

TOWN OF PALM BEACH

Office of the Town Clerk

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, JANUARY 11, 2012

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, January 11, 2012 at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Owens gave the invocation. Council President Rosow led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER - None

V. COMMUNICATIONS FROM CITIZENS

Bob Rodenberg, 312 Monroe Drive, West Palm Beach, spoke regarding the Poinciana Playhouse.

Patrick Flynn, President of the Palm Beach Theater Guild, spoke regarding the Poinciana Playhouse.

Leslie Evans, 214 Brazilian Avenue, spoke in opposition to the issuance of parking permits to park a car in front of 330 S. County Road for construction work. He also stated that he owns buildings on Royal Poinciana Way, and has had a problem with taxi cabs waiting in line in front of his stores.

The Council directed Staff to provide an update on the implementation status of the recent taxi cab ordinance.

Council also directed Staff to follow up on the construction parking permit issued for 330 S. County Rd., and to determine if it is being used for approved construction activities.

1 **VI. APPROVAL OF AGENDA**

2
3 The following changes were made to the Agenda:

4
5 **DEFERRED:** Item IX.C.2.d., Variance #3-2012.

6
7 **Motion was made by Council Member Diamond and seconded by Council Member Pucillo**
8 **to approve deferral of Variance #3-2012 to the March 14, 2012 Town Council meeting. On**
9 **roll call, the motion carried unanimously.**

10
11 **DEFERRED:** Items VIII.B.1., Ordinance No. 29-2011, and VIII.B.2., Ordinance No.
12 30-2011.

13
14 **Motion was made by Council Member Kleid and seconded by Council Member Pucillo to**
15 **approve deferral of Ordinance Nos. 29-2011 and 30-2011 to the February 15, 2012 Town**
16 **Council meeting. On roll call, the motion carried 4-1, with Council Member Diamond**
17 **dissenting.**

18
19 **Motion was made by Council Member Kleid and seconded by Council Member Diamond**
20 **to approve the Agenda, as amended. On roll call, the motion carried unanimously.**

21
22 **VII. PUBLIC HEARINGS**

23
24 Town Clerk Owens administered the oath to all those who would be providing testimony.

25
26 A. **RESOLUTION NO. 11-2012** A Resolution of the Town Council of the Town of
27 Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the
28 Determination of the Landmarks Preservation Commission that the Property
29 Known as the 400 South Ocean Boulevard Condominium, in its entirety, Meets
30 the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article
31 IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said
32 Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84,
33 Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of
34 Palm Beach.

35
36 No ex-parte communication was declared.

37
38 Historical Preservation Consultant Day provided an overview of the Designation
39 Report.

40
41 **Motion was made by Council Member Diamond and seconded by Council Member Pucillo**
42 **that the Designation Report of the property known as the 400 South Ocean Boulevard**
43 **Condominium be made a part of the record. On roll call, the motion carried unanimously.**

44
45 **Motion was made by Council Member Pucillo and seconded by Council Member Diamond**
46 **that Resolution No. 11-2012 be adopted and designating the property at the 400 South**

Ocean Boulevard Condominium as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and the Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

B. RESOLUTION NO. 12-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 330 Island Road Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Town Clerk Owens administered the oath to those who had not already been sworn in and would be providing testimony.

No ex-parte communication was declared.

Historical Preservation Consultant Day provided an overview of the Designation Report.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo that the Designation Report of the property known as 330 Island Road be made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Diamond and seconded by Council Member Pucillo that Resolution No. 12-2012 be adopted and designating the property at 330 Island Road as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and the Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

C. RESOLUTION NO. 13-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 100 El Bravo Way Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

The following ex-parte communications were declared: Council Member Kleid spoke with the attorneys, who advocated the position of their client. Mayor Coniglio, President Rosow, and Council Member Diamond spoke with Attorney Brindell, who advocated the position of his client. Mayor Coniglio also spoke

1 with members of the Landmarks Preservation Commission.

2
3 Historical Preservation Consultant Day provided an overview of the Designation
4 Report.

5
6 Attorney Brian Seymour, Gunster Law Firm, on behalf of Mr. and Mrs. Tropins,
7 provided an overview of their opposition to the landmarking of their property.

