

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JULY 28, 2021

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Mr. Small called the meeting to order at 9:00 a.m.

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT (arrived at 9:04 a.m.)
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Richard F. Sammons, Alternate Member	PRESENT via Zoom

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James G. Murphy, Assistant Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Sarah Pardue, Planner II
Kelly Churney, Secretary to the Architectural Review Commission
John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Small stated for anyone attending the meeting in person, a mask was required due to the current upsurge of COVID. Mr. Small thanked staff for their assistance in setting up

the meeting. Mr. Small continued with procedural information and comments regarding the upcoming meeting. Mr. Small discussed an article in the Wall Street Journal that highlighted the beautiful architecture in Palm Beach.

V. **APPROVAL OF THE MINUTES FROM THE JUNE 23, 2021 MEETING**

Motion made by Mr. Corey and seconded by Mr. Ives to approve the minutes from the June 23, 2021 meeting as amended. Motion carried unanimously, 7-0.

VI. **APPROVAL OF THE AGENDA**

Mr. Small announced the following changes to the agenda:

Deferral of B-019-2021, 101 Nightingale Trail to the August 25, 2021 meeting
Deferral of B-024-2021, 240 Mockingbird Trail to the August 25, 2021 meeting
Deferral of B-031-2021, 130 Algoma Rd to the September 29, 2021 meeting
Deferral of B-034-2021, 905 N. Ocean Blvd to the August 25, 2021 meeting
Deferral of B-039-2021, 200 Bahama Lane to the August 25, 2021 meeting
Deferral of B-050-2021, 334 Chilean Avenue to the August 25, 2021 meeting
Deferral of B-053-2021, 8 Windsor Ct. to the August 25, 2021 meeting
Deferral of B-058-2021, 1020 N. Lake Way to the August 25, 2021 meeting
Deferral of B-062-2021, 215 Via Tortuga to the August 25, 2021 meeting
Deferral of B-068-2021, 267 Dunbar Rd. to the August 25, 2021 meeting
Deferral of B-074-2021, 246 Eden Road to the August 25, 2021 meeting
Deferral of A-064-2021, 3140 S. Ocean Blvd. to the August 25, 2021 meeting
Withdrawal of A-020-2021, 150 Worth Avenue
Deferral of the Clarification Hearing of 1045 S. Ocean Blvd. to the August 25, 2021 meeting

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the agenda as amended. Motion carried unanimously, 7-0.

VII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

1. **A-078-2021 Modifications**

Address: 389 S. Lake Drive, 1-D

Applicant: Dinah Fulton

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: Replace first floor screened enclosure with glass enclosure.

2. **A-080-2021 Modifications**

Address: 262 Park Ave.

Applicant: Automotive Management & Consulting, LLC (Patricia Dean, Member)

Professional: Campany Roofing

Project Description: Remove existing shake roof tile and replace with new .032 aluminum, 1.75" snap lock, 18" standing seam metal panel with Kynar Finish.

3. A-082-2021 Modifications
Address: 221 Ocean Terrace
Applicant: James & Elizabeth Bonner
Professional: Dustin Mizell/Environment Design Group
Project Description: Existing wood fence, gate, dry stack wall, front entry path, and steps to be demolished and replaced with new entry steps, path and low retaining wall. Existing pool deck to be removed and replaced with lawn. Associate landscape improvements.
4. A-083-2021 Modifications
Address: 223 Queens Lane
Applicant: Jason Paterniti and Nicole Watson
Professional: Dustin Mizell/Environment Design Group
Project Description: Modifications to previously approved hardscape. Associated landscape improvements.
5. A-088-2021 Landscape/Hardscape
Address: 1255 N. Lake Way
Applicant: Elizabeth Lange
Professional: Mario Nievera/Nievera Williams Design
Project Description: Front yard landscape removals and new landscape layout. Existing driveway and entry paving to remain.
6. A-092-2021 Modifications
Address: 150 El Vedado Rd.
Applicant: 150 El Vedado Rd LLC (Thomas DelBosco)
Professional: LaBerge & Menard, Inc.
Project Description: Remove garage door on west elevation, add new impact rated French doors to match existing. Modify windows on South elevation, change one window to a door.
7. A-094-2021 Modifications
Address: 161 E. Inlet Drive
Applicant: Richard H. Bauer
Professional: Kyle Fant/Bartholemew + Partners
Project Description: Single family residence like for like window and garage door placement. Updated garage door design and material. Select windows to have new muntins and decorative shutters. Paint color to be updated.
8. ARC-21-018 Modifications
Address: 615 N. County Road
Applicant: Lewis and Alice Sanders
Professional: Jeffery Smith/Smith Architectural Group
Project Description: Updated details for the scrollwork at the entry and service gates from the previously approved entry and service gates. Entry gate has been

reduced in height from 17'-6" to 15'-1 ¼" and the service gates has been reduced from 8'-2 ¼" to 7'-7".

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to approve the consent agenda as presented. Motion carried unanimously, 7-0.

B. DEMOLITIONS AND TIME EXTENSIONS

1. B-066-2021 Demolition

Address: 411 Brazilian Avenue

Applicant: Holy Union PB LTD (Sean Sheridan)

Professional: SKA Architect + Planner

Project Description: Demolition of existing structure.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Clavijo agreed to the easement.

Daniel Clavijo, SKA Architect + Planner, presented the architectural plans proposed for the demolition of the existing structure.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the demolition.

