

PLANNING & ZONING COMMISSION MEETING MINUTES  
MAY 16, 2022

Meeting Minutes of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, May 16, 2022, in the Town Hall Meeting Chambers.

**CALL TO ORDER**

The meeting was called to order at 8:00 a.m. by Chair Marsh.

**ROLL CALL**

Town Clerk Armstrong led the roll call, which was answered by the following:

Chair Mark Marsh	Present
Vice Chair Ric Carey	Absent
Member Neil Hennigan	Present
Member David Hutchins	Present
Member Penny Kosinski	Present
Alternate Member Roger Brinner	Absent
Alternate Member Robert Rodriguez	Absent

Vice Chair Carey was absent with notice.

Staff Present: Town Attorney Goddeau, Town Manager Stevens, Town Planner O’Gorman, Building Official Guy, Tara Bamber serving as Representative for the Town Engineer, and Town Clerk Armstrong.

**PLEDGE OF ALLEGIANCE**

Chair Marsh led the Pledge of Allegiance.

**PUBLIC COMMENT**

Chair Marsh called for public comment, and there was none.

**APPROVAL OF MINUTES**

**1. Approval of the Meeting Minutes of April 18, 2022**

Member Kosinski corrected that she would be absent in July and not in June.

**Member Kosinski moved to approve the minutes of April 18, 2022 as amended; seconded by Member Hutchins. Motion Carried 4-0.**

**DISCUSSION / ACTION ITEMS**

**2. Selection of Chair and Vice Chair**

Town Clerk Armstrong explained the procedure to vote for Chair and Vice Chair as per the Rules of Order and Procedure adopted by the Town Commission for advisory boards.

Chair Marsh asked if one can vote for themselves, and Town Clerk Armstrong stated that they can.

Member Kosinski asked if she could make a motion to select the Chair and Vice Chair to expedite the process. Town Clerk Armstrong notified that the Rules of Order and Procedure adopted by the Town Commission for the boards requires them to vote by ballot.

Chair Marsh called for public comment, and there was none.

Member Hennigan asked if Member Carey voiced any objection, and Town Clerk Armstrong notified that she hadn't received any.

Town Clerk Armstrong proceeded to hand out the ballots for Chair. All votes casted were to appoint Member Marsh as Chair.

Town Clerk Armstrong proceed to hand out the ballots for Vice Chair. All votes casted were to appoint Member Carey as Vice Chair.

**Member Kosinski moved to appoint Member Marsh as Chair and Member Carey as Vice Chair as shown on the ballots; seconded by Member Hutchins. Motion carried 4-0**

### **3. Discussion Regarding Flat Roofs**

Town Attorney Goddeau inquired if sheds less than 100 sq. ft. should be exempted from the architectural requirement for all elevations. There was a consensus to exempt sheds less than 100 sq. ft. from the requirement.

Furthermore, Town Attorney Goddeau asked for clarification on whether to remove all flat roof areas for pitch roofs. Chair Marsh and Member Hutchins agreed that flat roof areas should be allowed on pitched roofs. Chair Marsh stated that flat roof areas should be allowed but limited in access to it. Member Kosinski pointed out that she has a recreational area above the inhabitable first floor and asked if that would be considered a flat roof.

Member Hennigan asked if the flat roof could be restricted to above the first floor only. Chair Marsh concurred that any recreational area should only be allowed on the second floor. Town Attorney Goddeau explained the current code for flat roof areas. Building Official Guy stated that flat roof areas are needed for pitch roofs. Member Hennigan stated that a flat roof area could only be allowed above the first floor for architectural reasons. Depending on the lot size, 15-20% could be a substantial amount.

Chair Marsh asked Town Planner O'Gorman for advice on regulations from other municipalities. Town Planner O'Gorman noted that most municipalities do not differentiate between flat roofs and pitched roofs.

