



**Town of Surfside**  
**Planning and Zoning Board Meeting**  
**MINUTES**  
**June 30, 2022**  
**6:00 PM**  
Town Commission Chambers

**1. Call to Order/Roll Call**

Chair Frankel called the meeting to order at 6:00 p.m.

Present: Chair Judith Frankel, Vice Chair Carolyn Baumel, Board Member Ruben Bravo, Board Member Jonathan Edderai, Board Member David Forbes and Alternate Board Member Michael Szafranski.

Absent: Alternate Board Member Grace Rais and Commission Liaison Commissioner Fred Landsman.

Also Present: Town Manager Andrew Hyatt, Town Planner Walter Keller, Town Attorney Alex Uribe and Building Official James McGuinness.

**2. Town Commission Liaison Report**

No Commission Liaison report was given since Commissioner Landsman was absent.

Chair Frankel requested to move item 5A (1000-1020 88th Street) after 5B (8705 Carlyle Avenue).

A motion was made by Vice Chair Baumel to hear item 5B (8705 Carlyle Avenue) before item 5A (1000-1020 88th Street), seconded by Board Member Forbes. The motion carried with a 5-0 vote.

**3. Approval of Minutes**

**3.A Approval of May 26, 2022 Planning and Zoning Board Meeting Minutes - Evelyn Herbello, Deputy Town Clerk**

Board Member Bravo requested an amendment to the minutes to state the recommendations the Board made on item 5A under ordinances.

A motion was made by Vice Chair Baumel to approve the May 26, 2022 Planning and Zoning Board Meeting Minutes as amended, seconded by Board Member

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Bravo. The motion carried with a 5-0 vote.

[2022-05-26 Planning and Zoning Board Meeting Minutes.pdf](#)

#### 4. Ordinances

##### **4.A Amending the Town of Surfside Code of Ordinances by Amending Section 90-57. - "Marine Structures", to Amend Regulations for Construction of Docks, Pier and Moorings on Waterfront Lots. - Fred Landsman, Commissioner**

Request approval of this ordinance on first reading in order to move forward on second reading.

Vice Chair Baumel recused herself due to a conflict on this item.

Town Planner Keller presented the item to the Board.

Deputy Town Clerk Herbello read the title of the ordinance.

Chair Frankel opened the meeting for public comments and the following members of the public spoke:

George Kousoulas provided an explanation of the ordinance.

Chair Frankel closed public comments.

Chair Frankel spoke regarding the preexisting ordinance and how it pertains to DEP.

Mr. Kousoulas provided an explanation to Chair Frankel's comments.

Chair Frankel asked if the understanding is that it entails cleaning up of the language.

Town Attorney Uribe confirmed that it is a cleaning up of the language and how it pertains to Indian Creek and how far they are able to project. He stated that the other part is the DEP portion which is if they have resources like seagrass that needs to be protected, it allows you to put the dock further out, no more than 25 feet, but allows the docks to be built in compliance with Miami Dade County and DEP.

Board Member Forbes asked if DERM still needs to approve this or this supersedes and if you still need to have both neighbors sign off on the dock.

Town Attorney Uribe stated that this ordinance cannot take away the requirements from DERM. He stated that this does not relieve any requirements that DERM puts in place.

Chair Frankel stated that this Board will make recommendations.

Board Member Bravo spoke regarding the previous ordinance which they provided recommendations but were not taken into account by the Town Commission.

Town Attorney Uribe stated that the Board's recommendations were made part of the whereas clauses in that ordinance.

Board Member Bravo asked regarding the restrictions noted in the changes of the ordinance.

Town Planner Keller addressed the comments made by Board Member Bravo and the ordinance was redrafted by the Town Commission. He explained how the 35 foot came about. He explained what the previous ordinance stated.

Town Attorney Uribe explained Indian Creek and the reason for the difference due to the width of the waterway in order to not cause interference in the waterways.

Board Member Bravo asked how it compares with our neighbors.

Chair Frankel asked if there is a Dade County rule that are not incorporated.

Town Attorney Uribe stated he would have to check and stated that these numbers are based on these waterways and what would be reasonable. He stated that he does not believe there is a restriction per Miami Dade and these docks will be less than those in Miami Beach.

Board Member Bravo stated that this is in the best interest of the Town and its residents.

