



**VILLAGE OF NORTH PALM BEACH  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY FEBRUARY 1, 2022**

Present:

Cory Cross, Chairman  
Donald Solodar, Vice Chair  
Thomas Hogarth, Member  
Jonathan Haigh, Member  
Kathryn DeWitt, Member  
Scott Hicks, Member  
Nathan Kennedy, Member

Len Rubin, Village Attorney  
Jeremy Hubsch, Community Development Director  
Alex Ahrenholz, Principal Planner  
Zakariya Sherman, Leisure Services Director

Council Member:

David Norris, Council Member

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I. CALL TO ORDER

Chairman Cross called the meeting to order at 6:30 PM.

A. ROLL CALL

All members of the Planning Commission were present. Mr. Haigh arrived at 6:35 PM.

II. APPROVAL OF MINUTES

The Minutes of the January 11, 2022 Regular Meeting were approved as written.

III. DECLARATION OF EX PARTE COMMUNICATIONS

There were no Ex Parte Communications declared by the Board.

IV. QUASI JUDICIAL MATTERS / PUBLIC HEARING

Attorney Len Rubin swears in all persons speaking.

**A. SITE PLAN AND APPEARANCE REVIEW**

**1. Anchorage Park Boat Storage**

Application by the Village of North Palm Beach for the redesign of the existing dry boat storage yard at Anchorage park.

Mr. Hubsch introduced Leisure Services Director, Zakariya Sherman, who briefly spoke about the plans and introduced the civil engineer and landscape architects who will make the presentations. The Village is seeking

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to redesign the dry storage compound at Anchorage Park to construct a more secure, functional and attractive storage facility. The new dry storage area will accommodate the current four (4) separate storage areas into one (1) area on the north side of the park. The new compound will be enclosed by a perimeter structure with a secure entrance and illumination, in accordance with Crime Prevention through Environmental Design (CPTED) principles. The presentations have been made to the Recreation Advisory Board who provided input on functional components and the Police Department has also been included in the planning process to ensure security issues have been addressed.

Adam Swaney, Civil Engineer, Engenuity Group, was present to represent the project. He presented the proposed plans for the storage parking lot, which is currently unpaved, to be paved and will be expanded to include more stalls. The expansion and paving will have an impact on drainage and water runoff, resulting in storm water impacts. Underground storm water storage and exfiltration trenches with two small dry retention areas are being proposed. A permit will be submitted to the South Florida Water Management District to mitigate any additional runoff. No existing trees will be affected. The area at the boat wash will be widened to accommodate turn around, and rerouting of the path and paving the area with asphalt are also proposed.

Emily O'Mahoney & Kevin Smith, Landscape Architects, 2GHO, were present to represent the project. She presented recommendations for the enclosure and landscaping designs, after meeting with the Recreation Advisory Board. The Board's recommendations included not relocating the path behind the ball field as it is currently located close to the current road, and relocating an oak tree outside of the boat storage, which overhangs onto the stored boats. Removal of the exotic plants along the north buffer is planned, Zones have been suggested for the landscaping plan for either phasing in or for reference. Zone "A" would be the planting of a mangrove hedge to create a buffer along the water, which the neighbors are wanting. Zone "B" would be planting sabal palms, saw palmetto and coco plum along the top of the bank, and Zone "C" is an understory buffer below the large ficus trees. The proposed fence is grill type with a calusia hedge.

The Chairman asked for comments from the public.

Shawn Woods, 532 Kingfish Rd., concerned with the amount of asphalt, which generates heat and the possible deterioration of the boat trailer and RV tires. Concerned about the amount of water around the roots of the oak trees. Also would like to see plants that would provide food sources for pollinators and butterflies. Concerned about the cost.

Chris Ryder, 118 Dory Rd. S, prepared extensive notes for the record in addition to making public comments. Concerned about the double walkway, would like consideration of different choice of ground cover, concerned about the amount of asphalt and the impacts of storm water runoff and storage, feasibility of planting mangroves in lieu of keeping the sea grapes, cost of project and future maintenance, and would like his comments to be considered.

Tim Hullihan, 840 Country Club Dr., spoke about the overuse of calusia plants/hedges, spoke against removing the pathway to accommodate more boats, stated the oak tree to be relocated is actually in the fence, and expressed concern about the aesthetics of the storage area getting so close to Anchorage Dr. Also feels the use of pervious pavement and the ability to pave it is favorable.

Kim Pasqualini, 632 Inlet Rd., concerned about the removal of the plants currently providing a buffer on the north end as it will disrupt the animal habitats established there and will also affect her view as she lives across the

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canal. Her view will be the fence, boats and RV's while she waits for the mangroves to grow. Also concerned about the cost.