Member Hutchins asked for clarification on the definition of a flat roof. Building Official Guy stated that a flat roof still has a 1/4 pitch to it. Member Hutchins asked if the flat roof area would allow for a completely flat roof without any pitch. Building Official Guy and Chair Marsh stated that it would not be allowed.

Chair Marsh stated that both roof styles should be treated equally to avoid conflicts later. Member Hennigan concurred. Member Hutchins suggested to not have any recreational areas for either style of roof. Member Hennigan stated that recreational area could be allowed above the first floor. He further discussed the percentage for the flat roof area.

Chair Marsh voiced his concern for visual impacts on neighbors with a recreational deck on the second floor. He suggested that the recreational area only be allowed in the front or the rear or that

the Planning and Zoning Commission review the placement in their Development Plan Review process. The Commission discussed the possible ways to mitigate any visual and/or noise issues to neighbors. Town Attorney Goddeau stated that the Commission could add a setback to the flat roof area. Chair Marsh and Member Hennigan were not in favor of having a setback for the recreation area portion. Chair Marsh stated that language requiring screening elements, such as a wall, landscape, or another architectural element, may be needed. He added that the item should be reviewed on a case-by-case basis and not a blanket for all. Member Hennigan stated that the directive has changed to allow recreation area; however, that it will be limited to above the first floor only. Chair Marsh stated that the limitation will need to apply to both styles. Member Kosinski concurred with limiting a recreational area to above the first floor only. Chair Marsh concurred that the ordinance should be drafted to only allow it on the second floor, but that privacy issues would still need to be addressed.

Town Attorney Goddeau discussed the issues with allowing 20%. Member Hennigan concurred and noted that 20% of all roof structures would be a large amount of recreational space for some lots. Member Hutchins suggested only dealing with RSF homes at this time. Member Hennigan showed the average lot size in Ocean Ridge and how the percentage would impact them. The board continued to discuss the impacts of 15-20% recreational area. Building Official Guy suggested to the board to do a square footage maximum rather than a percentage. Chair Marsh stated that it could be a sliding scale depending on the lot size. The higher the lot size, the lower the percentage. Member Hennigan concurred. Chair Marsh instructed Town staff to work with Member Hennigan on the sliding scale.

Member Kosinski asked if the flat roof percentage is only for recreational or architectural purposes. Town Attorney Goddeau noted that the current Code allows for 15% of flat roof and the percentage increases to 20% if at least 5% is used for recreational purposes. Member Kosinski asked for a distinction between flat roof for architectural purposes and flat roof for recreational. There was consensus for staff to work with Member Hennigan on the sliding scale. Town Attorney Goddeau summarized their directives.

Member Hennigan noted that safety barriers would be needed for recreational use and access would be needed as well. Chair Marsh concurred. Member Kosinski asked for clarification on the difference between the proposed and the current codes. Chair Marsh responded that part of the issues had been addressed by limiting the recreational area to the second floor, but the size still needs to be addressed. Member Hennigan concurred.

Member Hutchins advised that the Town Commission asked for no recreational use on flat roofs. Chair Marsh stated that the codes need to be consistent for both roof styles. Member Hennigan stated that the board could say no recreational use regardless of style. Member Kosinski stated that she would not like to restrict it above the first floor.

Town Attorney Goddeau asked if the parapet height would change to be 36" if recreational use and Chair Marsh confirmed.

Town Attorney Goddeau confirmed the tie beam heights.

Chair Marsh called for public comment.

Carolyn Cassidy, 7 Hudson Avenue, asked for clarification on where the access would be allowed, to which Chair Marsh confirmed that access should be internal only. There was consensus that access should be internal only.

4. Ordinance Review: Administrative Variance Procedure for Grandfathered Structures

Town Attorney Goddeau introduced the item by noting the changes based on the directive to staff. Member Hutchins asked whether the Commission directed staff to increase the percentage. Chair Marsh stated that the percentage shouldn't be increased.

