intensification of use, that it doesn't -- it can, in certain circumstances, not violate the comp plan? I mean, I think that's a very important thing to understand from Ted's interpretation.

COUNCILMEMBER COONEY: You're fair to question my interpretation anytime.

COUNCILMEMBER ARASKOG: Oh, it's a big thing. And this is one of the things that it turns on.

(Background discussion)

MS. O'CONNOR: Julie, I mean, Ted read the language from policy 2.4, which would be what guides you. And, so,

I just say, I mean, Ted makes a fair interpretation of that, which the provision is that the Town will take all technical administrative measures legally available to minimize the change or transition of existing low density areas or structures to more intensive use patterns.

So, you're to take all measures legally available to minimize that change and, thereby, lower the pattern of density where possible and minimize tourism inflow.

COUNCILMEMBER ARASKOG: And then my second, I got turned off.

My second question, which I know it's a two-year, but isn't -- can we use a de-intensification or diminishing intensification of use because it was St. Jean-Pierre, and because I know we used that on another -- I think it was 365 when it came to the Carriage House because they were having --

MS. O'CONNOR: You mean 264.

COUNCILMEMBER ARASKOG: 264. 265, 264. Thank you. But okay, what was my point? Oh, back to St. Jean-Pierre. So, they would've had so many trips in and out, and so many people coming that actually it could be seen, as they have argued, as a decrease in intensification because of that. So, I'm just asking you can we use St. Jean-Pierre?

MS. O'CONNOR: That's a conclusion for you to make based on --

COUNCILMEMBER ARASKOG: We can. So, we can use -- because it's like a two-year what? Two year use agreement. So, I just wanted to make sure we can still use that.

COUNCILMEMBER COONEY: Julie, I think what you may be thinking of is, is there is a provision in the Town Zoning Code where after a use, a grandfathered use is abandoned, then it's no longer, but that's when you lose your grandfathered status in zoning. I think that only applies in that scenario. I don't know that it really applies to this pattern.

I mean, to me, within the past four or five years, is a recent history pattern of land use on that site.

COUNCILMEMBER ARASKOG: So, we can use that as a de-intensification of use. I'm asking Joanne.

MS. O'CONNOR: Change in the restaurant use to a house of worship --

COUNCILMEMBER ARASKOG: Yeah. Now to this, because it's going to be classrooms that they already had the same existing children. My only question of course to everybody up here would be the size of the kitchen and the size of the social room.

COUNCILMEMBER MORAN: But they need to recover this.

COUNCILMEMBER COONEY: Yeah, kosher kitchens are big.

COUNCILMEMBER ARASKOG: But hold on. But to me, that de-intensifies as well, because it's going from a kitchen that is used every day to serve people versus a kosher kitchen that is only going to be used, I hope, and I think we do have to get something on even 100 or more, because you don't want to have events every night, which you could have. I'm not saying -- but you want limits on the amount of people because of the parking issue.

But anyway, so to me, I'm almost looking at this now as something that is not as intense as it was before. And when you look at the seats that are being added, like you said, Bridget, although it's illegal, and I think you might have broken some fire codes, frankly, which worries me, but I think when you look at how the rest of it is being fanned out, that you can also say that that's not an intensification of use.

So, I'm a little confused. I would still like to see it brought down in size a bit. I think it's beautiful. But I think everything that Joanne has clarified for me and Ted, parking is still an issue for me but shows me that it's not intensification.

PRESIDENT LINDSAY: So, I have a quick question too for the -- what is the actual size of the current classrooms? Are they all the same?

MR. BERGMAN: It was my review that there's 3000

square foot of classroom space, and there were 12 classrooms. So that would be ballpark, about 250 square foot each classroom. That would allow about -- under the calculation that Kyle used, that would allow between 12 and 13 pupils per room and that would total up to the 150 students.

COUNCILMEMBER ARASKOG: There's 13. So why can't we do that?

MR. FANT: Hello. Good afternoon. Good evening. For the record, Kyle Fant, Bartholomew Architects here in Palm Beach, Florida, and thank you so much for your time today, and thank you for letting us speak and be part of this project.

I will go straight to the classrooms just to show what the building board for the Palm Beach Synagogue has asked of us and what we have provided. And I'm happy to go over any square footages any time. And Wayne, you can walk to our office, or we can walk here, we see each other all the time, right? Phone's always open.

That was a request from the building board. I think better question for the Rabbi or the --

MS. O'CONNOR: Its religious. Washing the hands before meals.

MR. FANT: Oh, there's sinks in the social halls, yes. So, we could clarify it.

So, part of the things that are learned is how to cook traditional breads, Challah. You probably all have had Challah French toast. You probably all had received a Palm Beach Synagogue Challah. And before you eat, and the kids eat in classroom, they have to wash their hands. Give me the proper -- yeah, there you go. And we could do it after. No, it's okay.

