

Special Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, November 13, 2006 in the Town Hall Meeting Chambers.

The meeting was called to order at 8:00 AM by Chair Bruce Gimmy and roll call was answered by the following:

James Bonfiglio	Gerald Goray
Ward Northrup	Mauro Walker
Chairman Bruce Gimmy	

It was noted that both alternates, Mark Marsh and Dr. Richard Bajakian, were also present.

III. APPROVAL OF MAY 15, 2006 MINUTES

Mr. Northrup moved to adopt the May 15, 2006 minutes, seconded by Mr. Goray.

Motion carried – yea (5).

There was a consensus to switch Items IV and V.

V. DISCUSS PROPOSED BOARDWALK TO THE INTRACOASTAL BEHIND TOWN HALL TO BE COMPLETED BY PALM BEACH COUNTY

Town Manager Schenck commented that the Dept. of Environmental Resources Management (DERM) with Palm Beach County was planning on placing boulder riprap along the shoreline in front of the mangroves along both sides of the ICWW north of the Ocean Ave. bridge. This is being completed in an effort to protect the mangroves that are being damaged and harmed due to wind and boat wake energy. He referred to a drawing and added that they would like to construct a boardwalk through the mangroves to a fishing platform on the ICWW at the same time. He commented that there may be a question whether this project would conflict with the Spanish Bay proposed new channel and boat ramp.

Rich Walesky, Director, and Carmen Vera, both with DERM, reiterated the comments by the Town Manager and commented that they were not aware of the proposed channel for Spanish Bay but was skeptical that it could be accomplished. Mr. Walesky commented that they planned to complete the riprap work regardless on whether the boardwalk is constructed. He added that the riprap would be visible to boaters as it would be at the waters edge. He stated their goal is to protect and stabilize the existing mangroves from further erosion and they did not plan to restore any of the harmed mangroves at this time. He stated that the proposed boardwalk would traverse through the mangroves and lead to a simple observation area or fishing dock.

Mr. Bonfiglio questioned whether providing signage for boaters would assist with the problem. Mr. Walesky commented that they attempted to control the speed in this area

through manatee signs because the Dept. of Environmental Protection and Army Corp. of Engineers monitors the area and advise that this area does not warrant a reduced speed limit. He stated that since it would be a County funded project it would be necessary to provide a few (2-3) designated parking spaces for the public and possible signage by the road. He added however, that the sign for the Corrine St. property was not located at the street but further back by the boardwalk and stated that this could probably be depicted in the same manner.

Mr. Northrup stated that he was concerned with opening up parking at the Town Hall and individuals walking in the rear of the complex.

Mr. Marsh commented that he was involved with the Spanish Bay project and one of their concerns was the stagnant water in the bay area and would this project improve or hinder the flushing in the area. Town Clerk Hancsak mentioned that during the Spanish Bay site plan approval their representatives advised that they had conversations with DEP and other various agencies regarding the new channel and they were supposedly receptive to the idea but it would take further study and complex permitting. Mr. Bonfiglio again stated his concern that this approval may conflict with the other project. Mr. Walesky again stated that he did not feel Spanish Bay would obtain approval for the boat ramp or the channel.

Mr. Goray questioned if the riprap is already approved and funded. Mr. Walesky advised that if the mangrove and marine habitat protection has been approved and they would seek additional funds possibly utilizing recreational funds from Commissioner McCarty for the boardwalk or the Florida Inland Navigation District (FIND) may possibly fund it. He added that it may take approximately 2 years to complete the entire project considering the permitting issues.

Town Manager Schenck and Chief Hillery stated that the staff would have to address the issue of the public possibly have close access to the garage or the rest of the facility because at this present time there is no reason for the public to be on the grounds for other than town business. Chief Hillery commented that he was more concerned with the nighttime hours to which Mr. Walesky stated that the boardwalk could be gated with a key for the police department. Chief Hillery also expressed concern that the boardwalk would be wide enough for an ATV to travel on for safety and waste removal reasons. Mr. Walesky commented that the trash receptacle could also be placed at the beginning of the boardwalk. Mr. Northrup questioned Chief Hillery if he would want public pedestrian traffic wandering the grounds to which he advised preferably not because of Homeland Security.

Mr. Bonfiglio moved to recommend approval of the project as submitted conditional upon returning to both the P & Z and Town Commission for ultimate approval of parking and signage for a proposed 8' wide boardwalk. Mr. Walker seconded the motion.

Motion carried – Yea 3 (Gimmy, Bonfiglio, Walker)
Nay 2 (Northrup, Goray)

IV. DISCUSS REQUIRING FENCING AROUND POOLS BUILT PRIOR TO MARCH 1994

Town Clerk Hancsak summarized the memorandum prepared by the Town Manager which stated that a concern was brought before the Town Commission regarding a no fencing requirement for pools built prior to 1994 and a question was raised whether the code should be amended to include all pools. She added that the Commission was provided with copies of the original ordinance (471) and the one that later repealed the retroactive portion for pools built prior to 1994 (475).

Mr. Bonfiglio, Mr. Goray and Mr. Northrup all disclosed that they currently have pools that are not fenced.

Mr. Northrup commented that he has researched other areas including Miami and Tampa and stated the question is actually more complicated than just requiring fencing. He added that the question is actually whether to block access to pools.

Mr. Marsh stated that *barrier* is the key word. He advised that the Town permits a 4' high permanent barrier, as part of the regulations but they now also include a child proof barrier drilled into the coping of the pool or an audible device for every door access to the pool. He stated that if the fence is instituted then the additional elements will probably be imposed. He added that he understood the intent was to create a barrier around the property; however, the Town should be careful not to impose additional restrictions it may not want. Mr. Walker questioned if the Town would be required to conform to all of the Florida Building Code Regulations.

Mr. Goray questioned how far the Town wanted to go with the regulations considering that the ICWW and canals also provide water exposure. He added that it may be difficult to approve a partial requirement. Town Manager Schenck commented that municipalities may impose stricter codes but not less than the Florida Building Code.

Chairman Gimmy commented that the original intent of Ordinance 471 was for safety but he felt it was repealed for monetary reasons. He stated his concern was for public safety and to eliminate tragedies. Mr. Walker agreed.

Dr. Bajakian questioned the Town's culpability and liability by not requiring barriers.

Mr. Bonfiglio moved to direct the Town Attorney to research other municipalities pool requirements as it relates to existing or grandfathered pools, whether the town is required to make the barrier requirements retroactive, and whether the town could impose a lesser restriction of erecting a fence only around the perimeter of the property for pools built prior to March 1994 or must they comply with the Florida Building Code fully to be provided within one month. Mr. Walker seconded the motion.

Motion carried – Yea (5)

PLANNING & ZONING COMMISSION MEETING HELD NOV. 13, 2006

VI. ADJOURNMENT

The meeting was adjourned at approximately 9:20 AM

Chairman Gimmy

Attest:

Town Clerk