Chair Frankel asked as the ordinance stands now, is it because it is unbuildable.

Town Planner Keller stated it is because there are changes in the numbers based on the input from the public at Commission meetings.

Further discussion took place among the Board Members regarding the changes to this ordinance presented from the Town Commission input.

Chair Frankel stated that this is reasonable in order for the property owners to be able to build. She believes allowing homeowners to be able build something that is usable and water access to people in the Town.

Town Attorney Uribe stated that you have to do the lesser of 10%.

Board Member Forbes stated that the last thing you want to see is both of your neighbors with large docks and boats. He stated that he does not believe it is the right thing to do because they spent a lot of money for the water view.

Town Planner Keller stated that the pilings are also limited in the ordinance and are within the size discussed.

Chair Frankel stated that they can incorporate DERM's rules into the Town's current regulations then that would be better.

Town Attorney Uribe stated that is not what is before the Board tonight.

Town Planner Keller stated that he does review the public docks and public notice must be done prior to permits being issued. He explained what is before the Board tonight for their recommendation.

Chair Frankel asked what is the current product they will receive if the Commission does not approve the ordinance. She also stated that they can make recommendations to this ordinance and to comply with the zoning code they must provide their recommendations.

Town Attorney Uribe advised the Board that their prerogative is to provide recommendations and work within the scope of what they have before them.

Mr. Kousoulas addressed the concerns from Board Member Forbes and he encouraged the Board to provide their concerns and recommendations.

Board Member Bravo stated that he agrees with Board Member Forbes and it affects mostly those neighbors.

Chair Frankel stated at the Commission meeting were a few neighbors but none that were waterfront property. She suggested limiting the moorings and lifts to that area, it would make sense.

Town Planner Keller stated that it is covered in the ordinance which includes the mooring piles and lifts.

Chair Frankel asked if the Board would like to make recommendations.

Board Member Bravo stated that if they approve it moving forward, they cannot be enforceable.

Town Attorney Uribe stated that their recommendations could be included in the whereas clauses and stating what changes they request. He also stated that marine structures does include pier, docks, mooring structures and lifts.

Board Member Edderai stated it is fine the way it is presented.

Chair Frankel stated she does not have any objections. She would like to see docks on 96th Street and the 10% seems reasonable. She stated that they can look into what the DERM regulations are and can be added in the future.

Town Attorney Uribe explained if they do not make recommendations the ordinance will move forward to the Commission as written.

A motion was made by Alternate Board Member Szafranski to recommend to the Town Commission to approve the ordinance as written, seconded by Board Member Edderai. The motion carried with a 3-2 vote with Vice Chair Baumel recused and Board Member Bravo and Board Member Forbes voting in opposition.

**4.B 24 Inch Setback Encroachment Clarification** - Jeffrey Rose, Vice Mayor

To approve this item on first reading and move it forward for second reading.

Deputy Town Clerk Herbello read the title of the ordinance.

Town Planner Keller presented the item to the Board.

Chair Frankel opened the meeting for public comments and the following members of the public spoke:

George Kousoulas stated this ordinance is very good as written and explained the history.

Chair Frankel closed the public hearing.

Board Member Bravo thanked Vice Mayor Rose for translating the recommendations from the Board into the ordinance.

Vice Chair Baumel asked if this is only for residential homes.

Chair Frankel stated it is for everything.

Alternate Board Member Szafranski asked regarding the history of this item.

Chair Frankel explained the history of this item.

A motion was made by Vice Chair Baumel to recommend to the Town Commission to approve the ordinance as written, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

[Ord Amending Section 90-47 - Yards Allowable Projections 1st Reading TA v2.DOCX](#)

**5. Applications**

Town Attorney Uribe read the quasi-judicial statement into the record.

Town Attorney Uribe polled the Board members.

Chair Frankel spoke with the homeowner of item 5H (9157 Emerson Avenue).

No other Board Members had any communication with any of the applicants.

Town Attorney Uribe asked Deputy Town Clerk Herbello to confirm notice requirements.

Deputy Town Clerk Herbello confirmed notice requirements were met.

Deputy Town Clerk Herbello swore in the applicants and anyone that would be speaking tonight.