Mary Phillips, 525 Ebbtide Dr., says she uses the park and the walkway every day, concerned about relocating the oak tree again as it was originally relocated from US 1, concerned with the loss of green space at the park to accommodate boat parking.

There were no comments from the public participating via Zoom.

The Chairman closed the public comments.

The Planning Commissions members discussed whether removing the path or relocating the path, will it impact the ball park; concern about future costs to maintain asphalt; what will fortify the canal bank if the vegetation is removed; are fence details available; is there a funding source for the project; whether a lighting plan has been developed for the storage area; concern regarding the cost maintaining mangroves; would like other considerations to be explored in lieu of a calusia hedge; recommending that other surfaces be explored in lieu of asphalt; whether the Planning Commission is to make a formal recommendation with the plans only 60% complete; concern regarding changing the view for residents of Inlet Rd. by removing the current vegetation; concern about the curving top of the fence feels prison like and recommending a prettier option; what the net gain of spaces will be at completion; whether a plan for the south side phase of renovation has been developed; whether the turning radius at the boat wash will accommodate larger boats; and desire to see more green space.

Mr. Swaney and Ms. O'Mahoney addressed the concerns of the public and the Planning Commission members.

Mr. Rubin advised that the Village Council will be making the final approval of the Anchorage Park plans, and the item will come back to the Planning Commission once the plans are completed, therefore the Board's input will be considered during the finalization process. The Planning Commission is not required, at this time, to make a Motion or Recommendation to Village Council.

**2. 2022-0035 Benjamin School Parking Lot**

Application by Urban Design Studios on behalf of Benjamin Private School Inc. for amendment to parking, paint colors and signage at 11011 US Highway 1.

Joni Brinkman, Urban Design Studio, presented the project to the Planning Commission. The Benjamin School purchased the property in 2021 to expand parking and facilities for the campus. Prior to that, the subject site operated as a gas station and a bank. Due to the prior use of a gas station on site, environmental remediation efforts will be undertaken in the front portion of the site along US-1. Temporary fencing will be installed to secure the eastern portion of the site containing the row of 13 parking spaces along US-1 and the principal building, while this work takes place. It is anticipated that the entirety of the environmental remediation work will last 1 year. The building is intended to be used by maintenance staff for storage and offices. No educational use of the building is proposed. Once the school determines the ultimate use of the building, the appropriate zoning process will take place at that time.

Parents and staff going to the existing buildings further down McLaren Road will utilize the parking lot. The drive thru lanes on the west side of the building will be removed and an additional 14 spaces added to the existing 36

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on site, for a new total of 50 parking spaces. As an office use, the building will require 10 spaces, and will be well over-parked.

Included with the application are an Affected Area Site Plan and Affected Area Landscape Plan depicting the revised parking lot layout in the western portion of the lot. Also included are representative depictions of the proposed updates to the freestanding signage and the repainting of the principal building to match similar themes of the existing Benjamin School Campus. Staff also confirmed the allowance of two existing nonconformities to remain in regard to the dumpster enclosure encroaching 1' into the 5' northern landscape buffer, and the free-standing monument sign encroaching in the required 10' front setback located 8.9' away from the front property line and encroaching into the 25' street intersection corner clip. While these are existing non-conformities, there is no negative impact on surrounding properties. The location of the dumpster is properly screened from the neighboring Benjamin School site as the landscape buffer contains a masonry in between the site and the school.

The Chairman asked for comments from the public. Seeing there were no comments, the Chairman closed the public comments.

Leslie Downs, CFO, The Benjamin School, 9513 SE Cove Point St., Tequesta, was present to represent the project.

The Planning Commissions members discussed whether any landscape is planned along US 1; what is the time frame for determination of future building use; whether the school is aware of the Village's future plans for the US 1 corridor, north of Parker Bridge to PGA Blvd.; whether there is a sidewalk for people to get from the parking lot to the school and is it accessible for those with mobility issues; what type of fencing will be used for the remediation project; and whether any future sidewalk is part of the PUD. The Board also discussed requiring completion within two (2) years, installing green screen around the fence and addition of a Knox Box for emergency vehicle access.

Motion: Mr. Haigh moved to approve the application as submitted with Staffs conditions that the property owner submit a Business Tax Receipt before occupancy of the building and building permits shall be submitted for the work, and the condition that a pedestrian sidewalk from the parking lot to the school be installed where feasible. Mr. Hogarth seconded the motion, which passed 7-0.

**B. BOARD OF ADJUSTMENT**

**1. 932 Shore Dr. Appeal**

Application submitted by NP Management LLC for an appeal to the administrative denial of permit 2021-1516.

Mr. Alex Boxner will be acting as Counsel for the Planning Commission.

