



**Town of Surfside
Special Town Commission Meeting
Quasi-Judicial Hearing
MINUTES**

October 28, 2014

7 p.m.

**Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154**

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:04 p.m.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Tourgeman and Commissioner Olchyk. Commissioner Cohen and Commissioner Karukin were absent.

C. Pledge of Allegiance

Chief Allen led the Pledge of Allegiance.

2. Quasi-Judicial Hearings

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

A. The Shul Site Plan – Michael P. Crotty, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, AND A SPECIAL EXCEPTION FOR A PRESCHOOL, PURSUANT TO SECTION 90-37 OF THE ZONING CODE TO PERMIT A 5,122.9 SQUARE FOOT MULTIPURPOSE ROOM AND A 51,850 SQUARE FOOT THREE STORY CLASSROOM FACILITY, INCLUDING AN EXPANSION OF THE EXISTING PRESCHOOL AND EXCLUDING A SCHOOL, AS SUBMITTED BY THE SHUL, SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A

RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mayor Dietch read the Quasi-Judicial statement into the record.

Town Clerk Novoa confirmed compliance with the advertisement and notice requirements.

Town Attorney Linda Miller spoke about the process and asked the Town Commission if anyone had ex-parte communications with the applicant or any objector.

Mayor Dietch stated that he has had conversations for over a year and half.

Vice Mayor Tourgeman had no ex-parte communication with the applicant.

Commissioner Olchyk had no ex-parte communications with the applicant.

Town Clerk Novoa swore in everyone wishing to speak in favor or against the application.

Town Planner Sarah Sinatra presented the project to the Town Commission with the staff recommendation.

Traffic Engineer Mr. Tinter presented the traffic impacts to the Town Commission based on the traffic study provided by The Shul.

Stanley Price, representing the applicant presented Architect Jaime Schapiro to go over the site plan with the Town Commission.

Architect Schapiro presented the site plan and an overview of the proposed project.

Mr. Price stated that they have agreed to all conditions imposed by the proposed resolution. He added that earlier in the morning he received a call from the Manager's office indicating that some changes were suggested, and they agreed to those changes.

Town Manager Crotty stated that those are specific issues that the Town Commission will speak to during their discussion.

Mr. Price spoke about one of the major issues that they have discussed for countless hours which is the undergrounding of the power lines. He referred to paragraph 19 of the proposed conditions of the resolution and stated that it is their full anticipation that they will devote \$500,000 for the burying of all utilities that service the alleyway between 95th and 96th Street. He added that, if for any reason, Florida Power and Light (FPL) decides that they cannot get permitting and that the Town will be part of that decision-making process, they agreed as a provision that they will spend approximately \$150,000 for the construction of concrete utility posts, which will

make the area behind the alleyway more attractive than it currently is. He added that they agreed that a \$350,000 differential can be used by the Town in one of two ways. They suggested that if the Town makes the decision of fully undergrounding within five years, they will give the \$350,000 to the Town. Mr. Price continued to state that they also provided in the draft that if the Town elects not to do that within five years, the Town can tell them to take the \$350,000 and put it as an advance payment to the parking trust fund. He spoke about what was submitted to them today regarding the possibility of extending the period to ten years solely for the purpose of utilizing the funds for the undergrounding on a Town-wide basis, which is fine with them as well. He declared that they would continue to pay into the parking trust fund as they would under the conditions of the resolution, making equal 25-year payments into the trust fund. He reiterated that they are committed to burying the utility lines underneath the alleyway. He continued to speak regarding the special exception for the daycare center and provided their arguments.

Rabbi Sholom Lipskar thanked the Town Commission and stated that this project is a critical necessity for the community. He outlined that there are many reasons why people construct and that there is no question in anybody's perspective that The Shul has contributed to the quality of life and benefits of the community that lives here in the Town of Surfside. He spoke about the changes in the community because of The Shul, including a decrease in crime. He continued to speak on the importance of having such a center within the community. He concluded that they are committed to enhancing the lifestyle of everyone in the community.

Mr. Price requested that some time be reserved for rebuttal and agreed to answer questions at the Commission's convenience.

Mayor Dietch opened the meeting to public comments.