8
9 Dr. John Garner, Urbana, Illinois, speaking on behalf of the property owners,
10 provided his credentials for the record, and made a presentation regarding the
11 significant changes that have been made to the property over the years.

12
13 **Motion was made by Council Member Kleid and seconded by Council Member Diamond**
14 **that the Designation Report of the property known as 100 El Bravo Way be made a part of**
15 **the record. On roll call, the motion carried unanimously.**

16
17 Bill Strawbridge, 223 Atlantic Avenue, provided his credentials for the record,
18 and spoke in opposition to designating this property as a landmark.

19
20 Deborah Robinson, 217 Clarke Avenue, stated that if it was decided to not
21 landmark this property, perhaps the Tropins could come to some type of
22 agreement with the Town to maintain the original features.

23
24 **Motion was made by Council Member Diamond that Resolution No. 13-2012, ratifying and**
25 **confirming the determination of the Landmarks Preservation Commission that the**
26 **property known as 100 El Bravo Way meets the criteria set forth in Ordinance No. 2-84,**
27 **also known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm**
28 **Beach, and designating said property as a Town of Palm Beach landmark pursuant to**
29 **Ordinance No. 2-84, also known as Chapter 54, Article IV of the Code of Ordinances of the**
30 **Town of Palm Beach. Motion died for lack of a second.**

31
32 **Motion was made by Council Member Kleid and seconded by Council President Rosow to**
33 **landmark the original location of the doorway, as it stands now, and the cast stone column**
34 **features between the original windows on the north façade of 100 El Bravo Way, and to**
35 **further recommend that all the future changes go to the Landmarks Preservation**
36 **Commission, and that the rest of the house could be demolished. The motion failed 2-3,**
37 **with Council President Pro Tem Wildrick, and Council Members Diamond and Pucillo**
38 **dissenting.**

39
40 **Motion was made by Council Member Pucillo and seconded by Council President Pro Tem**
41 **Wildrick to reject Resolution No. 13-2012, and to not designate 100 El Bravo Way as a**
42 **landmark. On roll call, the motion carried 4-1, with Council Member Diamond dissenting.**

43
44 **Motion made by Council President Pro Tem Wildrick and seconded by Council Member**
45 **Diamond to approve a statement of intent that, unless good reason could be shown, owners**
46 **shall be required to be present at the time their application is heard by the Council. On**

roll call, the motion carried unanimously.

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 31-2011 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Sections 134-1472 And 134-1473 By Referencing Chapter 66 For The Requirement Of Removal Of Pest Plants And Eliminating The Removal Deadline Date In The Beach Area Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

Motion was made by Council Member Diamond and seconded by Council Member Kleid to adopt Ordinance No. 31-2011, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 29-2011 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On July 13, 2011, With The Adoption Of Ordinance Nos. 1-11 And 3-11, By Amending The Future Land Use Element And Amending Policy 2.3.3 To Provide For The Creation Of An Overlay Area Within The C-Ts Zoning District Within The Area Bounded By The East Right Of Way Line Of Bradley Place To The West, The South Right Of Way Line Of Sunset Avenue To The North, The West Right Of Way Line Of North County Road To The East And The North Right Of Way Line Of Royal Poinciana Way To The South; Further Amending Policy 2.3.3 To Provide Increases In Height From Three (3) Stories To A Maximum Of Four (4) Stories, Change In Density From Six (6) Units Per Palm Beach Acre To A Maximum Of Twenty-Four (24) Units Per Palm Beach Acre And Change In Lot Coverage From Seventy-Five Percent (75%) To Eighty-Five Percent (85%) On The First Floor, Sixty-Five Percent (65%) On The Second Floor, Fifty Percent (50%) On The Third Floor And Forty Percent (40%) On The Fourth Floor Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date. [John Page, Director of Planning, Zoning, and Building]

Deferred from the December 14, 2011, Town Council Meeting.

TIME CERTAIN: 10:00 AM - *Deferred to the February 15, 2012*

Town Council meeting.

