



**Town of Surfside
Planning and Zoning Board Meeting
MINUTES
January 18, 2024
6:00 PM
Town Commission Chambers**

1. Call to Order/Roll Call

Chair Baumel called the meeting to order at 6:05 p.m.

Former Deputy Clerk Herbello called the roll with the following members present:

Present: Chair Carolyn Baumel, Vice Chair David Forbes, Board Member Ruben Bravo, Board Member Lindsey Lecour and Alternate Board Member Andrew Bales.

Absent: Board Member Jonathan Edderai

Also Present: Town Attorney Tony Recio, Town Planner Judith Frankel, Consultant Town Planner Walter Keller, and Building Official James McGuinness.

2. Town Commission Liaison Report

Commissioner Fred Landsman provided his Commission Liaison Report.

3. Approval of Minutes

3.A November 16, 2023 Special Planning and Zoning Board Meeting Minutes and November 30, 2023 Planning and Zoning Board Meeting Minutes - Sandra N. McCready, Town Clerk

A motion was made by Board Member Lecour to approve the November 16, 2023 Special Planning and Zoning Board Meeting Minutes and the November 30, 2023 Planning and Zoning Board Meeting Minutes, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[November 16, 2023 Special Planning and Zoning Board Meeting Minutes.pdf](#)
[November 30, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)

4. Ordinances

4.A Stormwater Retention and Drainage in H30A and H30B - Hector Gomez, Town Manager

Town Administration recommends the implementation of explicit requirements for on-site stormwater retention through drainage planning and retaining wall structures when appropriate.

Former Deputy Clerk Herbello read the title of the ordinance into the record.

Town Planner Frankel provided a presentation and explanation of the ordinance and staff recommendations.

Building Official McGuinness provided his staff recommendations as follows: Please amend Sec. 90-56 1.B as stated: a. Line 157 remove the word *stuccoed*, after the words *finished on all sides* and add the words *to the satisfaction of the Town Planner*.

Board Member Bravo left the meeting at 6:50 p.m.

Alternate Board Member Bales asked regarding the cap.

Board Member Lecour asked regarding the code and the abutting properties.

Town Planner Frankel addressed the comments made.

Vice Chair Forbes left the meeting at 6:52 p.m.

Discussion took place among the Board and staff regarding the specifics of the ordinance, possible zoning code changes, questions regarding the pavers, the finishes to the walls and surfaces as well as the standards required.

Town Attorney Recio and Town Planner Frankel addressed all the comments and questions asked by the Board Members.

Chair Baumel opened the floor to public comments.

The following individuals from the public spoke:

George Kousoulas

Laurie Swedroe suggested staying with what they have now and gave her explanation.

Chair Baumel closed the floor to public comments.

Alternate Board Member Bales asked what it would do to the flood plain if they pulled back the wall and would the stormwater system be able to handle it.

Building Official McGuinness addressed the comment made by Alternate Board Member Bales.

Town Attorney Recio stated they have not had that requirement however this ordinance, lines 77-81 imposes a requirement on single family homes to maintain all the water on their property.

After a lengthy discussion by the Board Members and staff regarding the ordinance, recommended changes to the code to include maintaining stormwater on the property, the following motion was made.

A motion was made by Alternate Board Member Bales to recommend to the Town Commission to approve the ordinance as written on second reading with all staff recommendations to include: Lines 150-151 recommendation as to where the wall is built from "maximum height of six feet measured from the existing grade of the abutting property but in no event higher than " ____ " feet (to be filled in by staff) from the crown of road; staff to define a maximum height from a fixed reference point; line 157 delete "stuccoed and" with "finished on all sides to the satisfaction of the building official"; line 77-83 add engineering field check of stormwater retention before CO, seconded by Board Member Lecour. The motion carried with a 3-0 vote with Vice Chair Forbes and Board Member Bravo absent.

The meeting recessed at 7:44 p.m.

The meeting resumed at 7:52 p.m.

Former Deputy Clerk Herbello called the roll with the following members present: Chair Carolyn Baumel, Board Member Lindsey Lecour and Alternate Board Member Andrew Bales. Absent were Vice Chair David Forbes and Board Member Ruben Bravo.