David Rogel spoke on behalf of 9500 Ocean Condominium Surfside Towers. He relayed that the Association was not opposed to the project. However, he identified traffic as a great issue, which will be worsened by the plan at hand. He reported that the Shul had been agreeable to implementing changes but emphasized that more could be done. He pointed out that the parking queue was not going to be sufficient to address increase in parking. He proposed adding more parking spaces and creating more of a traffic pattern to avoid the problem. He wished the Shul success but not at the expense of the community.

Oscar Freixas of DeCardenas Freixas Stein & Zachary PA mentioned that the traffic in Surfside had become a real concern. He inquired how many of the 100 children in the preschool lived in the Town. He mentioned that there had not been a real traffic study since May 2012 and asked whether a traffic study would be done in the busiest months of January and February. Furthermore, he raised a question on why the Shul was paying for parking in 25 years, stressing that no other developer had done this. He cited the Town Manager's report, where the projections for the new parking spaces were listed as \$7,000,000 or \$13,000,000. He observed that this was unfair to the residents. He emphasized that he had no objection to Rabbi Lipskar or the Shul,

calling the traffic the problem. He asked whether the utilization of the alley in traffic jams would cause fire hazards and if the Fire Department had made comments on using it for pick-up and drop off.

Peter Glinn stated that he was there as a resident. He expressed his love for the Rabbi and the Shul, indicating that his issue was with parking. He questioned how the Town could sell 100 parking spots when it did not own that many spots. He highlighted that there was little to no parking because of the lack of parking lots, voicing that people would begin to park in the Business District. He conveyed his support for building parking lots.

Matthew Lazenby of Bal Harbour Shops remarked that he was present as a concerned neighbor. He shared his family's belief that communities are defined by their religious institutions and schools. Thus, he gave his support for the Shul and urged the Commission to approve their application.

Mayor Dietch remarked that all signed-in public speakers had spoken but welcomed anyone else to make comments if they desired.

Isaac Salver introduced himself as a resident of Bay Harbor Islands. He brought up the elementary school in Bay Harbor Islands, saying that most of its students probably live in Surfside. He stated that where the students lived was irrelevant. He described an individual who spoke at the Planning and Zoning Board meeting as an interested party and then as a resident at the Commission meeting as disingenuous. He explained that the Town of Bay Harbor Islands removed the undergrounding of utilities from its Code because a representative of Florida Power and Light (FPL) informed them that it would be difficult for them to install wire above ground and below ground in other areas.

Shaya Gheblikian communicated that driving by the Shul was much quicker than driving by other schools. He detailed that he was not very concerned about parking and encouraged the elected officials to support the project.

Town Clerk Novoa swore in Jose Yankelevitch, who wished to speak.

Mr. Yankelevitch indicated that he lived in Bal Harbour since 1978, revealing that he had witnessed many changes to the community throughout this time. He commented that the Shul of Bal Harbour had been part of this change, adding that the expansion of the Shul had many advantages. He said that Jewish people worldwide know Rabbi Lipskar and that expansion would make Surfside more well-known too.

Mayor Dietch closed the public hearing and thanked everyone for talking.

Commissioner Olchyk expressed her belief that the rendering was beautiful. She said she was familiar with the Shul's purpose and respectfully understood their reasoning for expanding. Nevertheless, she raised her concerns with the parking trust fund, as she agreed there was no parking in Town. She also outlined her doubts with the

proposition that it would take the Shul 25 years to pay for parking and with the lack of interest to be collected. She specified that she did not want anyone to think the elected officials were favoring any construction over another, stressing that she treated every issue ethically and respectfully. She said the parking fee should be more fair and not free of interest. She also shared her concern with the children's safety because of different pick-up times. She questioned where the parents would leave their cars while they waited. She also asked if the current elevator would be remodeled to have more capacity. She inquired what would happen if a child was run over or hit by a car and if the Town would be responsible for these accidents.

Mr. Price clarified that Young Israel was approved for a parking trust fund with a payoff of 30 years about one year ago. He provided background on the matter, noting that the Shul originally agreed to the same amount of time but lowered it to 25 years due to concerns. He revealed that many people were interested in building parking garages in Town and said this would solve the parking problem. He referred to the Ordinance passed by the Commission, which permitted the buying of parking spaces. He suggested that the Town bind with the Shul's revenue sources for the parking garage. He answered that a second elevator was built for the school and explained that there had never been an incident at the preschool because there were monitors who helped students at drop-off and pick-up. In addition, he informed that this was a daycare facility, and children should be picked up and dropped off at the same time. He asked Mr. Schapiro to come up to address the architectural concerns.