**5.A 1000-1020 88th Street - Walter Keller, PE, AICP, Town Consultant Planner**

**Staff Recommendation:** It is recommended the Site Plan be approved subject to the following conditions:

- Paddleball court is consistent with the setbacks and is approvable provided it receives Design Approval from the Planning and Zoning Board.
- Plans depicting the paddleball court and structure do not have readable dimensions and or notes relative to composition, fence and street view.
- The cabana exceeds the 12 foot height limit.

Town Planner Keller introduced the application for the site plan amendments along with his recommendations.

Chair Frankel asked if the unity of title has been recorded.

Town Planner Keller stated that it has been recorded.

Building Official McGuinness provided his recommendations and his concerns with the cabana.

Chair Frankel asked if it is considered a habitable space.

Building Official McGuinness stated it is not a habitable space and not occupied space.

Chair Frankel stated that if it is a cabana it cannot be raised and there is a 12 foot cap.

Town Planner Keller suggested to approve the paddle board court and come back later for the cabana.

Carolina Montero, landscape architect spoke regarding paddleboard court.

George Kousoulas, representing the applicant, answered some of the questions. He spoke regarding the grade and the height of the building.

Vice Chair Baumel spoke regarding the height of the building and the drawings read differently.

Board Member Bravo stated that there is a difference in what Mr. Kousoulas is stating to what the drawing states.

Ms. Montero stated it was a typographical error on the plan.

Town Planner Keller stated his recommendation is not to approve the cabana and only approve the paddleboard court and the applicant can come back with new drawings for the cabana.

Chair Frankel opened public comments.

There were no public comments.

Chair Frankel closed public comments.

Chair Frankel stated that she agrees with Town Planner Keller and asked regarding the landscaping of the paddleboard court.

Ms. Montero spoke regarding the landscaping portion of the project.

Chair Frankel suggested for the architect to speak with the Building Official as it pertains to the cabana club and requirements.

Board Member Bravo asked regarding L5.2 and the landscape material.

Ms. Montero stated that the grass is shown as no landscape material but they are still meeting the requirements.

A motion was made by Vice Chair Baumel to recommend approval of the design of the paddleboard court portion of the application with staff recommendations and not approve any of the features of the accessory structure and have the applicant come back with new drawings for the cabana and pergola, seconded by Board Member Forbes. The motion carried with a 5-0 vote.

[1000-1020 88th St-Table 1.docx](#)

[1000-1020 88th Street Agenda Packet.pdf](#)

#### **5.B 8705 Carlyle Avenue - Walter Keller, PE, AICP, Town Consultant Planner**

**Staff Recommendation:** A Variance was submitted for this application. It is recommended the Site Plan Application be approved subject to the following comments:

- Variance approval recommendation from the Planning and Zoning Board and Variance approval from the Town Commission
- The future pool and deck should be defined to ensure rear setback requirements are met in addition to landscape/pervious area, per Sec. 90-54.2.
- Per Sec. 90-56, A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only.
- Please provide the dimensions for the driveway. The maximum curb cut may be no more than 18 feet in width.
- Per Sec. 90-63, the elevation of the top of all seawalls fronting on the waters of Biscayne Bay, Indian Creek and Point Lake shall be plus five feet above mean low water.

- Per Sec. 90-48.3 In the H30A district, no building shall be erected within 25 feet of the seawall on Point Lake nor within 50 feet of the sea wall on Biscayne Bay.
- Per Sec. 90-95, A minimum of five trees of two different species and 25 shrubs shall be planted per lot. Proposed plan does not meet code for shrubs.

Town Planner Keller introduced the application for the site plan amendments along with his recommendations and explained this is a practical hardship variance.

Town Attorney Uribe stated that they will have two different votes, one for the design review and another one for the variance.

George Kousoulas, representing the applicant, explained the variance and the item. He provided a PowerPoint presentation.

Chair Frankel spoke regarding previously going through a variance and she suggested to take a straw pole and not an actual vote. She stated if they make a motion to approve the variance they will vote approving the variance. She wants to see if they are in agreement that this is eligible for a variance.

Town Attorney Uribe stated that the Board during discussion can definitely do so.

Board Member Bravo agrees.

Chair Frankel stated she does believe this is a hardship.

Board Member Forbes agrees this is a hardship.

Town Planner Keller provided his comments and staff recommendations.

Mr. Kousoulas continued with the presentation of the project.

Chair Frankel opened the floor to public comments.

The following individual from the public spoke:

Ms. Magan who is a neighbor has no complaints about the home but her concern is what will they do to protect her house.