[Ordinance On-Site Retention of Stormwater and Retention Wall Standards](#)

4.B Code Amendment for Submerged Lands and Pointe Lake Development - Hector Gomez, Town Manager

Town Administration recommends approval of this ordinance in order to clarify the prohibitions on development in Point Lake and Biscayne Bay for the protection of adjacent properties, the general public and marine life.

Former Deputy Clerk Herbello read the title of the ordinance into the record.

Town Planner Frankel introduced the item and provided an overview of the ordinance and staff recommendations.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Board Member Lecour thanked the Town for addressing these ugly problems and asked if the folio shows correctly on Miami Dade County Property Appraiser.

Town Planner Frankel stated the Miami Dade County Property Appraiser does not have the ability to set our zoning.

Town Attorney Recio stated the lake does not have a zone itself.

Board Member Lecour asked if they could create a category for the zoning of that lake.

Town Attorney Recio explained that they could, while they are cleaning up the comprehensive plan, put it in the plan.

Board Member Lecour wants to close any loopholes.

Town Attorney Recio explained this ordinance is to clarify the regulations on this lake and what they are stating is to address the ownership issue. He stated the ownership issue is its own issue between private properties and the Town cannot get involved in that dispute.

Chair Baumel asked if the homes are protected from the owner of the submerged lands.

Board Member Lecour spoke regarding what took place with the owner of the submerged lands and the history.

Discussion took place among the Board Members and staff regarding the owner of the submerged lands, the issues at hand and the reason for this ordinance with its specifics.

A motion was made by Alternate Board Member Bales to recommend to the Town Commission to approve the ordinance as written on second reading with staff recommendations, seconded by Board Member Lecour. The motion carried with a 3-0 vote with Vice Chair Forbes and Board Member Bravo absent.

[Ordinance No Development on Point Lake](#)

4.C Code Amendment for Outdoor Lighting in the Single-Family Residential Districts - Hector Gomez, Town Manager

Town Administration recommends that the Planning and Zoning Board review this ordinance to modify Section 90-62 Outdoor Lighting of the Town Code to addresses the specific requirements of the single-family districts.

Former Deputy Clerk Herbello read the title of the ordinance into the record.

Town Planner Frankel provided an overview of the ordinance and staff recommendations.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:
George Kousoulas

Chair Baumel closed the floor to public comments.

Chair Baumel asked if the ordinance addresses the color of lights and provided

examples of Christmas and Hanukkah lights and at times individuals put colored lights when a bulb goes out.

Alternate Board Member Bales asked if it regulates the intensity of the light.

Town Attorney Recio stated this ordinance does not address color of lights or intensity of the light.

Board Member Lecour stated she agrees with the color of the lights, and they should keep it white in the exterior. She asked if they could enforce this ordinance on the new homes that are currently already built and in violation of this ordinance.

Town Attorney Recio stated they would have to set up a process to avoid someone challenging it if they do it retroactively.

Board Member Lecour stated to leave it to the neighbor to go to the Town if they have an issue with the lighting of a neighbor's home.

A motion was made by Board Member Lecour to recommend to the Town Commission to approve the ordinance as written on second reading to include the limitation of fixed lighting on the exterior of the house to only white light in the exterior, seconded by Alternate Board Member Bales. The motion carried with a 3-0 vote with Vice Chair Forbes and Board Member Bravo absent.

[Ordinance Amending Section 90-62 Outdoor Lighting for Single-Family Dwellings](#)

5. Applications

Consensus was reached from the Board Members to hear all the applications before the ordinances.

Town Attorney Recio opened the floor to public comment for anyone that would like to speak on any of the items that are being approved as consent (items 5A (9455 Harding Avenue), 5B (9561 Harding Avenue), 5C (9485 Harding Avenue), 5D (9501 Harding Avenue a/k/a 225 95th Street and 5E (9040 Abbott Avenue).

There were no public speakers.

A motion was made by Board Member Lecour to approve as Consent items 5A, 5B, 5C, 5D and 5E with staff recommendations, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Town Attorney Recio read his quasi-judicial statement into the record.

Former Deputy Clerk Herbello swore in all the members of the public and applicants that will be speaking tonight on all applications.