Mr. Schapiro stated that in the existing building, during Shabbat, the elevator was generally not used. He said the number of seats in the sanctuary would not be expanded. He acknowledged that there would be an efficient elevator in the new facility, highlighting that the classrooms will be on the ground floor.

Commissioner Olchyk reiterated her question about liability.

Mr. Price responded that the drop-off and pick-up were internal to the Shul's site, indicating that they had proper insurance, and the Town should not be concerned.

Vice Mayor Tourgeman addressed Mr. Yankelevitch, clarifying to him that the Shul is in Surfside, not Bal Harbour. He remarked that it is called "The Shul," and not "The Shul of Bal Harbour."

Mayor Dietch referred to the issue of turning the area of 95th Street between Collins Avenue and Harding Avenue into two lanes going westbound as brilliant. He mentioned the contribution of \$60,000 over 12 years for parking, suggesting that this be extended unless the Shul is to stop operating in 12 years.

Mr. Price explained that this is under the assumption that the Town is not going to build parking facilities in the next 12 years. He emphasized that there is a shortage of parking spaces, reporting the Shul's understanding that the Town would create more parking during this time.

Mayor Dietch also expressed his hopes that the parking situation be addressed before 12 years. He specified that it would be the Town's decision to take the parking sites out of inventory or not. He encouraged Mr. Price to address this issue because there would be a parking deficiency.

Mr. Price stated that the Shul would extend the 12-year period.

Rabbi Lipskar noted that without the Shul and the school it was already impossible to get through the intersection. He said this corner was not properly planned.

Vice Mayor Tourgeman expanded upon the parking problems, saying that the spaces were once used as taxi stands. He said about 22 years ago, the restaurants asked about moving taxis from the three spaces and they were moved. He provided his opinion that the two westbound lanes would improve daily traffic.

Mayor Dietch commented that this was identified in the traffic study and that it was recommended by everyone working in that corner. He identified this as an economic issue.

Mr. Price detailed that this change should be made whether the application was approved or not. He added that the Shul was bearing the entire cost of restriping, signalization and removal of the curb area. He said the Town would be ahead with the \$60,000 for 12 years and all the expenses incurred to fix the intersection.

Mayor Dietch inquired about the Shul's commitment to the lights, signalization and striping.

Mr. Price noted that this was in the conditions that the Shul had agreed to.

Mayor Dietch drew attention to the fact that there were many more rooms in the plan than just a preschool. He communicated that the age defined on the plans for preschool was 3-5 years and sought confirmation.

Mr. Price confirmed this and said if they ever wanted to deviate from the age range, they would have to return with a new application.

Mayor Dietch brought up the negotiation from parents regarding their pick-up and drop-off times. He requested that this information be shared with the Town to assess existing conditions in the future.

Mr. Price mentioned a point in the conditions that the Shul must provide the Town with a quarterly report including the number of students in the preschool. He informed that the traffic engineer suggested continuous monitoring throughout the process.

Mayor Dietch cited the section of Mr. Tinter's report that said there would be an attendant and asked how this would work. He posed a question regarding how it would be known when the tandem spaces were to be used or not.

Mr. Price informed that this was based on the nature of the event taking place on a particular day or week within the synagogue.

Mayor Dietch inquired whether anyone would park in the tandem spaces on an ordinary day, and Mr. Price confirmed that no one would.

Mr. Price reported that on a regular day, the Shul had more than enough parking spots without the tandem spaces. He said that during special events, monitors would be present, or valet parking would be provided. In addition, he stated that offsite valet parking has been considered in or outside of the Town.

Mayor Dietch queried whether the Shul agreed to have a full-time attendant if the Town finds that the tandem spaces are being used without an attendant.

Mr. Price stated that they would be subject to all the Town's Code enforcement regulations and agreed that this should be enforced if it became a habitual situation.

Mayor Dietch referenced page 30, condition #3, and asked whether the prohibition against parking on residential streets or public parking lots relates to Surfside.

Mr. Price confirmed this and said there would be no issue with inserting the word "Surfside" for clarification.

Mayor Dietch referred to item 4 on page 31, and directed that all utilities be addressed: water, sewer, stormwater, phone, cable and electricity, not just the water line.