Mr. Small requested confirmation that the professionals would install a screen or leave the landscape around the border of the property. Mr. Williams confirmed this statement.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Ives inquired if the owner considered requesting a Historically Significant Building designation for this property. Mr. Clavijo responded.

Mr. Corey was in favor of the landscape plan.

Ms. Shiverick argued that this home was in fair condition, not poor condition as stated in the report. Mr. Clavijo responded.

Mr. Floersheimer inquired about the plan for the Ficus on the borders. Mr. Williams stated that the Ficus would remain during construction.

Please note: Ms. Grace left the room at 9:15 a.m. Ms. Catlin voted her in absence.

Motion made by Mr. Corey and seconded by Mr. Ives that the proposed demolition of 411 Brazilian Avenue has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with the condition to sod and irrigate the property within 30 days and adhere to the Town's screening requirements. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

2. B-067-2021 Demolition

Address: 253 El Pueblo Way

Applicant: 253 El Pueblo Way LLC (Peter Wittich, Manager)

Professional: MHK Architecture & Planning

Project Description: Demolition of existing house, hardscape, pool, and select landscape material. Perimeter landscape material to remain. Sod, irrigation and screening as required.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Forrest agreed to the easement.

Caroline Forrest, MHK Architecture & Planning, presented the architectural plans proposed for the demolition of the existing structures, landscape and hardscape.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comments. Mr. Murphy discussed Mr. Sammons' prior involvement with the project and after discussion with Town Attorney Randolph, he recommended that Mr. Sammons recuse himself from the project.

At this time, Mr. Sammons declared a conflict of interest with this project and recused himself from this project.

Mr. Ives discussed the Historically Significant Building designation option and wondered if the owner would be interested. Ms. Forrest responded.

Ms. Shiverick thought the existing home was charming and was sorry to see it demolished. She thought the home appeared in good condition. She hoped the replacement home would be just as charming.

Mr. Corey inquired about the status of the perimeter landscaping. Ms. Forrest responded. Mr. Corey thought the plan was acceptable and screening the front was not necessary.

Ms. Catlin thought that any plantings should be installed after the demolition.

Mr. Smith expected the replacement house to be of excellent quality.

Mr. Small agreed with Mr. Smith and Ms. Shiverick.

Motion made by Mr. Corey and seconded by Ms. Catlin that the proposed demolition of 253 El Pueblo Way has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with the condition to sod and irrigate the property within 30 days and adhere to the Town's screening requirements. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

3. B-069-2021 Demolition

Address: 256 Mockingbird Trail

Applicant: M2B Properties LLC (Gregory L. Palmer, Agent)

Professional: Gregory L. Palmer/Harrison Design

Project Description: Demolition of the existing one-story residence, pool, and all existing hardscape.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Palmer agreed to the easement.

Mr. Palmer presented the architectural plans proposed for the demolition of the existing structures.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape plans proposed for the demolition.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Floersheimer inquired about the Ficus on the landscape plan and inquired about the plans for the Ficus. Mr. West responded.

Motion made by Mr. Corey and seconded by Ms. Catlin that the proposed demolition of 256 Mockingbird Trail has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with the condition to sod and irrigate the property within 30 days and adhere to the Town's screening requirements. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. B-073-2021 Demolition

Address: 620 N. Lake Way

Applicant: Robert Lazarowitz & Cobey Rapaport

Professional: Jacqueline Albarran

Project Description: Demolition of existing one story house, pool, patios and driveway. Existing perimeter landscaping remains. New irrigated lawn as per code.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Albarran agreed to the easement.

Ms. Albarran presented the architectural plans proposed for the demolition of the existing structures.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the demolition.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Corey inquired about the existing concrete wall. Ms. Albarran responded.

Motion made by Mr. Corey and seconded by Mr. Ives that the proposed demolition of 620 N. Lake Way has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with the condition to sod and irrigate the property within 30 days and adhere to the Town's screening requirements. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of

a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

5. B-076-2021 Demolition

Address: 1090 S. Ocean Blvd.

Applicant: 1090 S Ocean LLC (Nedim Soylemez)

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: Demolition of a one-story residence, one story detached garage, hardscape and landscape

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Lehman agreed to the easement.

Angela Lehman, Smith and Moore Architects, Inc., presented the architectural plans proposed for the demolition of the existing structures.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the demolition.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Floersheimer stated there would be a lot of construction in the area for the next several years. He suggested the sites work together to coordinate truck parking.

Motion made by Ms. Shiverick and seconded by Ms. Catlin that the proposed demolition of 1090 S. Ocean Blvd. has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with the condition to sod and irrigate the property within 30 days and adhere to the Town's screening requirements. Motion carried unanimously, 7-0.

This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: Ms. Grace returned to the meeting at 9:59 a.m.

6. B-077-2021 Demolition

Address: 730 N. County Rd.

Applicant: Aaron W. Ford

Professional: Harold Smith/Smith and Moore Architects, Inc.
Project Description: Demolition of a one-story residence, hardscape and landscape.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Lehman agreed to the easement.

Angela Lehman, Smith and Moore Architects, Inc., presented the architectural plans proposed for the demolition of the existing structures.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the demolition.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Floersheimer thanked the professional for addressing the unity of title.