Town Attorney Recio asked Former Deputy Clerk Herbello if all applicable applications

met notice requirements.

Former Deputy Clerk Herbello confirmed notice requirements were met.

Town Attorney Recio polled the members of the Board for any ex-parte communication.

Chair Baumel spoke with Laurie Swedroe and Mr. Shapiro on their application, item 5F (9260 Carlyle Avenue).

No other members of the board had any ex-parte communications with any of the applicants.

5.A 9455 Harding Avenue - Wall Sign - Judith Frankel AICP, Town Planner

Staff recommends approval with the following conditions:

- All illumination must be white.
- All exposed raceways must be painted to match finish of wall face of the building.

Approved as consent with staff recommendations.

[9455 Harding application and plans](#)

5.B 9561 Harding Avenue - Wall Sign - Judith Frankel AICP, Town Planner

Staff recommends approval with the following conditions:

- The size of the sign must be reduced from 28 SF to a maximum of 25 SF.
- The sign must be off set from the facade wall a minimum of one quarter inch to a maximum of two inches to permit rainwater to flow down the face of the wall. This should be indicated on the plans.
- All illumination must be white.

Approved as consent with staff recommendations.

[9561 Harding application and plans.pdf](#)

5.C 9485 Harding Avenue - Wall Sign - Judith Frankel AICP, Town Planner

Town Administration recommends approval with the following conditions:

- All illumination must be white.

Approved as consent with staff recommendations.

[9485 Harding sign application and plan.pdf](#)

5.D 9501 Harding Avenue (aka 225 95th Street) - Wall Sign - Judith Frankel AICP, Town Planner

Staff recommends approval with the following conditions:

- The sign be off set from the facade wall a minimum of one quarter inch to a maximum of two inches to permit rainwater to flow down the face of the wall. This should be indicated on the plans.
- All illumination must be white.

Approved as consent with staff recommendations.

[9501 Harding application and plans.pdf](#)

5.E 9040 Abbott Avenue- Additions, Facade Alterations and Window openings - Judith Frankel AICP, Town Planner

Staff finds this application for a front addition, two rear additions, façade changes and new window openings meets the zoning code. The Planning and Zoning Board should determine whether the new additions, front façade alterations and new windows are "consistent with and in conformance with the design guidelines set forth in the Town Code".

Staff recommends approval with the following conditions:

- Sheet A-2 notes that windows and doors will be tinted. The design guidelines require that "glass may be clear or lightly tinted but should never be darkly tinted or should never have a reflective finish."
- The proposed driveway must provide for two on-site parking spaces.
- Landscaping information must be provided for the space in front of the garage door wall. This may be a planter.
- The converted garage space must have a FFE equaling the existing FFE for the home.
- The proposed pool must be permitted separately. Pervious lot coverage will be verified at permitting.

Approved as consent with staff recommendations to include Building Official McGuinness' recommendations as follows: 1. An elevation certificate shall be required at the time of building permitting to certify the existing finish floor elevation of the structure; 2. A FEMA 50% Rule Analysis will be performed at time of building permitting using the Miami-Dade County Tax Appraiser's valuation unless a professional appraisal is provided.

[Attachment A: Images and Zoning Tables](#)

[9040 Abbott Agenda Packet.pdf](#)

5.F 9260 Carlyle Avenue - New Single-Family Home - Judith Frankel AICP, Town Planner

Staff finds this application for a new single-family home meets the zoning code. The Planning and Zoning Board should determine whether the new home is "consistent with and in conformance with the design guidelines set forth in the Town Code". Staff recommends approval with the following conditions:

- The plant species table must be expanded to note the Florida Friendly status of each species.

- Applicant to provide average setback calculations per ordinance no. 2023-1752.
- Applicant to provide full manufacturer's specifications for wood-like deck and basketball court to confirm permeability and correct pervious area calculation.
- A Florida Building Code compatible retaining wall is required in areas with a raised grade level. Permitting plans must note existing and proposed grade, wall construction details and overall height. A drainage plan will also be required.

Town Planner Frankel introduced the item and provided a presentation and overview of the application with staff recommendations.

Laurie Swedroe, applicant provided an overview of the project.