Mr. Price said this would be done. He communicated that when the connections are made from the underlying utility, there will have to be junction boxes for retail users to the west, and the Shul would not be responsible. He explained that they had funded this, but the Town had agreed to make the connection.

Mayor Dietch observed a scrivener's error in item 5 with the +4 number of Surfside's zip code, which read "309." He asked that this be corrected. He cited item 7 about the construction fence, explaining that there was a recent Code amendment specifying the adequate type of construction fence with cutouts and requested that this be altered to be consistent with current Code.

Mr. Price agreed to insert the appropriate Code section.

Mayor Dietch mentioned provision 11 about "a wall or opaque fence" and he suggested inserting the word "construction" before "fence."

Mr. Price inquired whether the Code section should be inserted here, and Mayor Dietch said yes.

Mayor Dietch spoke about the signalization and the striping on 95th Street, clarifying that this was a State road with a County road in between. He explained that these two agencies were beyond the Town's control and asked how this could be addressed.

Mr. Price answered that the police Chief and Mr. Tinter had met with representatives of the Florida Department of Transportation (FDOT) and the County, reporting that the County had agreed to the proposed changes.

Mr. Tinter confirmed that they had met with FDOT and the County's Public Works Department to discuss modifications. He assured that they were cooperative with any changes.

Mayor Dietch mentioned item 19 about the cost estimates for the undergrounding of utilities. He asked Town Manager Crotty whether this was an all-in cost for design, permitting and construction.

Town Manager Crotty confirmed that it was.

Mayor Dietch stated that they were asking for \$500,000 with the presumption that it is permissible and possible to underground utilities in that alleyway. He stressed that this was not just beneficial for the members of the Shul but an opportunity for the Town to upgrade the alleyway.

Mr. Price replied that the Shul had reviewed the Town consultant's report and expressed their belief that the estimates were fair and reasonable. He stated that they had committed \$500,000 for that project.

Mayor Dietch posed a question on what would happen if the undergrounding cost more than \$500,000.

Mr. Price indicated that he would need to seek guidance from the Board of Directors on this question but said he would have an answer before concluding.

Mayor Dietch described the proposed concrete poles as better than what was there but not the ultimate goal. He remarked that the opportunity to reconsider it eventually should be available. Moreover, he emphasized that if undergrounding did not occur within 10 years, the money should still be repurposed for a beautification project to benefit the Shul and the Town.

Mr. Price conveyed the Shul's position that the \$500,000 commitment was reasonable because undergrounding the utilities would serve their need to facilitate traffic in the alleyway. He questioned whether the condition had a rational relationship to the impact being caused and referred to the suggestion of using the money for a beautification project as an unfair burden on his client. He added that even if

undergrounding did not happen, the concrete poles would be installed, and the Town would get \$350,000 regardless. He specified that after 10 years, the \$350,000 would go away, noting that the money could be shifted to the parking fund at any point. He said they understood the Mayor's position that 5 years may not be enough time for undergrounding and stated that they agree to 10 years.

Mayor Dietch clarified that the undergrounding of utilities was related to the alleyway irrespective of the entire Town.

Mr. Price confirmed that this was regarding the alleyway from 95th Street to 96th Street.

Mayor Dietch indicated that if undergrounding did not take place in the alleyway, \$150,000 would be used for concrete poles there and the remaining \$350,000 may be used to prepay a portion of the obligation to the parking trust fund.

Mr. Price noted that this was correct.

Mayor Dietch asked Town Manager Crotty whether he believed the undergrounding of utilities could not proceed in the alleyway.

Town Manager Crotty reported that the Town had previously met with FPL and several of their engineers expressed doubts about only doing a partial undergrounding. He elaborated that Town Staff had met with FPL again and received a letter from them saying it was possible to do this. He informed that language would be added to the resolution to state that the undergrounding of the alley is the intent of the agreement with the Shul.

Mayor Dietch directed his attention to item 20 about the applicant's website allowing for complaints from nearby property owners and requested that this be expanded beyond only nearby property owners.

Mr. Price noted that it would be a Citywide website.

Mayor Dietch asked that the Shul report all complaints and resolutions to the Town on a weekly basis and track the time frame to achieve resolution.

Regarding item 21 about the applicant providing an off-duty police officer during construction for events and preschool drop-off, Mayor Dietch indicated that it tied in with #37 and #38. He instructed the applicant to define "construction for events."