Motion made by Ms. Shiverick and seconded by Mr. Smith that the proposed demolition of 730 N. County Rd. has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with the condition to sod and irrigate the property within 30 days and adhere to the Town's screening requirements. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

7. B-078-2021 Demolition

Address: 635 Crest Road

Applicant: Lili C. Monell/The Lili C. Monell Trust – 2012 (Ambrose K. Monell, Trustee)

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: Demolition of a one-story guest house, pool, hardscape and landscape.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Lehman agreed to the easement.

Angela Lehman, Smith and Moore Architects, Inc., presented the architectural plans proposed for the demolition of the existing structures.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the demolition.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Shiverick inquired about the any possible plans for a garden. Mr. Williams responded.

Motion made by Mr. Kirchhoff and seconded by Ms. Grace that the proposed demolition of 635 Crest Rd. has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with the condition to sod and irrigate the property within 30 days and adhere to the Town's screening requirements. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

C. MAJOR PROJECTS – OLD BUSINESS

1. B-019-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 101 Nightingale Trail

Applicant: 04TST101 Nightingale LLC (Brian Libman, Manager)

Professional: Brooks & Falotico Associates, LLP

Project Description: Exterior alterations and interior renovations to two-story single family residence; revised fenestration on all elevations; reframe portions of existing roof to accommodate new fenestration height and replace existing roof tiles; renovate entry portico, frame for second floor roof deck, and face with coquina; new Dutch gables at courtyard elevations; renovate pool terrace and incorporate new retaining walls; remove existing driveway and install new hardscape and landscape.

ZONING INFORMATION: Section 134-893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 in lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R-B Zoning District.

A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included the

identity and character of the home, the front entry, the fenestration, the shutters, the balconies and glass railings. A motion carried at the April meeting to defer the project for one month, to the May 26, 2021 meeting, to restudy the gables, fenestration and in accordance with the comments of the Commission. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professionals. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professionals.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

2. B-024-2021 Demolition/New Construction

Address: 240 Mockingbird Trail

Applicant: Lee Fensterstock

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Demolition of existing one story structure. New construction of two story single family house in island style, approximately 5400 s.f. Final landscape and hardscape included.

A motion carried at the March meeting to approve the demolition. A second motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included adding some identity to the home, the fenestration, a restudy of the landscaping and pedestrian gate, and to return with a north, east, west and south cross section of the landscaping. A motion carried at the April meeting to defer the project to the May 26, 2021 meeting to restudy the size of the bay windows on the front elevation, to change the roof pitch to 5/12, to remove 12 inches in the second floor, to change the laundry room to a single window, and the French doors over the front entrance will be changed as previously proposed. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting for a restudy of the home design. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professional.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

3. B-031-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)

Address: 130 Algoma Rd.

Applicant: 130 Algoma, LLC (Lee Fensterstock)

Professional: SKA Architect + Planner

Project Description: Demolition of existing one story house while preserving existing garage and finish floor. New construction of two story classical house, approx. 6,448 sq. ft. Final landscape and hardscape.

A motion carried at the April meeting to defer the demolition for one month, to the May 26, 2021 meeting, to allow the Commissioners to receive a proper demolition report and landscape demolition plan. A second motion carried at the April meeting to defer the entire project, including the new construction, to the May 26, 2021 meeting. A motion carried at the May meeting to approve the demolition request as presented. A second motion carried at the May meeting to defer the project to the June 23, 2021 meeting for a restudy in accordance with the comments from Mr. Castro and the Commissioners, to include style, floor height and garage orientation. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting for a complete redesign backed on the comments from the Commissioners.

ZONING INFORMATION: Section 134-229: Section 134-329 and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new two story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing non-conforming garage. 2) Section 134-843(7): to allow a building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required.

Please note: This project was deferred to the September 29, 2021 meeting at the Approval of the Agenda, Item VI.

4. B-034-2021 Additions/Modifications

Address: 905 N. Ocean Blvd.

Applicant: 905 N. Ocean LLC (Maura Ziska)

Professional: LaBerge and Menard

Project Description: Guest house addition and new landscape/hardscape.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting for restudy, particularly how the home fits onto the lot. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professional. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professional.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

5. B-039-2021 Demolition/New Construction

Address: 200 Bahama Lane

Applicant: 200 Bahama Lane, LLC (Maura Ziska)

Professional: SKA Architect + Planner

Project Description: Demolition of existing one story house. New construction of two story classical style house, approx. 5,856 sq. ft. Final landscape and hardscape included.

A motion carried at the May meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project for two months to the July 28, 2021 meeting for an entire restudy.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

6. B-042-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S)

Address: 1080 S. Ocean Blvd.

Applicant: Todd Glaser

Professional: LaBerge & Menard Inc.

Project Description: New two story home with pool cabana. House will have clay barrel tile roof, smooth stucco painted Manchester tan.

ZONING INFORMATION: Section 134-843(b): Request for Site Plan Review to allow the construction of a 9,485 square foot two-story, single family residence on a non-conforming platted lot that is 17,567 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District.

A motion carried at the May meeting to defer the project to the June 23, 2021 meeting to restudy in accordance with the comments of the Commissioners, including the fenestration, balconies, chimneys, corner entry, rear loggia and orientation of garage doors. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting, specifically to consider the comments of the Commissioners on the following items: the tower corner, the second floor doors on the tower, the colors, reinstate the small window on the west side, the pool, the terrace steps and garage doors.

Call for disclosure of ex parte communication: Disclosure by several members.