Mr. Kousoulas answered Ms. Magan's question as it pertains to the setback.

Chair Frankel stated what the requirement for a fence is as per the code.

Chair Frankel closed public comment.

Chair Frankel is happy with the understory and this is the perfect example.

Board Member Bravo asked what is the elevation of the ground floor and total height.

Mr. Kousoulas stated that 10.22 feet NGVD and total height is 33.5 NGVD to the top of the roof slab.



Board Member Bravo asked if the use of the roof is allowed.

Mr. Kousoulas stated yes, it is allowed.

Board Member Bravo appreciates the materials and nature of the house and understands the need for a variance. He asked why they need a fence in the front.

Mr. Kousoulas stated that the homeowner would like one because they feel a bit isolated and there truly is no defined street. He stated that they would like to create more definition. He stated it is a 4 foot sliding gate.

Board Member Forbes congratulated the use of the space and understands the variance and it is a great addition to the area. He stated that the gate adds to the definition of the house and is a great use of the understory.

Vice Chair Baumel commented on how unusual the lot is and stated that one of the great things is the understory and spoke regarding the design and believes the seawall should be higher as well. She commented on how well thought out the design is and spoke regarding the setbacks of the pool.

Chair Frankel's concern is the pool, she would have preferred to see the pool at grade and it would be more usable with the understory.

Mr. Kousoulas stated that the property meets the pervious area even if they take the pool out.

Vice Chair Baumel stated that the pool is in a good area which helps with the elements of a storm.

Chair Frankel stated to consider the placement of pools when considering understories.

Town Planner Keller stated that due to the uniqueness of the lot, they could not place the pool in another location or at ground level.

Chair Frankel asked regarding the projection on the north side of the stairs and will it be pushed in and also spoke regarding landscaping.

Mr. Kousoulas stated it is pushed in and addressed the comments made by Chair Frankel.

Chair Frankel spoke regarding the fence and gate and due to the fact this is a waterfront lot, she does not have an objection to having a gate or fence.

Town Planner Keller spoke regarding the seawall and asked to work with Mr. Kousoulas on the height of the seawall and 7.6 feet is the standard.

Chair Frankel stated that as a condition they could ask for the applicant to work with Mr. Kousoulas on the seawall.

Town Planner Keller provided his staff recommendations.

Board Member Forbes would like to add as a condition to build a wall to protect the neighbor's home.

Town Attorney Uribe recommended that the Board add that as part of their condition.

A motion was made by Board Member Bravo to recommend approval of the application with staff recommendations for the variances as presented in the application and design to follow as presented in the variance application, seconded by Board Member Edderai. The motion carried with a 5-0 vote.

A motion was made by Vice Chair Baumel to recommend approval of the application with staff recommendations for the design review portion of the site plan and condition it upon approval of the variance by the Town Commission and additional condition of the solid wall/fence as per Town Code height for protection of the neighbor's house, seconded by Board Member Forbes. The motion carried with a 5-0 vote.

Vice Chair Baumel requested from the Town Planner Keller to provide a recommendation on language to update the code as it pertains to the seawall height.

[8705 Carlyle Ave-Table 1.docx](#)

[8705 Carlyle Avenue Agenda Packet.pdf](#)

#### **5.C 9272 Bay Drive - Walter Keller, PE, AICP, Town Consultant Planner**

**Staff Recommendation:** It is recommended the Site Plan Application be approved subject to the following comments:

- Per Sec. 90-44, Architectural elements including cupolas, chimneys, flagpoles, spires, steeples, stair accessways, antennas, ventilators, tanks, parapets, trellises, screens and similar not used for human habitation, may be erected to a reasonable and necessary height, consistent with and not to exceed 3 ft in height.
- Per Sec. 90-49.5, In the H30A Districts, the cumulative area of all enclosed space shall not exceed 10% of the lot area. Pervious area equal to at least 20% of the lot area shall be provided within the uninhabitable understory, although such pervious area shall not be counted for the purpose of meeting pervious area requirements. Please provide calculation of the understory.
- See Sec. 90-57 and 90-63 for regulations on marine structures adjacent to the Biscayne Bay. Provide details of the new dock/marine structure.
- All new single-family residential must meet the requirements set forth in Sec. 90-95, which includes six trees and 35 shrubs. Proposed trees should be a diversity of trees and include 30% canopy trees, 30% small to medium trees and 40% palm trees, 20% of all landscaping/pervious area must be Florida-Friendly. Sec. 90-89 requires two additional street trees per linear foot of street frontage along the public right-of-way. Trees planted within the right-of-way require a permit. Any trees removed will require a tree removal permit.