So that's why they need sinks. Plus, they are probably in the same sink, we'll clean up the arts and crafts and the same sinks. And then here are the square footages that are quite small for --

COUNCILMEMBER MORAN: I just want to add some, the washing of the hands and the prayer is actually asking that your hands be purposeful. So, it's not just washing of the hands to actually make them clean. The prayer that the children learn is that, that you're asking your hands to be purposeful.

MR. FANT: Thank you. So, just briefly when we were brought onto the project, we were asked to give a 20 by 20 space to each grade. And we were asked to give a youth lounge and art room, 150 children. I mean, I've been around elementary schools, center for creative education, et cetera, 150 children running around.

So, let's just zoom in here. So, you could see that including the countertop and sink, pre-K is 10 feet by 14

feet, so 140 square feet minus the countertop, plus the teacher, you're at, I don't know, how eight square feet per kid. I mean, the children's bedroom in a workforce housing apartment is bigger than this.

We do have a youth lounge, and we do have the art room. And I mean, Wayne's absolutely correct on the square footages we've provided.

Of course we could reduce the hallway, but it's 150 students. We try to design something. It's the most beautiful Town in the world. We try to design something gracious and beautiful and not code minimum.

The nice thing I think, if we were to even remove the square footage on the right, it's already under the terracotta roof, so it would just become an attic, and it would look no different. But we can make magic happen with anything. But I just want to give you the size that we've given. Thank you.

PRESIDENT LINDSAY: Well, yeah, I mean, I was only looking at it as a way to reduce the variance and, you know, if it would be meaningful, then I would like to reduce the variance.

COUNCILMEMBER ARASKOG: You have to add all those up.

PRESIDENT LINDSAY: Okay. I'm leaning towards this, to be meaningful, you'd have to give them a parameter,

meaningful on a 32,000 square foot building might be 10,000 square feet. Thirty percent is meaningful. If you're going to reduce by, which is really what I wanted the first time when you came back, Kyle. If you're going to reduce by another thousand square feet, is that meaningful? I have my doubts.

COUNCILMEMBER ARASKOG: Well, they're not 20 by 20. So --

COUNCILMEMBER COONEY: Where would we make the classroom smaller is my question? I would need to know the size you require.

PRESIDENT LINDSAY: I mean, there you have space. You have three reception areas, a rotunda, a reception area, a foyer, an ancillary room to this. I get it.

COUNCILMEMBER COONEY: I'm not in charge. We have to get a number.

PRESIDENT LINDSAY: I know. But now that I'm thinking about it again, even if you reduced all that, greeting space as you first walked in on the first floor, it's not going to be noticeable to anybody in the public because it's in the interior of the property. In fact, you can't even see it unless you are on the interior of the property.

COUNCILMEMBER ARASKOG: But it reduces the variance.

PRESIDENT LINDSAY: It would reduce the variance and

that would be the only thing, but the variance would still be required.

COUNCILMEMBER COONEY: Yeah. And it's still 150 students.

PRESIDENT LINDSAY: You'd still need a variance, but yeah. Julie, this is how I was thinking at the start of the meeting.

COUNCILMEMBER COONEY: I'm prepared to make a motion, Bobbie. We've been on this all day.

PRESIDENT LINDSAY: Yeah. Okay.

COUNCILMEMBER COONEY: Okay. So, I'm going to move that --

COUNCILMEMBER ARASKOG: I just have one more question about employees.

COUNCILMEMBER COONEY: Okay.

COUNCILMEMBER ARASKOG: Where are your, because you say that you have teachers for each classroom, where are your employees going to park for Sunday school, for events, for everything?

MR. OYER: So, we have about 15 staff there between teachers and a couple of other folks at Sunday school. And again, there's 197 on-street spaces, almost all of them unused on a Sunday morning.

We have the full use of the Bank of America parking lot. We have the full use of the Echo parking lot. And

two other parking agreements that may be busy on a Sunday would -- because they're both Christian churches. But we can more than park 15 people as the photographic evidence demonstrates.

COUNCILMEMBER ARASKOG: Okay.

COUNCILMEMBER COONEY: Okay. So, I'm prepared to make a motion here and I will move that variance number ZON-24-055 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in section 134-201A items one through seven have been met and attach to it, the following conditions: That you return at a subsequent Town Council Meeting, hopefully not next month because I think you're coming back with Four Arts, right, Harvey? Okay. Will return at a subsequent Town Council Meeting to finalize and negotiate the terms of the declaration of use agreement with a special focus on special events. Return or provide to our Town Attorney for her review and approval the written parking agreements, and I'll attach as a condition in my motion that we encourage the Town Manager to authorize the use of the right-of-way for parking without delay to treat the synagogue the same way other houses of worship are treated in town.