Daniel Menard, LaBerge & Menard Inc., presented the architectural modifications proposed for the new residence. He announced there were no further changes to the landscape.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace was in favor of many of the changes. She inquired about the color of the glass. Mr. Menard responded. Ms. Grace suggested to add shutters on the small windows at the west elevation due to the empty wall space. Mr. Menard responded. She inquired the placement of the columns in the courtyard. Mr. Menard further explained the design. Ms. Grace inquired about the material of the

garage doors. Mr. Menard stated they were wood impact door. Ms. Grace did not believe they were befitting of the home; she suggested Mahogany doors.

Ms. Shiverick agreed with Ms. Grace regarding the garage door; she suggested a Cypress stain. Mr. Menard agreed with the suggestion. She agreed that shutters would be appropriate on the west elevation. She also inquired if the Commission suggested more trees on the east elevation; she suggested adding more palms on the east side.

Christopher Cawley, Christopher Cawley Landscape Architecture, responded to Ms. Shiverick's suggestion.

Mr. Kirchhoff agreed with the suggestion about the garage doors and thought they should appear as carriage doors. He also suggested removing the pergola.

Mr. Corey agreed with the previous comments. He thought that the landscaping should be unified on the corner and thought the plan was somewhat disjointed. He thought one side was more formal than the other side. He suggested breaking the façade on the south elevation so that the rustication could stop at a more appropriate place on the home.

Mr. Floersheimer thought there were too many columns on the west façade. He suggested making the terrace a bit smaller to clean up the columns. He agreed with the previous comments regarding the garage doors.

Ms. Grace agreed that more trees should be added to the South Ocean side.

Please note: Mr. Sammons stated he had a previous conflict of interest for this project and recused himself from the conversation.

Motion made by Mr. Corey and seconded by Ms. Grace deferred the project for one month, to the August 25, 2021 meeting, to address the comments made by the Commissioners.

Mr. Murphy provided comments on the one-month deferral recommendation.

Motion carried unanimously, 7-0.

Please note: The Commission took a short morning break at 10:32 a.m. The meeting resumed at 10:46 a.m.

7. B-048-2021 New Construction

Address: 224 S. Ocean Blvd.

Applicant: Armen Manoogian

Professional: Jose A. Gonzalez/Gonzalez Architects

Project Description: Proposed work includes the construction of a new 836 square foot, one story detached, four car garage and driveway. Also, the siding and all trim of the existing adjacent guest house will be repainted to match the main house.

A motion carried at the May meeting to defer the project to the June 23, 2021 meeting in accordance with the comments from the Commissioners, with a specific request to bring a view of the colonnade from the south. A motion carried at the June meeting to defer the project to July 28, 2021 meeting to consider an alternative design for the garage.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Gonzalez agreed to the easement.

Mr. Gonzalez presented the modifications for the proposed garage structure.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Gonzalez indicated there was an error in the plans and the proposed driveway would be the grasscrete rather than the white gravel.

Ms. Grace liked the proposal over the previous proposal. She questioned if the professional considered placing two garage bays in the carriage house and two additional spaces in a separate structure. Mr. Gonzalez responded. Ms. Grace questioned the grasscrete and wondered if a different layout would have a better appearance. Ms. Grace questioned the plans for the space to the east of the garage. Mr. Gonzalez responded.

Ms. Shiverick liked the proposal. She stated she initially was not in favor of the four doors but now supported the request. She was in favor of grasscrete but suggested a more scalloped design to soften the area. Mr. Gonzalez responded. She suggested using the Coconut Palms to follow the design of the grasscrete. Mr. Gonzalez responded and stated his team did study the suggestion and would defer the preference of the Commission.

Mr. Corey was very happy with the plan. He questioned the windows proposed for the north façade, second floor of the carriage house. He suggested breaking the plane of the of the western garage bay. Mr. Gonzalez agreed to the change and stated he could break the plane on both end garage bays. Mr. Corey inquired about the entrance to the rear apartment. Mr. Gonzalez explained the design.

Mr. Kirchhoff questioned the detailing of the north elevation. He suggested a long eyebrow across the entire section of the façade. Mr. Gonzalez responded. Mr. Kirchhoff explained a concern with the design of the west garage. Mr. Gonzalez responded. Mr. Kirchhoff also added that he did not believe the pergola was in keeping with the rest of the home.

Mr. Smith agreed with Mr. Corey in his suggestion of breaking the plane of the two end bays. He also agreed that the windows on the north façade were over scaled. He provided a few design suggestions for the colonnade.

Ms. Catlin was in favor of the design. She liked the suggestion to stagger the palms and recessing the end garage bays.

Mr. Floersheimer agreed with Ms. Catlin.

Mr. Sammons thought the proposal was a huge improvement but agreed the colonnade was a foreign element. He suggested changing the element to a pergola.

Mr. Small thought the change would enhance the beauty of the neighborhood. His concern was the west garage bay and thought it was a bit disruptive in the design. Mr. Small inquired if any consideration was given to removing the furthest western bay. Mr. Gonzalez responded and spoke about the age of the structure.

Ms. Shiverick inquired if the colonnade could be converted into a pergola, as Mr. Sammons had suggested. She provided further suggestions for a design. Mr. Gonzalez responded.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with the following conditions: the east and west garage bays will be stepped back from the north façade, the windows on the second floor, north façade will remain in the existing size, the palms between the home and garage will be staggered along the grasscrete, the colonnade will be restudied and considered as a pergola structure, with the element returning to the Commission for approval at the August 25, 2021 meeting. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

8. B-050-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 334 Chilean Ave.

Applicant: GW Purucker JV Contract Purchaser (Maura Ziska)

Professional: MP Design & Architecture, Inc.