Town Planner Keller introduced the application for the site plan amendments along with his recommendations.

Building Official McGuinness provided his recommendations.

William Arthur, architect, provided a summary of the project.

Chair Frankel opened public comments.

No one from the public spoke:

Chair Frankel closed public comments.

Board Member Bravo asked how they will get to the equipment on the roof.

Mr. Arthur stated that whoever will service the equipment would have to bring their own ladder. He also stated that the dock is under construction.

Board Member Bravo asked Building Official McGuinness if he is fine with the overall height.

Building Official McGuinness stated he is fine.

Chair Frankel asked if there is an elevator.

Mr. Arthur stated it is a lift.

Board Member Bravo likes this project.

Chair Frankel asked if all parking is outside.

Mr. Arthur stated that all parking is outside and there is no garage and spoke regarding the gate on A4.1.

Chair Frankel stated it is a smart use of the understory.

Vice Chair Baumel asked regarding the understory space and what the composition of the ground will be.

Mr. Arthur stated that the driving story will be concrete surrounded by gravel and most of the floor that does not get solar access will be gravel.

Alternate Board Member Szafranski asked how big the second floor is.

Mr. Arthur provided the square footage of the second floor.

A motion was made by Vice Chair Baumel to recommend approval of the application with staff recommendations, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

**5.D 9356 Byron Avenue** - Walter Keller, PE, AICP, Town Consultant Planner

**Staff Recommendation:** It is recommended the Site Plan application be approved subject to the following comments:

- Miami Dade County Final Plat Waiver approval and Town Commission Plat Waiver approval to combine half of lot 9348 Byron Avenue equally to lots 9356 Byron Avenue and 9340 Byron Avenue .
- Per Sec. 90-54.2, The future pool and deck should be defined to ensure setback requirements are met in addition to landscape/pervious area.
- Per Sec. 90-95, A minimum of six trees and 35 shrubs shall be planted. Single-family homes require 30% canopy trees, 30% small to medium trees, and no more than 40% Palm Trees, Palm Trees are counted 3:1 ratio. Proposed landscaping must meet the minimum 20% Florida-Friendly requirement.

Town Planner Keller introduced the application for the site plan amendments along with his recommendations.

Chair Frankel asked regarding the percentage of the first floor and average setback.

Board Member Forbes asked if the side setback is 7.5 feet instead of 10.

Town Planner Keller corrected the typo on his report.

Building Official McGuinness provided his recommendations.

Hugo Mijares, architect representing the application provided an overview of the project and stated this house originally was already approved and the owner purchased 1/2 a lot next door. He stated that he will provide Town Planner Keller with the required setbacks.

Town Planner Keller stated that this house is not the same as the one that was approved and will work with the applicant on the average setback requirements.

Andres Hollmann, representing the applicant spoke regarding the setbacks on the second floor and they exceed the average setback requirement.

Chair Frankel opened public comments.

No public comments.

Chair Frankel closed public comments.

Board Member Bravo asked regarding the second floor NGVD and is it a typographical error.

Mr. Hollmann stated yes it was a typographical error.

Vice Chair Baumel asked for clarification as it pertains to the second floor setback.

Town Planner Keller addressed the question from Vice Chair Baumel.

A motion was made by Vice Chair Baumel, to recommend approval of the application with staff recommendations and for the Town Planner to work with the applicant on the calculations as to the second floor setback, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

[9356 Byron Ave-Table 1.docx](#)

[9356 Byron Avenue Agenda Packet.pdf](#)

#### **5.E 9364 Harding Avenue - Walter Keller, PE, AICP, Town Consultant Planner**

**Staff Recommendation:** It is recommended the Application be approved subject to the following comments:

- Per Sec. 90-45, The existing (South) side yard setback of 4 feet 6 inches does not meet zoning requirements. The proposed addition will not meet the required side setback and may need a variance.
- Per Sec. 90-47, roof eaves and ornamental features may not project more than 24 inches into any required yard. Provide the roof eave projection on the site plan.
- Per Sec. 90-61, not less than 20% of the rear yard shall be landscaped, lots should include 20% Florida-Friendly. Provide the calculations of the rear yard.
- Per Sec. 90-64, the maximum number of curb cuts allowed is 2, the maximum width for a single curb cut is 12 feet, and there shall be at least 12 feet between curb cuts. The proposed driveway does not meet the requirements of this section of the code.