Board Member Lecour asked regarding the decking and turf work into the pervious area.

Ms. Swedroe stated it would be 100% pervious and the wood decking is only considered 50%.

Town Planner Frankel stated that synthetic turf is considered 100%. She continued providing an overview of the project.

Chair Baumel thanked them for such a great project.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas spoke regarding the elevations and the presence of a gable.

Chair Baumel closed the floor to public comments.

Building Official McGuinness provided his staff recommendations as follows: 1. Provide elevation certification for the proposed structure and the elevation of lowest floor at the garage in feet NGVD; and 2. Provide flood vents (hydrostatic reliefs) at garage at a rate of 1 square inch of net opening to 100 square feet of floor area vented, with a minimum of two vents per enclosed area located on opposing walls.

A motion was made by Alternate Board Member Bales to approve the application with staff recommendations, seconded by Vice Chair Forbes. The motion carried with a 5-0 vote.

[Attachment A: Images and Tables](#)

[9260 Carlyle Ave Application](#)

[9260 Carlyle Ave Plans Package](#)

[9260 Carlyle-Survey](#)

5.G 8927 Harding Avenue - New Single-Family House - Judith Frankel AICP, Town Planner

Staff finds this application for a new single-family home complies with the zoning code. The Planning and Zoning Board should determine whether the new home is "consistent with and in conformance with the design guidelines set forth in the Town Code". Staff recommends approval with the following conditions:

- Applicant to provide neighbor's grade to ascertain allowable wall/fence height. Height of rear yard wall/fence to be verified at time of permitting.
- A site drainage plan is required to demonstrate the maintenance of stormwater on site.

Town Planner Frankel introduced the item and provided a presentation and overview of the application with staff recommendations.

Building Official McGuinness provided his staff recommendations as follows: 1. Plans are based on the incorrect version of the Florida Building Code. The 2023 FBC 8th edition went into effect on January 1, 2024. Please amend the plans and all future submittals accordingly; 2. Provide an elevation certificate for the proposed principal and accessory structures and provide elevation marks at each floor level on the floor plans in feet NGVD; 3. The plans indicate potential occupied areas in the accessory structure below design flood elevation 10'-0" NGVD. All occupied areas must be above DFE; and 4. Provide flood vents (hydrostatic reliefs) at garage and all enclosed areas below DFE at a rate of 1 square inch of net opening to 100 square feet of floor area vented, with a minimum of two vents per enclosed area located on opposing walls.

Yefim Massarsky, architect provided an overview of the project and addressed the staff recommendations provided.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Board Member Lecour stated she is confused with the zoning code and would like to know why we have no footprint limit on lots like these.

Town Planner Frankel addressed the comments made and explained how it applies to a lot like this.

Board Member Lecour asked regarding the side setback of the property.

Town Planner Frankel addressed the comments made and stated it was due to the accessory structure.

Chair Baumel asked if it changes its designation on the Miami Dade County Property Appraiser.

Town Planner Frankel stated it does not.

Discussion continued among the Board Members regarding the zoning code as it relates to this type of property and lot size as well as the design of the home.

Town Attorney Recio stated it will remain zoned as an H30C.

A motion was made by Vice Chair Forbes to approve the application with staff recommendations, seconded by Alternate Board Member Bales. The motion carried with a 5-0 vote.

[Attachment A: Images and Tables.pdf](#)

[8927 Harding Ave-Tree Survey](#)

[8927 Harding Ave - Site Plan Application.pdf](#)

[8927 HARDING AVE - Plans Package](#)

[8927 Harding Ave Landscape Plan](#)

6. Next Meeting Date

6.A Next Meeting: February 29, 2024 at 6:00 p.m. - Sandra N. McCreedy, Town Clerk

Former Deputy Clerk Herbello advised the Board Members of their next meeting being on February 29, 2024 at 6:00 p.m.

Consensus was reached by the Board to hold the meeting on that date and time.

7. Discussion Items

7.A Design Review Guidelines - Judith Frankel, AICP, Town Planner

A motion was made by Board Member Lecour to defer this item to the February 29, 2024 Planning and Zoning Board Meeting, seconded by Alternate Board Member Bales. The motion carried with a 3-0 vote with Vice Chair Forbes and Board Member Bravo absent.