COUNCILMEMBER CRAMPTON: Second.

COUNCILMEMBER COONEY: Should we wait for Julie to

return?

PRESIDENT LINDSAY: Yes. So, she heard everything you said too.

COUNCILMEMBER COONEY: Yeah. I'm happy to repeat the motion. Anyone else hungry?

PRESIDENT LINDSAY: I just ordered a --

PRESIDENT LINDSAY: Ted, you were citing the special exception factor?

COUNCILMEMBER COONEY: He did. Special exception of the variance. I started with a variance request, but I will get to special exception, once we can vote.

PRESIDENT LINDSAY: And there was a second.

COUNCILMEMBER COONEY: Lew, seconded it.

PRESIDENT LINDSAY: Sorry. Where did she go?

COUNCILMEMBER COONEY: Ladies room, my guess.

PRESIDENT LINDSAY: Now? In the middle of the vote?

COUNCILMEMBER COONEY: It was an encouragement, not a condition, but I was just attaching it to the motion.

PRESIDENT LINDSAY: What was the encouragement?

COUNCILMEMBER COONEY: The use of the right-of-way per our Town Code is actually at the discretion of the Town Manager, or I believe the Police Chief. So, it's not our call the use, but I attached it because I wanted to encourage our Town staff to authorize it because it's not in our purview, per our code --

PRESIDENT LINDSAY: Yeah, so I asked him and he said, none of the -- I can't even speak anymore. None of the houses of worship have been actual agreement. They just don't enforce the parking at that time.

COUNCILMEMBER COONEY: Then fine. Okay. So, Julie, may I repeat my motion for you --

PRESIDENT LINDSAY: No, that's not necessary at all.

COUNCILMEMBER COONEY: Julie, we waited to vote while you were out --

COUNCILMEMBER ARASKOG: And I'm sorry.

COUNCILMEMBER COONEY: No, it's okay. I'm happy to --

COUNCILMEMBER ARASKOG: There are no lights out there.

COUNCILMEMBER COONEY: So, I'll repeat my motion, which was approving of the variance with the following conditions.

COUNCILMEMBER ARASKOG: Which variance?

COUNCILMEMBER COONEY: All of them with the following conditions: Returning with a declaration of use agreement at a subsequent Town Council Meeting to be negotiated with a special focus on events, non-religious events. And by events I mean additional events, not religious holidays.

Return or provide parking agreements for legal

review to our Town Attorney, which I think is consistent with how those have been handled. And they're sometimes redacted to -- but no one's charging you anyways. And encourage the Town Manager or Police Chief to authorize the use of right-of-way for parking to be consistent with other houses of worship. And Lew, has seconded the motion.

PRESIDENT LINDSAY: And Ted just to --

COUNCILMEMBER CRAMPTON: It was an encouragement.

PRESIDENT LINDSAY: I think it'd be good to have a separate motion like that.

COUNCILMEMBER COONEY: Well, it was just to deliver a message to staff.

PRESIDENT LINDSAY: Okay. And Ted, just as part of the recap to clarify.

COUNCILMEMBER COONEY: Yes, ma'am.

MS. O'CONNOR: Your motion included that you found that all the factors in 134-201A, one through seven that apply?

COUNCILMEMBER COONEY: Yes, I did state that. Thank you for clarifying.

COUNCILMEMBER COONEY: Yes.

MS. O'CONNOR: Mr. Cooney?

COUNCILMEMBER COONEY: Yes.

MS. O'CONNOR: Mr. Crampton?

COUNCILMEMBER CRAMPTON: Aye.

MS. O'CONNOR: Ms. Araskog?

COUNCILMEMBER ARASKOG: I'm sorry. I wish you had done these separately, but with Harvey admitting that it was self -- as a lawyer, I just can't vote for the variances, so especially the variance that was self-created, I wish we'd separated them out, but there's nothing I can do.

COUNCILMEMBER COONEY: I know. I didn't want to make nine motions.

COUNCILMEMBER ARASKOG: I know. No. So, I'm sorry. No.

MS. O'CONNOR: Ms. Moran?

COUNCILMEMBER MORAN: Yeah.

MS. O'CONNOR: Ms. Lindsay?

PRESIDENT LINDSAY: No.

MS. O'CONNOR: That passes three to two.

COUNCILMEMBER COONEY: Okay. And then additionally, I will move that special exception and site plan review of the same number ZON-24-055 be approved as said applications meet the criteria set forth in section 134-229 and 134-329 respectively of the Town Code, and finding that approval of the site plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory

provision and arrangement has been made concerning items one through 11 of section 134-329.

And Joanne, should I, for good measure, attach these identical conditions to this approval or are they okay in one place?

MS. O'CONNOR: I would add them to both.