2. ORDINANCE NO. 30-2011 An Ordinance Of The Town Council Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article VI, District Regulations, Division 8 By Creating Section 134-1121 Royal Poinciana Village Overlay Area ("RPVOA") Within A Portion Of The Commercial Town-Serving Zoning District Bounded By The East Right-Of-Way Line Of Bradley Place To The West, The South Right-Of-Way Line Of Sunset Avenue To The North, The West Right-Of-Way Line Of North County Road To The East And The North Right-Of-Way Line Of Royal Poinciana Way To The South, Which Allows For The Use Of The Following Zoning Code Provisions If Eligibility And Threshold Criteria In The RPVOA, As Provided For In This Ordinance, Are Met: Provision Of A "Purpose" Section; Provision Of RPVOA Permitted Uses, Special Exception Uses, Prohibited Uses And Accessory Uses; Provision For Accessory Structures; Varied Lot, Yard And Bulk Requirements As Follows: Increased Minimum Lot Size From Four Thousand (4,000) Square Feet To Forty Thousand (40,000) Square Feet; Increased Minimum Lot Depth And Lot Width Based On The Through Lot Requirement For The RPVOA; Increased Residential Density From Six (6) Dwelling Units To A Maximum Of Twenty-Four (24) Dwelling Units Per Palm Beach Acre; A Residential Component Of Not Less Than Twenty-Five (25) Percent Of The Total Development; Increased Number Of Stories From A Maximum Of Two (2) Stories To A Maximum Of Four (4) Stories; Increased Lot Coverage From Seventy (70) Percent To Almost One-Hundred (100) Percent In The Sub-Basement, Eighty-Five (85) Percent On The First Floor, Sixty-Five (65) Percent On The Second Floor, Fifty (50) Percent On The Third Floor And Forty (40) Percent On The Fourth Floor; Increased Height From A Maximum Of Twenty-Five (25) Feet To Fifty (50) Feet By Special Exception; Increased Overall Height From Thirty-Five (35) Feet To Sixty (60) Feet; A Two (2) Foot Front Setback For A Sub-Basement And Differing Building Setback Requirements For Taller Buildings; Decreased Landscape Open Space From A Minimum Of Twenty-Five (25) Percent To Ten (10) Percent; Increased Building Length From A Maximum Of One Hundred Fifty (150) Feet To Three Hundred (300) Feet; Providing A Sunset Provision For The Overlay Regulations; Providing The Elimination Of The Maximum Floor Area Requirement; Providing A Sunset Provision For The Overlay Regulation; Providing A Site Plan Review Process; Creating New Definitions For The RPVOA; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

[John Page, Director of Planning, Zoning, and Building]

Deferred from the December 14, 2011, Town Council Meeting.

TIME CERTAIN: 10:00 AM - Deferred to the February 15, 2012

Town Council meeting.

IX. DEVELOPMENT REVIEWS

- A. Appeals - None
- B. Time Extensions & Waivers - None
- C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **MODIFIED SPECIAL EXCEPTION #34-2011** The application of Buccan (Piper Quinn); relative to property commonly known as **350 South County Road**; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Play Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a Special Exception to expand a 6,333 square foot/177 seat restaurant into 845 square feet of adjacent space in the Bustani Building along Australian Avenue. There will be access from the restaurant to the new space which will be used for the restaurant's office and storage. The total square footage of the restaurant and proposed expansion will be 7,178 square feet. The restaurant will continue to have the same number of seats and will follow the applicable conditions of the existing restaurants' approval. [Attorney: Maura A. Ziska]

Deferred from the December 14, 2011, Town Council Meeting.

The following ex-parte communications were declared: Council Members Pucillo, Kleid, and Diamond, and Council President Rosow spoke with Attorney Ziska, who advocated the position of her client. Council President Rosow and Council President Pro Tem Wildrick spoke with Buccan's owner, Piper Quinn.

Attorney Ziska, on behalf of Buccan Restaurant, provided an overview the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Jean Ellen, 232 Australian Avenue, expressed her concerns regarding the parking problems generated by the restaurant.

Motion was made by Council Member Diamond and seconded by Council Member Kleid that Modified Special Exception #34-2011 shall be granted based upon the finding that

such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to the condition that panic hardware be installed on the office entrance door on Australian Avenue, and that the only access point to the office be through the restaurant. On roll call, the motion carried unanimously.