Project Description: A new two-story house, two-car garage with new pool, landscape, hardscape on a vacant lot.

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting to consider the comments of the Commissioners which included the study of changing the orientation of the house, adding more native landscaping, the fenestration and possibly changing the design style to Mediterranean Revival.

ZONING INFORMATION: Section 134-948: A request for a variance to construct a new 5,270 square foot, two story residence, on a non-conforming lot with a lot area of 9,384 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

9. B-053-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

- Done 6/23/21

Address: 8 Windsor Ct.

Applicant: Mr. & Mrs. Jonathan Sack (Maura Ziska)

Professional: MP Design & Architecture, Inc.

Project Description: Existing breezeway modifications to replace existing awning with new cooper roof. Existing pool cabana modifications to replace existing roof and awning with new copper roof. Existing open porch modifications to replace exiting trellis with new copper roof.

A motion carried at the June meeting that implementation of the proposed variances will not cause negative architectural impact to the subject property. A second motion carried to approve the project as presented with the removal of the rear trellis and to return to the July 28, 2021 meeting with an alternate design of a roof over the two doors on the north elevation.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

10. B-055-2021 Additions/Modifications

Address: 251 Tangier Ave.

Applicant: The Tangier 251 Trust (Francis & Zoe L'Esperance, Trustees)

Professional: Tod Elliot Sikkenga/Wadia Associates

Project Description: Renovations and small addition to existing residence. 158 SF second floor addition. Small addition to 1st and second floor totaling 307 SF. All new impacted-rated French doors and windows. All new terracotta barrel tile roofing. New swimming pool, landscape, and hardscape. New generator and outdoor mechanical units. Miscellaneous aesthetic improvements to exterior elevations.

A motion carried at the June meeting to approve the architectural portion of the project as presented with the landscape portion of the project to return to the July 28, 2021 meeting for a restudy of the screening of the garage and the gates.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Wong agreed to the easement.

Fernando Wong, Fernando Wong Outdoor Living Design, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace was happy with the changes and thought the narrower driveway was an improvement.

Mr. Floersheimer inquired about the trellis on the north elevation. Mr. Wong responded.

Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the project as presented with the condition that the applicant adhere to the Town's screening requirements. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

11. B-057-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S) - Done 6/23/21

Address: 369 S. Lake Dr.

Applicant: Park Place Inc. (Frank P. Slattery)

Professional: Ralph Cantin Architect, Inc.

Project Description: New generator building in parking area to replace existing storage shed.

A motion carried at the June meeting to approve the architectural portion of the project but to defer the site plan and the landscape plans to the July 28, 2021 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Brown agreed to the easement.

Mr. Murphy discussed the zoning requests and indicated the approval needed from the Commissioners.

Scott Brown, Landscape Architecture Design, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Shiverick thought the vines looked nice and suggested using them on the western and southern elevations as well. Mr. Brown responded and discussed the reasons adding vines to those elevations was not feasible.

Mr. Corey thought the plan worked fine and supported the project.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with adhering to the Town's screening requirements. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

12. B-058-2021 Demolition/New Construction

Address: 1020 N. Lake Way

Applicant: Mr. & Mrs. Kanders, Contract Purchaser (Maura Ziska)

Professional: MP Design & Architecture, Inc.

Project Description: Demolition of existing residence, including hardscape, landscape. Existing pool to remain. New two-story residence, new hardscape, new landscape, existing pool to be modified.

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion deferred the hearing of the new construction to the July 28, 2021 meeting.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

13. B-061-2021 Demolition/New Construction

Address: 584 Island Dr.

Applicant: 584 Island, LLC (Carl M. Sabatello, Manager)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Demolition of existing residence, hardscape, landscape and pool. Construction of a new two-story residence, landscape, hardscape and pool.

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project to the July 28, 2021 meeting to address the comments of the commissioners.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Rodebaugh agreed to the easement.

Carolee Rodebaugh, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. West addressed Mr. Murphy's comments regarding the gate and the 18' vehicular setback.

Ms. Shiverick questioned the appropriateness of the gate for the immediate area and did believe it detracted from the design. She thought the north end gable looked extraneous. She thought the hip roof was better. She suggested adding plants to the central Dutch gable.

Ms. Grace was in favor of many of the changes. She questioned the style of architecture for its location on the island. She did not believe the gate fit into the neighborhood. She did not believe the gable worked on the east side and thought the loggia appeared heavy.

Mr. Smith thought the garage did not fit with the house; he suggested tucking the garage into the house. He was not in favor of the roof on the garage.

Mr. Kirchhoff agreed with Ms. Shiverick on the east one-story gable. He also agreed with Mr. Smith's comments on the flat roof for the garage. He thought the garage roof should be a pitch roof.

Ms. Catlin liked the changes and was in favor of the home and whimsy. She was not in favor of the gate. She believed the home was appropriate for the area.

Mr. Sammons thought the scroll gables were gratuitous; he thought the house would be nicer with simple hip roofs. He thought the house design should be simpler and preferred a swinging gate over a sliding gate.

Mr. West stated he would accept a swinging gate and stated there were a number of other gates on the street. He stated he could work on the design for the gate.