Town Planner Keller introduced the application for the site plan amendments along with his recommendations.

Chair Frankel asked if they move it in do they need a variance.

Town Planner Keller stated it would not and explained what the applicant wants to do with this project.

Building Official McGuinness provided his recommendations.

Valeria Lorenzo, representing the applicant provided an overview of the project.

Chair Frankel asked if it is asphalt shingles and the code determines the roof materials.

Building Official McGuinness stated that asphalt shingles are not allowed.

Ms. Lorenzo stated that it would be a light gray cement tile then for the roof.

Chair Frankel opened public comments.

No public comments.

Chair Frankel closed public comments.

Board Member Bravo commended that they will keep the one story home. He stated that he assumes the dimension setbacks shown on A101 are the final dimensions.

Ms. Lorenzo stated yes.

Board Member Forbes stated it is a good improvement once they determine the roofing materials.

Chair Frankel stated to the applicant's representative to work with the Town Planner on the roofing material.

Town Planner Keller stated they can approve the roofing without coming back to the Board.

A motion was made by Board Member Bravo to recommend approval of the application with staff recommendations to include a light color roofing material that is within the code, seconded by Vice Chair Baumel. The motion carried with a 5-0 vote.

[9364 Harding Ave-Table 1.docx](#)

[9364 Harding Avenue Agenda Packet.pdf](#)

#### **5.F 9248 Carlyle Avenue - Walter Keller, PE, AICP, Town Consultant Planner**

**Staff Recommendation:** It is recommended the Application be approved subject to the following comments:

- Per Sec. 90-47.3 air conditioning equipment, pool pump or other mechanical equipment shall maintain at least a five-foot setback from the rear and side yards and is not visible from any street or waterway. Shrubs shall be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence, Sec. 90-95(3). Provide setbacks for the proposed mechanical equipment. Mechanical equipment shall also be at least 15 feet from the adjacent residence.
- Conversion of the garage to living area requires the finished floor to be raised to match the existing finished floor elevation of the residence.
- Provide information on compliance with the Town's landscaping and pervious area requirements for the front yard setback area, rear yard setback area and the total lot.
- Please label the areas of where the proposed material will be used on the architectural plans.

Town Planner Keller introduced the application for the site plan amendments along with his recommendations.

Building Official McGuinness provided his recommendations.

Joseph Kaller, architect representing applicant provided an overview of the project.

Chair Frankel opened public comments.

No public comments.

Chair Frankel closed public comments.

Vice Chair Baumel thanked them for the presentation and the home is a useful home and is happy they are keeping the integrity of the original structure.

Board Member Bravo is happy they are keeping a one story home.

Chair Frankel stated to make sure they get the landscape plan with all the requirements per the code and Florida friendly landscaping.

A motion was made by Board Member Forbes to recommend approval of the application with staff recommendations and have Florida friendly landscaping included as part of the conditions of approval, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

[9248 Carlyle Ave-Table 1.docx](#)

[9428 Carlyle Avenue Agenda Packet.pdf](#)

**5.G 8959 Abbott Avenue** - Walter Keller, PE, AICP, Town Consultant Planner

**Staff Recommendation:** It is recommended the application be approved with subject to the following comments:

The covered outdoor kitchen/BBQ extends into the 20 foot rear setback. This area will need to be revised. An open trellis or pergola may be allowed in this area.

The floor of the garage conversion will need to match the existing finish floor in the residence.

**Per Sec. 90-61**, 30% of the front yard shall be landscaped and rear yard pervious area must meet 20%. Please provide pervious calculations for lot, front and rear yards.

**Per Sec. 90-89**, Any tree removed will require a tree removal permit.

**Per Sec. 90-95**, single-family homes require at least 5 trees and two street trees. Replace trees removed to meet tree planting requirements.

Town Planner Keller introduced the application for the site plan amendments along with his recommendations.

Building Official McGuinness provided his staff recommendations.