Mr. Price clarified that this was in relation to events that were not weekly scheduled events, such as special Jewish holidays and functions at the social hall. He suggested modifying the provision to require the Shul to coordinate with the Police Chief on all events and to provide advanced notice.

Mayor Dietch added that this would be for all events, preschool drop off and pick up. He asked that this be taken one step further, so the Town knows where police are stationed.

Mr. Price responded that the Shul was not in charge of where police officers are, but the Chief was, and Mayor Dietch agreed with them coordinating with the Chief.

Mayor Dietch continued with item 25 about the tax associated with food and beverage. He stated that like any other business in Town, the Shul was subject to audit by the Town.

Mr. Price indicated that the catering facility was subject to audit by the Town and that they would include this in the contract with the caterer.

Mayor Dietch was satisfied with the statement. He inquired whether any other provisions would make it easier to audit and if each discrete event or an aggregate over the course of a year would be considered. He expressed his desire to make the audit simple to perform.

Mr. Price proposed implementing the condition that anyone who does catering at the facility must have an occupational license from the Town.

Mayor Dietch identified this as a great suggestion. He asked Town Attorney Miller to make a note of this.

Mayor Dietch referred to item 28 that "all stationary temple references shall be to the Shul and not to the Shul of Bal Harbour." He put forward adding the term "and related" after "temple," so it reads "all stationary temple and related references."

Mr. Price summarized that they had already done that about one year ago and corrective steps were taken.

Mayor Dietch recognized that the Shul did start in Bal Harbour. He mentioned the coordination of drop off and pickup and inquired if it was sensible to have an internal intercom so kids could be informed if their ride was there.

Mr. Price said they were going to have this in the building plans but that it was not in the architectural plans. He stated that they agreed to this condition and that there would be an intercom system from the pickup point to the main office.

Town Manager Crotty spoke about the cost recovery, explaining that the Shul had paid costs of \$48,000 and the Town had incurred costs of \$45,000, so a balance existed.

Mayor Dietch asked Town Planner Sinatra to expand upon industry standards for assessing parking requirements for multiple uses within an establishment.

Town Planner Sinatra detailed that worst case scenarios where every space would need to be occupied once a year were not planned for. She provided the example of Town Hall planning for everyone present at the Commission meeting and every office being used simultaneously because it was a rare occurrence. She added that the Shul's sanctuary should not typically be used at the same time as the social halls, concluding that it is not good practice to plan for worst case scenarios.

Mayor Dietch raised a question on the queuing pattern on Collins Avenue. He brought up an example of cars being backed up onto Collins Avenue and inquired whether police officers would be there to manage blocking of lanes.

Mr. Tinter responded that for dismissal times, it was recommended to have two police officers on 95th Street, one at the alley and one at Harding Avenue to keep traffic moving. Regarding drop off in the morning, he reiterated that the applicant was agreeable to working with the Chief to determine proper locations and times for police presence.

Mayor Dietch conveyed his stance that queuing issues should be addressed to prevent cars from idling on Collins Avenue.

Mr. Tinter elaborated that the Code required the Shul to have 5 spaces for queuing and they provided 8. He added that by having the queuing internally, the area around the garage should be cleared up.

Mr. Price restated that they had worked closely with the Police Department and planned to continue doing so.

Vice Mayor Tourgeman commented again on 95th Street and identified the best solution as the two-lane traffic to alleviate concerns. He agreed that having a police officer on the alley and one on Harding Avenue would be of great help. He said this should be accomplished as soon as possible.

Mayor Dietch addressed the previous question of how many children attending the school currently live in Town and said he could not answer that. He instructed the applicant to answer the question now or follow up later.

Rabbi Lipskar outlined the Shul's policy of accepting children from 33154, informing that 90-95% were from this zip code and mostly from Surfside. He noted that he could not give the exact numbers.

Mayor Dietch directed Mr. Tinter to address queries about the 2012 traffic study being adequate for the current conditions.

Mr. Tinter replied that the traffic study was done in 2012 and was updated in Fall 2013, but the projections accounted for proposed developments, peak traffic season and a growth factor. He shared his belief that it adequately adjusted for the conditions. Moreover, he reported that the applicant agreed to do an additional traffic

study at the intersection of Harding Avenue and 95th Street during peak season this year or early 2015.