Motion made by Mr. Kirchhoff and seconded by Mr. Corey to approve the project with the following conditions: the applicant adheres to the Town's screening requirements, the gable on the one-story element, east side is removed, the roof over the garage is changed to a pitch roof, the elimination of the vehicular gate, and any changes should return for approval at the August 25, 2021 meeting. Motion carried 5-2, with Mses. Shiverick and Grace were opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

14. B-062-2021 Additions/Modifications

Address: 215 Via Tortuga

Applicant: 215 Via Tortuga, LLC (Whitney Crane)

Professional: Tod E. Sikkenga/Wadia Associates

Project Description: Renovations and small addition to existing house (141 sf).

New enclosed pool pavilion (409 sf) Three new skylights. Maintain and paint

existing roof tile. Modify existing swimming pool, landscape, and hardscape.

New generator and outdoor mechanical and pool equipment. Replace existing

windows and doors, and new openings with impact resistant units. Miscellaneous improvements to exterior elevations.

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting to address the comments of the commissioners.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

15. B-063-2021 Demolition/New Construction

Address: 280 Via Marila

Applicant: CJN P Holdings LLC (Daniel Pergola, Managing Member)

Professional: MP Design & Architecture, Inc.

Project Description: Demolition of an existing two-story structure. Proposal of a new two-story residence with rear facing two-car garage, new pool, hardscape and landscape.

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project to the July 28, 2021 meeting to address the comments of the commissioners.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, Inc., presented the architectural modifications proposed for the new residence.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Grace questioned whether the design was too formal for the street. She thought Bahama shutters would look nice.

Mr. Corey did not believe this home would fit onto the street. He thought the house was too tall and bombastic. He thought the renderings were a problem and did not show the correct grade of the road. He stated the house was placed too far forward on the lot. He also thought the landscape plan was too bombastic as well.

Ms. Shiverick agreed with Mr. Corey and Ms. Grace. She thought this was a good opportunity to create a home befitting of the area. She thought the house was far too massive and formal. She suggested the front entrance needed a complete restudy and agreed that the home was too far forward on the site. She thought the entire home needed a complete restudy.

Ms. Catlin thought the proposed would tower over all of the neighboring home. While she thought the home was nice, it was not appropriate for the area. She thought the opportunity should be used to create a charming, befitting home.

Mr. Ives questioned if the rules and regulations of the Town were driving the height of the home. He thought the home was acceptable but thought the front entrance needed refinement. He thought the general approach was acceptable.

Mr. Smith agreed with many of the Commissioners. He thought the front entrance was out of scale.

Mr. Floersheimer asked for a site section.

Ms. Grace wanted to send a clear message that the style of home did not fit into the neighborhood and questioned whether a denial or deferral was more appropriate; if deferred, a complete redesign would be necessary.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project to the September 29, 2021 meeting, with the plans due to the Town by August 27, 2021, with a clear understanding that a complete redesign of the home was highly requested. Motion carried 5-2, with Ms. Shiverick and Mr. Smith opposed.

Please note: A lunch break was taken at 12:24 p.m. The meeting resumed at 1:20 p.m. Ms. Grace returned to the meeting at 2:00 p.m.

16. B-064-2021 Modifications

Address: 402 Primavera Ave.

Applicant: Thomas and Lillian O'Malley (Manuel Angles)

Professional: Manuel Angles/Angles Design Architecture

Project Description: To increase green areas and provide additional privacy, we are proposing the following: removal all existing parking paving in front of the residence and replace with sod, new plantings, and stepping-stones (to match existing). Provide a new continuous hedge along Primavera Avenue. Add a vehicular and a pedestrian gate at existing motor court to conceal garage doors and one pedestrian gate in front of main residence entry. All finishes to match existing.

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting to address the comments of the commissioners.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Angles agreed to the easement.

Mr. Angles presented the architectural modifications proposed for the existing residence.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Floersheimer inquired about the gate design. Mr. Angles responded. Mr. Floersheimer thought a more transparent gate would be more befitting. Mr. Angles discussed why the gate design was chosen. Mr. Floersheimer questioned whether it contributed to the beauty of the Town.

Ms. Shiverick inquired about the colors proposed for the project. Mr. Angles responded. Ms. Shiverick inquired about the width for the pedestrian gate proposed. Mr. Angles responded and explained the gate design. Ms. Shiverick questioned if the gate width should be reduced. A short discussion ensued on an appropriate width for the gate.

Mr. Corey inquired if a gate was proposed for the west driveway, to which Mr. West replied, no. Mr. Corey stated that the plans should show the gate proposed for the motor court; he added that he supported a gate for the motor court. He suggested that pilasters without a gate in the location of the proposed pedestrian gate may be more appropriate. He thought a deferral was appropriate for a restudy of the gates.

Mr. Small shared the concerns of Mr. Corey and Ms. Shiverick.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project for one month, to the August 25, 2021 meeting, to revise the gates as requested by the Commission. Motion carried 6-1, with Mr. Ives opposed.

At this time in agenda, the next item was skipped and was taken up on July 29, 2021 at 9:00 a.m.

17. B-065-2021 New Construction TIME CERTAIN – 9:00 A.M. ON 7/29/21

Address: 7 Ocean Lane

Applicant: 7 Ocean Lane, LLC (Nedim Soylemez, Manager)

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: New two-story residence with pool. Final hardscape and landscape.

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting for a restudy in accordance with the comments of the Commissioners.