Member Hennigan explained that the calculation language is inaccurate. Also, the illustration should show what is not allowed. Chair Marsh and Member Kosinski noted that the illustration is correct. Member Hennigan asked for the illustration to include what is not permitted.

Chair Marsh called for public comment.

Martin Wiescholek, 5 Engle Drive and Town Commissioner, stated that his only issue was allowing the encroachment into different setbacks.

The board members and staff discussed ways to enhance the illustration.

**Member Kosinski moved to approve the draft ordinance with the mathematical correction and drawing enhancement; seconded by Member Hennigan. Motion carried 4-0.**

5. Discussion Regarding the Impacts of Enclosed Porches on Maximum Floor Area Ratio (FAR) Calculations

Member Hennigan introduced the item by noting the grey areas in the Code regarding porches and their impact on the Floor Area Ratio (FAR) calculations.

Chair Marsh stated that definitions need to be reviewed. He stated that all structures with a permanent roof are included in the FAR in other municipalities. Further, he asked that staff draft an ordinance to change the FAR calculation to ensure that anything with permanent roof is counted.

Town Manager Stevens stated that the board has dealt with open porches by conditioning the applicant never to enclose it; however, it is better the issue should be addressed rather than conditioning every time.

Chair Marsh asked Zoning Official Palacios for his input. Zoning Official Palacios stated that other municipalities count cover and uncovered areas towards the FAR.

Member Kosinski asked if this would address some of staff's concern, and Building Official Guy stated it would. Member Hutchins was in favor of changing the Code to address the issues.

Chair Marsh called for public comment.

Terry Brown, Harbour Drive South, explained that there is a movement to increase the FAR to 40%, which has been unsuccessful in the past. He stated that defining items may be suitable. He further cautioned the board on how to approach this item.

Member Hennigan agreed that any changes made will have an impact. He stated that we have allowed items to be left out of the calculations. He discussed how architecture has changed, and how it's a pertinent discussion at this time.

Chair Marsh stated that the item should be simple and consistent.

**Chair Marsh moved to review the definition of a hard roof and open structure to require that any structures that fit into the definition are added to the calculation of the FAR; seconded by Member Hutchins. 4-0.**

#### 6. Review of Development Plan Review Calculations

Town Manager Stevens introduced the item and Zoning Official Palacios to explain he forms his calculation.

Zoning Official Palacios explained the way he does his calculations. He noted that his calculations are done by hand and not by computer. Town Manager Stevens noted that Zoning Official's calculations added to 100% while the applicants did not.

Member Hennigan noted that architects' calculations differ vastly from what staff gets. Zoning Official Palacios stated that architects may include items that should not be included per Code. Chair Marsh noted that trust should be with staff and that most municipalities use blue-beam to review applicants' calculations.

Town Clerk Armstrong noted that staff would meet with architects if their calculation and staff calculation vastly differ.

Member Kosinski noted that the way of calculating will change if the definition of FAR changes.

#### **COMMISSIONER COMMENTS**

Chair Marsh thanked former Alternate Member Flanagan for her service and welcomed Alternate Member Rodriguez.

Town Clerk Armstrong asked about who the liaison for the June's Town Commission meeting would be. Chair Marsh stated he would be the backup if Vice Chair Carey could not attend.

Terry Brown, Harbour Drive South, noted that there are exotics that need to be removed on Whitney Way and asked whose responsibility would it be to remove them. Town Planner O'Gorman stated the code has grey areas because it does not address the existing landscape. Building Official Guy noted that staff does not have experience, so he wants to contract an arborist.

#### **ADJOURNMENT**

Meeting adjourned at 9:37 a.m.

PLANNING & ZONING COMMISSION MEETING HELD MAY 16, 2022

Minutes prepared by Town Clerk Armstrong and adopted by the Planning & Zoning Commission on June 21, 2022.

  
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Mark Marsh, Chair

Attest:

  
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Karla Armstrong, Town Clerk