Mr. Santo DiGangi, Attorney, 303 Banyan Blvd., Suite 400, West Palm Beach, was present to represent the Appellant.

Mr. Bruce Kemp, Electrical Contractor, 4567 Southern Blvd., West Palm Beach, was also present.

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Mr. DiGangi submitted several documents to be included in the record. They included a power point presentation, transcript of the 4/13/2017 Village Council Meeting, transcript of the 8/10/2017 Village Council Meeting, and letter from Attorney Gregory Coleman to Attorney Len Rubin dated 12/9/2020.

Mr. Rubin objected to the submission of the transcripts.

Mr. DiGangi stated the reason for the appeal, and introduced Mr. Kemp, the electrical engineer.

Mr. Kemp stated the permit application history and subsequent denial from Community Development Director Jeremy Hubsch. Mr. Kemp states that the denial was for the installation of mechanical equipment in the front yard. He explained that the equipment is not considered mechanical equipment, and if the front yard was not acceptable, it could be placed along the side yard. He further states that the second reason of denial was that the dock, which was permitted, fails to meet the definition of a legal private dock per the Village's Code as the dock will not be used by an occupant of the primary residence or members of the occupant's family. He refutes this statement stating that Mr. Bozzuto legally owns the house, would like to put his boat at the dock and how long he utilizes the home is of no one's concern. He recommends that the Planning Commission overturn the Director's denial.

Mr. Rubin asked Mr. Kemp what is the reason to convert the current single phase power to three phase power. Mr. Kemp replied that it is what the "vessel wants". Mr. Rubin asked why would this vessel want this much power, and Mr. Kemp stated it was due to its size.

Mr. Hubsch presented the history for the denial. The appellant's property is a traditional single family home in a residential neighborhood, but has an FPL pad mounted transformer, a step up transformer and an electrical room, with a complex electrical plan, the likes the Village has not seen before. There are also seven (7) pedestals located along the back. The Village Code addresses the aesthetics of mechanical utility hardware, which includes transformers, that they need to be located behind the property line. The example provided by the appellant of transformers in front yards is in the Pepperwood neighborhood, a development that was annexed into the Village, they are not located throughout the Village. In addition, when the Village was platted in the 1960's, the waterways were not designed to accommodate a 112 foot yacht. The typical residential home with a boat does not require three (3) phase power and an electrical room.

The Chairman asked for comments from the public.

Lisa Gallagher, 704 Teal Way, spoke in opposition to the appeal.

Rita Budnyk, 804 Shore Dr., spoke in opposition to the appeal.

Beth Ehinger, 879 Country Club, (read by Rita Budnyk) spoke in opposition to the appeal.

Scott Goodby, 717 Teal Way, spoke in opposition to the appeal.

Mark Michaels, 648 Shore Rd., spoke in opposition to the appeal.

Deborah Cross, 2560 Pepperwood Cir. S., spoke in opposition to the appeal.

Lisa Jensen, 606 Shore Rd., spoke in opposition to the appeal.

Shawn Woods, 532 Kingfish Rd., spoke in opposition to the appeal.

Chris Ryder, 118 Dory Rd. S, spoke in favor of approval of the appeal.

Andrew Faigen, 1013 Country Club Dr., spoke in opposition to the appeal (via Zoom)

The Chairman closed the public comments.

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The Planning Commissions members discussed why the applicant is not present to represent himself and is relying on testimony of the electrical contractor and attorney; what is the intent of the dock ordinance specifically in regards to owner or occupant; whether the yacht will have a crew and where will they live; who will live at the house; whether the information in “Exhibit A” is truthful in that Mr. Bozzuto will occupy the residence; whether the locating of the transformer to the side yard will remain to pose an issue; whether the yacht “Honey” is planned to be docked at the residence; whether other similar permits have been denied in the Village; whether the vessel can use single phase power; whether a homeowner who rents out his house can use the dock; what is the number of boats that are planning to be docked that will require the number of pedestals; and discussion that this amount of power and equipment appears more like a commercial marina than a single family residence.

Motion: Mr. Hogarth moved to deny the appeal. Ms. DeWitt seconded the motion, which passed 7-0.

**V. ADMINISTRATION MATTERS**

**A. Staff Updates:**

- Zoning in Progress will be hopefully be brought back to Planning Commission at the April meeting.
- 200 Yacht Club project is redesigning to do away with the height waiver.

**B. Commission Member Comments:**

- Boat size allowances/restrictions should be addressed in the Code. There is enough community concern for regulations to make it necessary to discuss.
- Status of the North Palm Beach Marina project.
- Status of the State Farm Insurance project.

**VI. ADJOURNMENT**

With there being no further business to come before the Board, the meeting adjourned at 9:17 PM.

Minutes typed by Jane Lerner