D. MAJOR PROJECTS – NEW BUSINESS

1. B-059-2021 Additions/Modifications

Address: 210 Wells Rd.

Applicant: 341 Garden Road OPCO LLC (Gregory Borchardt, Manager)

Professional: LaBerge & Menard Inc.

Project Description: 686 Sq. Ft. addition to add second floor to existing home.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Menard agreed to the easement.

Daniel Menard, LaBerge & Menard Inc., presented the architectural modifications proposed for the existing home.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Shiverick inquired about the existing ceiling heights of the home and the proposed ceiling heights. Mr. Menard responded. Ms. Shiverick asked about access to the addition. Mr. Menard responded. Ms. Shiverick was happy with the landscape plan.

Ms. Catlin thought that the professional did a good job. She inquired, that while not in the scope of the proposed work, if one of the front, existing windows could be changed as she believed it was odd. Mr. Menard stated that the owner confirmed it could be changed.

Mr. Floersheimer confirmed the reduction of the garage bays. Mr. Menard responded.

Mr. Corey thought the project was well conceived and executed. He inquired about the change in the window for the garage. Mr. Menard responded and suggested a pair of double hung windows.

Mr. Small thought the changes would be interesting. Mr. Small inquired about the view to the west when walking down the street; he wondered if the view was too exposed. At Mr. Corey's suggestion, Mr. Mizell agreed to plant a green buttonwood tree to further obscure the view.

Motion made by Mr. Corey and seconded by Ms. Catlin to approve the project as presented with the conditions that a pair of double hung windows are added into the garage space, a green buttonwood tree is added to screen the garage doors from the street. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility

easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

2. B-060-2021 New Construction

Address: 1480 N. Lake Way

Applicant: Southpaw Trust (Jennifer Stallone)

Professional: Tom Benedict/The Benedict Bullock Group PA

Project Description: Provide exterior modifications to existing residence including replacing metal windows and doors changing frame color from white to bronze, enlarging entry door, replacing loggia shutters with glass doors and providing bi-fold doors to enclose and air condition this room, add new windows to match existing window in master bedroom, adjust existing beam and remove two existing center columns on living room loggia, replace existing west library window with glass door/window assembly, expand cabana eastward 14' and add trellis, and provide modifications to existing vehicle gates at front entrances with associated landscape and hardscape improvements.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Benedict agreed to the easement.

Mr. Benedict presented the architectural modifications proposed for the existing home. Mr. Benedict showed the plan for the front door on the overhead projector.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Shiverick inquired about the Ipe deck and whether it was existing. Mr. Mizell responded. Ms. Shiverick inquired about the paving material. Mr. Mizell responded. Ms. Shiverick expressed concern that some of the material choices, such as the paving and the bronze windows, took away from the Caribbean feel of the home. Mr. Mizell responded.

Mr. Corey thought the changes were acceptable with the exception of the gates; he thought they were not appropriate and provided some suggestions.

Mr. Smith was disturbed by the columns on the master bedroom terrace, second floor and the proposed removal of the column on the loggia below; he indicated he was opposed to this design.

Mr. Kirchhoff agreed with Mr. Smith and Mr. Corey's comments. He was in favor of the flat top gate rather than the curved gate.

Ms. Catlin was in favor of the changes and thought they were well thought out; but added she was not thrilled with the gates and would like them revisited.

Mr. Floersheimer expressed concern for the change in windows and the different material to be used. He inquired if the owners would consider the white windows.

Mr. Sammons was not in favor of the removal of the columns. He suggested that the vehicular gates were too wide. He was not in favor of the changes.

Mr. Small thought the gates were too heavy and foreboding. He thought a rendering or a photograph of the front door was necessary.

Motion made by Ms. Shiverick and seconded by Mr. Smith to defer the project for one month, to the August 25, 2021 meeting, to restudy the windows, gates, columns, and loggia and to return with a rendering of any doors and windows to be used. Motion carried unanimously, 7-0.

3. B-068-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW

Address: 267 Dunbar Road

Applicant: Michael S. Arlein, Trustee of the 267 Dunbar Road Trust (Maura Ziska)

Professional: SKA Architect + Planner

Project Description: New Construction of one and two story Mediterranean style house approximately 7,550 sq. ft. Final landscape and hardscape included.

ZONING INFORMATION: Section 134-893(c): Site Plan Review to allow the construction of a new two story 7,552 square foot single family residence on a non-conforming platted lot which is 98.5 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

4. B-070-2021 Demolition

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 114 Seaspray Avenue

Applicant: Basil and Jan Vasiliou

Professional: Jeff Smith/Smith Architectural Group

Project Description: Demolition of an existing wood staircase and railing at the garage accessory building that is not code compliant and replace it with a new masonry stair with painted metal railing. Stair landing will be enclosed for new pool bath.

ZONING INFORMATION: Section 134-893 (9): The applicant is proposing to demolish the existing wood staircase and railing at the garage accessory building that is not code compliant and replace it with a new masonry staircase that will have a 42 square foot bathroom addition tucked below it. The following variances are being requested: 1) a rear yard setback of 2.4 feet for the new staircase in lieu of the 15 foot minimum rear yard setback required in the R-B Zoning District for a lot that is 12,060 square feet in area. 2) a rear yard setback of 2.4 feet for the new bathroom addition in lieu of the 10 foot minimum rear yard setback required in the R-B Zoning District.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Jeff Smith declared a conflict of interest for the project and left the dais. It should be noted that Ms. Catlin voted in his absence.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, attorney for the owner, presented the variances requested and advocated for a positive recommendation to the Town Council.