COUNCILMEMBER COONEY: Okay. And then mirror the identical conditions I attached to the previous motion.

COUNCILMEMBER CRAMPTON: I'll second Ted's motion.

MS. O'CONNOR: Mr. Cooney?

COUNCILMEMBER COONEY: Yes.

PRESIDENT LINDSAY: Wait a second. Sorry. It has the declaration of use in there.

COUNCILMEMBER COONEY: Oh, yes. The same conditions as on the last motion return with declaration of use for negotiation at a future Town Council Meeting providing of the parking agreements to our legal counsel for her review.

PRESIDENT LINDSAY: So would you guys be comfortable with a little stronger on the school, on the academic school, not like a deed restriction or something that's --

COUNCILMEMBER COONEY: Yes. Would you be --

PRESIDENT LINDSAY: Because I would feel better about that.

MR. OYER: That's fine. We will accept the deed

restriction that it won't ever be anything other than a Sunday school.

PRESIDENT LINDSAY: A Sunday school.

MS. O'CONNOR: Do you want to change your first vote?

COUNCILMEMBER COONEY: So, yes. Joanne, how do we revote on my first variance motion to attach --

MS. O'CONNOR: Your motion to amend.

COUNCILMEMBER COONEY: Okay. I'd like to make a motion to amend my first motion on the variances to include the condition that the applicant accepts a deed restriction that limits the use of the classroom space at deed restrictions in perpetuity as for use as a Sunday school only.

COUNCILMEMBER CRAMPTON: Second.

MS. O'CONNOR: Mr. Cooney?

COUNCILMEMBER COONEY: Yes.

MS. O'CONNOR: Mr. Crampton?

COUNCILMEMBER CRAMPTON: Aye.

MS. O'CONNOR: Ms. Araskog?

COUNCILMEMBER ARASKOG: No.

MS. O'CONNOR: Ms. Moran?

COUNCILMEMBER MORAN: Yes.

MS. O'CONNOR: Ms. Lindsay?

PRESIDENT LINDSAY: Yes.

MS. O'CONNOR: That passes --
COUNCILMEMBER COONEY: But Bob, you voted no on the first round. Are you changing?
MS. O'CONNOR: She's changing it.
COUNCILMEMBER COONEY: Okay. All right. We revoted on variances. I just wanted to make sure you --
COUNCILMEMBER ARASKOG: We're doing variances.
PRESIDENT LINDSAY: Okay. So, I'll say no then.
MS. O'CONNOR: Okay. So that passes three to two.
COUNCILMEMBER COONEY: Okay. And then I will --
PRESIDENT LINDSAY: On the special exception.
COUNCILMEMBER COONEY: Yeah, I made the special exception and site plan review motion, and I will mirror the identical conditions as to what the motion that just passed.
COUNCILMEMBER CRAMPTON: Second.
MS. O'CONNOR: Mr. Cooney?
PRESIDENT LINDSAY: And the deed restrictions on this?
MS. O'CONNOR: Yes.
COUNCILMEMBER COONEY: That is included. Yes.
MS. O'CONNOR: Mr. Cooney?
COUNCILMEMBER COONEY: Yes.
MS. O'CONNOR: Mr. Crampton?
COUNCILMEMBER CRAMPTON: Aye.

MS. O'CONNOR: Ms. Araskog.
COUNCILMEMBER ARASKOG: Please give me one second. I'm reading the special exception. Sorry.
MS. O'CONNOR: Okay. Ms. Moran?
COUNCILMEMBER MORAN: Yes.
MS. O'CONNOR: Ms. Lindsay?
PRESIDENT LINDSAY: Yes.
COUNCILMEMBER ARASKOG: I thought somewhere in here, and maybe you can help me everybody, that it said that you could not -- that it must be in keeping with our zoning code, but I can't find it. I see comprehensive plan.
COUNCILMEMBER COONEY: I don't remember that one, but --
PRESIDENT LINDSAY: No, it's purpose. I think you're looking for number four, but this is a discretionary --
MS. O'CONNOR: 134-2294.
COUNCILMEMBER ARASKOG: Okay.
MS. O'CONNOR: Yeah.
COUNCILMEMBER ARASKOG: I'm just going to say no because I haven't read it. I'm sorry.
MS. O'CONNOR: Okay. That passes four to one.
COUNCILMEMBER CRAMPTON: Okay. Thank you all.
COUNCILMEMBER COONEY: Thank you everyone for your time.

MS. O'CONNOR: Thank you.
RABBI SCHEINER: Thank you.
(PROCEEDINGS CONCLUDED)

CERTIFICATE

I, Paul Wassel, certify that I was authorized to and did digitally report the foregoing proceedings, and that the transcript is a true and complete record of my notes.

Dated this 5th day of February 2025.

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PAUL WASSEL #HH 162321

A

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