- b. **SPECIAL EXCEPTION #36-2011 WITH VARIANCES** The application of Café Via Flora; relative to property commonly known as **240 Worth Avenue, Suite 3**; described as Lots 5 through 16 in Block 18, of ROYAL PARK ADDITION, TOWN OF PALM BEACH, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach, Florida, in Plat Book 4, Page 1; located in the C-WA Zoning District. The applicant requests a Special Exception use to convert a specialty food establishment with “take-out only” into a restaurant with full service dining that will have a total of 72 seats; a request for special exception to have 56 outdoor seats in the via. Variances are requested to have zero (0) off-street parking spaces in lieu of the 24 parking spaces that are required for the proposed restaurant seating and to have outdoor seating which exceeds the inside capacity of the building. [Attorney: Maura A. Ziska]
Deferred from the December 14, 2011, Town Council Meeting.

The following ex-parte communications were declared: Council Members Pucillo, Kleid, and Diamond, Council President Rosow, and Council President Pro Tem Wildrick spoke with Attorney Ziska, who advocated the position of her client. Mayor Coniglio spoke with a resident about the property. Council President Rosow, Council President Pro Tem Wildrick, and Council Member Diamond spoke with residents and patrons of the restaurant, who advocated their positions.

Attorney Ziska, on behalf of Café Via Flora, provided an overview of the applicant’s request.

Zoning Administrator Castro provided Staff’s comments.

Wymant Vanderpoel, 6 Golfview Road, on behalf of 11 of the 14 members of the Golfview Road Association, spoke in opposition of the project.

Bruce Bent, 17 Golfview Road, spoke in opposition of the project.

Bert Handelsman, 250 Worth Avenue, spoke in support of the project.

Mahnaz Whelton, 12 Golfview Road, spoke in opposition of the project.

Dr. John Whelton, 12 Golfview Road, spoke in opposition of the project.

Sherry Frankel, President of the Worth Avenue Association, and a merchant in the Gucci Courtyard, spoke in favor of the project.

Motion was made by Council Member Pucillo and seconded by Council President Pro Tem Wildrick that Special Exception #36-2011 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to execution of a Declaration of Use Agreement containing the following stipulations:

- There shall be no changes to the kitchen;
- There shall be no outside music;
- The business shall be allowed to open at 10:00 a.m., and the last order, including alcohol, shall be taken by 9:00 p.m.;
- Seating shall be limited to 50 seats, of which 12 seats shall be left unset and available to the public;
- No tables will be set during lunch hours;
- There shall be no loitering around the back door, and it is to be shut at all times; and
- No deliveries in the alley.

This Special Exception is being approved only for this tenant, and for a trial period of six months, at which time the Council will review the business's effects on the surrounding area. On roll call, the motion carried 4-1, with Council Member Diamond dissenting.

Motion was made by Council Member Kleid and seconded by Council President Rosow that the variances related to Special Exception #36-2011 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. This variance is being approved only for this tenant, and for a trial period of six months. On roll call, the motion carried 3-2, with Council Members Diamond and Pucillo dissenting.

Council noted its preference that the owner provides valet parking or obtains leased parking.

2. New Business

- a. **SPECIAL EXCEPTION #1-2012 WITH SITE PLAN REVIEW** The application of 221 El Vedado, LLC; relative to property commonly known as **221 El Vedado Road**; described as lengthy legal description on file; located in the R-A Zoning

District. The applicant requests a Special Exception with Site Plan Review to permit construction of a two-story, single family residence containing approximately 6,690 square feet on an unplatted lot which is 100 feet wide, in lieu of the 125 foot minimum required and a lot area of 16,000 square feet in lieu of the minimum 20,000 square feet required.

[Attorney: Maura A. Ziska]

Zoning Administrator Castro corrected the record by stating that the attorney for this item is Tim Hanlon, not Maura Ziska, as is indicated on the agenda.

The following ex-parte communications were declared: Council Members Kleid and Diamond, and Council President Rosow spoke with Attorney Hanlon, who advocated the position of his client.

Attorney Hanlon, on behalf of 221 El Vedado, LLC, provided an overview of the project.

Zoning Administrator Castro provided Staff's comments.

Jere Zenko, 232 Tangier Avenue, spoke in opposition of the project.