Town Attorney Recio explained that the Design Review Guidelines will be adopted by the Commission via a resolution and not an ordinance.

Board Member Lecour requested to have the draft of the design review guidelines sent to the Board Members prior to the meeting.

7.B Comprehensive Plan and EAR Update - Judith Frankel, Town Planner

Consultant Town Planner Keller provided an overview of the item and provided his suggestions and update.

Alternate Board Member Bales asked regarding parking including structure.

Consultant Town Planner Keller stated there are no changes to the parking nor the requirements that go with those sites. He went over the housing element. He went over the recreation and open space element.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas stated the housing section is fascinating. He spoke regarding future land use and planning.

Chair Baumel closed the floor to public comments.

Alternate Board Member Bales asked who sets up the criteria.

Consultant Town Planner Keller stated it is the State and there is a section in the Florida Statutes that dictates what needs to be in the comprehensive plan.

Discussion among the Board Members took place regarding the topics addressed by Consultant Town Planner Keller and what can be addressed to include parking and what the Comprehensive Plan covers.

8. Board Member Comments

Chair Baumel wanted to make a statement and thanked Evelyn Herbello (former Deputy Town Clerk for the Town of Surfside) for being here and her leaving is a sign of what is happening in Surfside and our loss is someone else's gain. She read the following statement into the record: "First my background: I am not new to Surfside or Miami Beach. I was born & raised here - I am the third generation - My family arrived in the early 1930's building some of the first Hotels on Miami Beach. Mt Sinai Hospital was founded by a group of men looking for a place for the Jewish Physician to be allowed to practice - my grandfather, Leonard Wien Sr was apart of that group of men who purchased Carl Fisher's Nautilus Hotel and Mt Sinai Hospital was born and continues to flourish today. I have been licensed in real estate since 1994. Real estate, architecture, renovation & development is not new to me. In fact, my home purchases in Surfside began before the Pandemic, before the past Mayor & Commission was elected.

The Planning and Zoning Board collectively is a volunteer, appointed position by the current Mayor & Commissioners. We are not paid. We all have our primary residences in Surfside and It is unmistakably clear that we love our town and we only want the best for our residents. There is nothing illegal about owning, designing & developing real estate here or anywhere and being a PZ board member. There is no advantage financially nor a real estate gain in this volunteer position. We are chosen because of our background, education, experiences and alignment of having our community improve in a positive way that allows existing and new owners (residential & commercial) to come in and have their real estate land & property values improved and not become tired and depreciate.

It is stated on the Town of Surfside's site that the "Planning and zoning plays a key role in the look and feel of Surfside's streets, buildings, houses, and businesses." That is what we do.

This is what happened: Tina Paul was Vice-Mayor in the prior commission and she appointed me where I sat as a Planning & Zoning board member Alternate and had voting privileges when needed. It is funny how a person selectively omits the truth of how current Commissioner Fred Landsman and back then the Vice-Chair of Planning & Zoning board member Landsman was appointed by the untruthful former Mayor Charles Burkett III.

Here's the problem: There is a Former Mayor, a current Commissioner and former Commissioners that insist on lying publicly and in print -
Former Surfside Mayor Charles Burkett III You are both destructive & selfish You are a darkness that gives no light to our community. Every word you speak, write, text or publicize through social media networks is filled with poison and lies. Your conspiracy theory concoctions are evil, insidious, hurtful and mean.
Your selfishness has brought people into your world that is filled with your own desire for political gains through your efforts to promote destruction and hatred.

As we were told by Dr Martin Luther King: "Every person must decide whether they walk in the light of creative altruism or in the darkness of destructive selfishness."

9. Adjournment

There being no further business to discuss before the Board, a motion was made by Board Member Lecour to adjourn the meeting at 8:44 p.m., seconded by Alternate Board Member Bales. The motion carried with a 3-0 vote with Vice Chair Forbes and Board Member Bravo absent.

Accepted this ____ day of _____, 2024.

Chair Carolyn Baumel

Attest:

Sandra N. McCreedy, MPA, MMC
Town Clerk