Mayor Dietch inquired at what point the County Fire Department would be brought in regarding the emerging vehicles in the alleyway.

Town Planner Sinatra stated that the County Fire Department had already reviewed the plans and provided input.

Mr. Tinter confirmed that the Shul had been working with Miami-Dade County Fire Department for four months and that the project should be approved within the next 20 days.

Mayor Dietch spoke about giving parking the Town did not have, acknowledging that either cash flow or public/private partnership would be necessary to resolve the issue. He maintained that parking solutions were being worked on and recognized the importance of the problem. He said this project was going to help by providing cash flow, revealing that the post office site and the Abbott lot were both being considered. He asked Mr. Tinter regarding the turning radius from the alleyway to the north of the project site into the queuing area interior to the building, stressing that this had to allow for the anticipated vehicular movement.

Mr. Tinter said this had been looked at and discussed with the applicant's traffic engineer, who will ensure it is adequate. Furthermore, he addressed the parking question, indicating that all uses besides special events have adequate parking and meet the Town Code. He outlined that the school and the sanctuary already had sufficient parking. He explained that special events usually take place outside of peak retail hours, which call for more parking spaces. He said income was being generated from these spaces when it normally would not be generated.

Mayor Dietch pointed out that the current building is very close to the sidewalk. He expressed his appreciation for the softening of the wall abutting the sidewalk but posed a question on whether the applicant would be willing to move it back to create additional space.

Mr. Schapiro answered that the new building is set back, and Mayor Dietch asked if the current wall could be brought back even one foot.

Mr. Schapiro stated that this could not be done because the existing garage goes to the property line. He specified that if this was done, half of the existing parking would be lost.

Mayor Dietch voiced his appreciation for the answer.

Commissioner Olchyk inquired approximately how long the construction was going to take.

Mr. Schapiro responded that it would take about 22 months from start to finish.

Commissioner Olchyk asked if all the discussed requirements would be in place during that time.

Mr. Schapiro agreed that they would comply during construction as well.

Mayor Dietch mentioned that the Planning and Zoning Board requested providing an alternate egress out of the existing parking and stated that he had now learned this was counterintuitive because it would lead to losing more parking.

Vice Mayor Tourgeman made a motion to take a five-minute break, seconded by Mayor Dietch, and the meeting went into recess.

Mayor Dietch reconvened the session at 9:37 p.m. He asked Town Manager Crotty whether anything had been missed.

Town Manager Crotty responded that all the items had been addressed.

Stanley Price thanked the Commission for its attention to the matter.

Town Manager Crotty requested that Mr. Tinter make the necessary modifications to the resolution.

Mr. Tinter referred to items 22, 23, 37 and 38 in the resolution, pointing out corrections to be made.

Vice Mayor Tourgeman made a motion to approve the item.

Town Attorney Miller read the appropriate amendments to be noted before moving forward.

Mayor Dietch requested flexibility with the proposed 6-month time period to receive approval. He suggested adding a longer agreement between the applicant and the Town.

Mr. Price explained that this decision should be made between both the Shul and the Town.

Further comments were made on the subject, with Mr. Price commenting that they were tied to the undergrounding.

Town Attorney Miller continued to list the deletions to be made.

Mr. Price inquired regarding the extension of the 5-year to the 10-year.

Town Attorney Miller clarified that the wording was 10 years from resolution approval for undergrounding. She outlined further requirements for the applicant.

Mayor Dietch communicated that if tandem spaces were not habitually used by an attendant, the attendant may be required to attend whenever the synagogue was open.

Town Attorney Miller read the additional changes into the record.

Mayor Dietch remarked that if the undergrounding did not occur, the Shul could take the \$350 and apply it.

Town Attorney Miller went through each paragraph and its amendments.

Mayor Dietch articulated that preschool should be defined as age 5 or younger.

Mr. Price said some of the children were 6 by the end of the year. It was agreed upon to include a maximum age of 5 at time of enrollment.

Vice Mayor Tourgeman made a motion to approve the resolution as stated and amended. Commissioner Olchyk seconded the motion. Motion carried with a vote of 3-0, with Commissioner Cohen and Commissioner Karukin absent.

Mayor Dietch thanked the applicants for their efforts and identified their project as a great enhancement to the Town.

3. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 9:47 p.m.