Chair Frankel opened public comments.

No public comments.

Chair Frankel closed public comments.

German Brun, architect representing the applicant presented the project.

Vice Chair Baumel likes the project and thanked them for saving the original home and asked if the air conditioning was new.

Mr. Brun stated yes it is new.

Chair Frankel does not mind leaving the kitchen as it is and if the concern was if it is an outside kitchen.

Town Planner Keller stated he has issues with the size and the way it is being built. He is getting used to the old code. He just needs to verify some things and it may be fine or make some small adjustments.

A motion was made by Vice Chair Baumel to recommend approval of the application with staff recommendations, seconded by Board Member Edderai. The motion carried with a 5-0 vote.

[8959 Abbott Ave-Table 1.docx](#)

[8959 Abbott Avenue Agenda Packet.pdf](#)

#### **5.H 9157 Emerson Avenue - Walter Keller, PE, AICP, Town Consultant Planner**

**Staff Recommendation:** It is recommended the application be approved subject to the following comments:

Site plan references incorrect zoning requirements, final plans should reference the correct zoning information and setback.

The garage conversion requires the finished floor to match the existing finished floor elevation of the residence.

The driveway should be widened to provide for 2 on-site parking spaces. The driveway expansion should not occur in the 5 foot side setback area.

**Per Sec. 90-49,** The minimum pervious area in the H30B Zoning district is 35%. Please provide pervious calculations.

**Per Sec. 90-61,** 30% of the front yard shall be landscaped. The tabulation table indicates impervious areas. Please provide pervious calculations.

Town Planner Keller introduced the application for the site plan amendments along with his recommendations.

Building Official McGuinness provided his staff recommendations.

Chair Frankel opened public comments.



No public comments.

Chair Frankel closed public comments.

Herman Santana, representing applicant provided a summary of the project.

No discussion took place among the Board Members.

A motion was made by Board Member Bravo to recommend approval of the application with staff recommendations, seconded by Vice Chair Baumel. The motion carried with a 5-0 vote.

[9157 Emerson Ave-Table 1.docx](#)

[9157 Emerson Avenue Agenda Packet.pdf](#)

## **6. Discussion Items**

Chair Frankel opened public comments.

The following individual from the public spoke:

Bob Fisher spoke regarding the large homes being built and the amount of people living in those homes. He spoke regarding minimizing the size of the homes being built. He spoke regarding landscaping in Town.

Chair Frankel closed public comments.

Chair Frankel spoke regarding the density and the census and the zoning code does not measure how many people are in the home. She spoke regarding the general direction of the Board and giving the architects and homeowners flexibility. She addressed the landscaping concerns.

### **6.A Solar Panels and their Benefits**

Chair Frankel stated that they spoke regarding this previously.

Town Planner Keller stated that they have received applications for solar power in homes like for Tesla and solar panels on the roof.

Chair Frankel asked if the Board needs to do anything with that now.

Town Planner Keller explained what applications are being presented and has not seen solar panels on flat roofs. They are seeing more of the power pack for the residential homes. He stated the Board does not need to do anything at the time.

### **6.B Future Agenda Items**

Chair Frankel stated to look at the seawall requirements.

Vice Chair Baumel stated that architects and homeowners have options now and understories are an excellent piece. She also stated to encourage the 50%.

Chair Frankel stated regarding the FEMA regulations built before a certain date and tie that date to the FEMA regulations as it pertains to the 50%.

George Kousoulas spoke regarding the 50% as it pertains to the new homes and spoke regarding a loophole if you just say 50%.

Discussion among the Board members took place regarding the FEMA regulations and as it pertains to the 50% requirement and a cap at 22 feet.

## 7. Next Meeting Date

### 7.A Next Meeting Date - August 25, 2022 - Evelyn Herbello, Deputy Town Clerk

Deputy Town Clerk Herbello advised the Board Members of their next meeting of August 25, 2022 and consensus was reached.

## 8. Adjournment

The motion was made by Board Member Forbes to adjourn the meeting without objection at 9:16 p.m. The motion received a second from Board Member Bravo. The motion carried with 5-0 vote.

Respectfully submitted,

Accepted this 25 day of August, 2022.

  
\_\_\_\_\_  
Judith Frankel, Chair

Attest:

  
\_\_\_\_\_  
Sandra McCready, MMC  
Town Clerk