Motion was made by Council Member Kleid and seconded by Council Member Pucillo that Special Exception #1-2012 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and that the site plan review related to Special Exception #1-2012 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

- b. **VARIANCE #1-2012** The application of Bryson & Cynthia Cook; relative to property commonly known as **131 E. Inlet Drive**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a variance to allow a sliding driveway gate with a ten (10) foot setback from the edge of pavement in lieu of the eighteen (18) foot minimum required.
[Attorney: Maura A. Ziska]

The following ex-parte communications were declared: Council Members Pucillo, Kleid, and Diamond, Council President Rosow, and Council President Pro Tem Wildrick spoke with Attorney Ziska, who advocated the position of her client.

1 Attorney Ziska, on behalf of Bryson & Cynthia Cook, provided an
2 overview of the applicant's request.

3
4 Zoning Administrator Castro provided Staff's comments.

5
6 **Motion was made by Council Member Diamond and seconded by Council President Pro**
7 **Tem Wildrick that Variance #1-2012 be granted and find, in support thereof, that all of the**
8 **criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7**
9 **have been met. On roll call, the motion carried unanimously.**

- 10
11 c. **VARIANCE #2-2012** The application of 456 WA, LLC (Larry
12 Keller, Manager); relative to property commonly known as **456**
13 **Worth Avenue**; described as lengthy legal description on file;
14 located in the R-B Zoning District. The applicant requests a
15 variance to allow construction of a 567 square foot two story
16 loggia addition and a 576 square foot one story garage and
17 demolition of 2,615.2 square feet of existing structures that will
18 result in a cubic content ratio (CCR) of 4.36 in lieu of the 5.11
19 existing and the 3.90 maximum allowed in the R-B Zoning
20 District. [Attorney: Maura A. Ziska]
21 [Landmarks Preservation Commission Recommendation:
22 Implementation of the proposed variance will not cause negative
23 architectural impacts to the subject landmark property. Carried 6-
24 0.]

25
26 The following ex-parte communications were declared: Council
27 Members Pucillo, Kleid, and Diamond, and Council President
28 Rosow spoke with Attorney Ziska, who advocated the position of
29 her client.

30
31 Attorney Ziska, on behalf of 456 WA, LLC, provided an overview
32 of the applicant's request.

33
34 Zoning Administrator Castro provided Staff's comments.

35
36 **Motion was made by Council Member Diamond and seconded by Council Member Pucillo**
37 **that Variance #2-2012 be granted and find, in support thereof, that all of the criteria**
38 **applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been**
39 **met. On roll call, the motion carried unanimously.**

- 40
41 d. **VARIANCE #3-2012** The application of Anand and Neeta
42 Khubani; relative to property commonly known as **108 El**
43 **Mirasol**; described as Lots 7 and 8, EL MIRASOL, according to
44 the plat thereof, recorded in Plat Book 28, Page 60, of the Public
45 Records of Palm Beach County, Florida; located in the R-B Zoning
46 District. The applicant proposes to build a 17,655 square foot, two

story house on a 44,360 square foot lot and requests Variances to: allow a front yard setback for a one story portion of the proposed residence to be 26.6 feet in lieu of the 35 foot minimum required for an R-B lot in excess of 20,000 square feet and with a lot depth of 160 feet; to allow a front yard setback/building height plane setback for the proposed stair tower to be 38.75 feet in lieu of the 48.8 foot minimum required; to allow a front yard setback/building height plane setback for the front entry feature to be 39.1 feet in lieu of the 44 foot minimum required; and, to allow the minimum perimeter landscape area to be 7,256.35 square feet in lieu of the 9,981.1 square foot minimum required to meet the 50% of the 45% in the code for the perimeter of a lot in the R-B Zoning District.

[Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the front yard setback/building height plane setback variances will cause negative impacts to the subject property. Implementation of the perimeter landscape open space variance will not cause negative impacts to the subject property. Both Carried 7-0.]

Request for Deferral to the February 15, 2012, Town Council Meeting Per Letter Dated December 19, 2011, from Maura A. Ziska. - Deferred to the March 14, 2012 Town Council meeting.

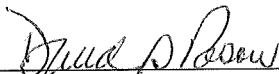
D. Other - None

X. **ANY OTHER MATTERS** - None

XI. **ADJOURNMENT**

There being no further business, the January 11, 2012 Town Council meeting was adjourned at 1:51 p.m.

APPROVED:


David A. Rosow
Town Council President

ATTEST:


Susan A. Owens, MMC
Town Clerk