Bill Nolan, Smith Architectural Group, presented the architectural modifications proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Corey stated he supported the variance. Mr. Corey inquired about the railing above the front door. Mr. Nolan responded.

Ms. Catlin thought the project turned out very well.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with the condition that the applicant adhere to the Town's screening requirements. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

A second motion made by Mr. Corey and seconded by Ms. Grace that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

5. B-071-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S)

Address: 3450 S. Ocean Blvd.

Applicant: The Patrician of Palm Beach Condominium Apartments, Inc.

Professional: James C. Paine, Jr.

Project Description: Expansion of existing elevated pool deck to existing seawall, modification of parking spaces below proposed pool deck expansion (2 additional parking spaces added), variance request for 8' rear setback, variance request for additional lot coverage of 2.6%. 900 S.F. of additional open space has been added to north landscape buffer.

ZONING INFORMATION: The Patrician of Palm Beach Condominium Apartments Is requesting permission to expand their pool deck by 3,968 square feet eastward to meet the seawall and is requesting the following variances. Section 134-1060(7) : Applicant is requesting a variance for a rear street setback of 0 feet In lieu of the 30 feet required In the R-D(2) Zoning District. Section 134-1060(9)d.: Applicant is requesting a variance for lot coverage of 45.5 percent in lieu of the 42.9 percent existing and 22 percent maximum allowed for a building five stories or taller In the R-D(2) Zoning District.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, attorney for the owner, presented the variances requested and advocated for a positive recommendation to the Town Council.

Mr. Paine presented the architectural modifications proposed for the existing condominium. Mr. Paine presented a material sample to the Commissioners.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the existing condominium.

Mr. Small called for public comments.

Patricia Schuldenfrei, 3450 S. Ocean Blvd, stated that according to the coastal engineer, the addition of the pool deck would strengthen the seawall.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Ms. Grace inquired if the applicant considered adding native material on the deck. Mr. Paine responded.

Mr. Corey thought the project was acceptable and added he would support the variance. He thought that the pool deck sample looked like it would be hot.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit,

the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

A second motion made by Mr. Corey and seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

Please note: A short break was taken at 2:49 p.m. The meeting resumed at 3:04 p.m.

6. B-072-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 224 La Puerta Way

Applicant: Mr. & Mrs. Gray

Professional: David J. Gengler/Gengler Architects, Inc.

Project Description: A major renovation of an existing single-story single family home which includes a two-story addition on the front of the home, a second floor addition over a portion of the existing first floor, and a two-story loggia addition on the rear of the home.

ZONING INFORMATION: The applicant is requesting four variances in order to build a two-story addition which includes a 315 square foot one-story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony, and two bathrooms. The requested variances are as follows: Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R-B Zoning District. Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony in the R-8 Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor in the R-B Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, attorney for the owner, presented the variances requested and advocated for a positive recommendation to the Town Council.

Mr. Gengler presented the architectural modifications proposed for the existing residence.

Mark Keinard, Parker Yannette Design Group, presented the landscape and hardscape modifications proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Ms. Grace inquired about the bay window proposed for the second floor and whether it impacted the neighbor. Mr. Gengler responded.

Ms. Catlin thought the addition looked like a box on top of the garage. She requested to see an addition that pulled the house in with its design.

Ms. Shiverick thought the addition looked too obvious. She wished the addition used some of the detailing in the front entrance. Mr. Gengler responded.

Ms. Ives was not in favor of the addition. He agreed with Ms. Shiverick that it looked obvious and was mixing different Mediterranean styles. He thought the addition should be placed somewhere else on the home.

Mr. Smith agreed with Mr. Ives and Ms. Catlin. Mr. Smith did not believe minor changes would help the proposed. He questioned why the addition was not proposed for the other side of the home so that to eliminate the variances. He thought the addition should be more integrated and added he could not support the project.

Mr. Corey suggested adding the second floor over the central portion of the home.

Mr. Floersheimer inquired if the artificial turf around the pool would be removed. Mr. Keinard responded. Mr. Floersheimer inquired if the storage sheds would be removed. Mr. Keinard stated he they would remain.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project for two months, to the September 29, 2021 meeting, for a restudy of the entire project. Motion carried 5-2, with Messrs. Ives and Smith opposed.

7. B-074-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 246 Eden Rd.

Applicant: The Beach House Trust (Maura Ziska)

Professional: Keith Williams/Nievera Williams Design

Project Description: Proposed generator and enclosure. Associated landscape and hardscape changes.

ZONING INFORMATION: 1) Section 134-893(b)(5): A request for a variance to allow a 38 KW generator to be placed in the front yard setback (on Adam Road) with a setback of 8.3 feet in lieu of

the 25 foot minimum required in a front yard setback. 2) Section 134-1637: A request for a variance to allow a six foot wall and landscaping (for the generator) in lieu of the 30 inches maximum height allowed within the intersection sight triangle area.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

8. B-079-2021 Modifications

Address: 315 Cocoanut Row

Applicant: Melissa Schorr

Professional: Christopher G. Doriot

Project Description: Install (2) 4'h HR-10 white aluminum roll gates with access control operators; (1) 18' wide and (1) 14' wide at each end of circular driveway for security.

Ms. Churney stated that there was an issue with the notice to the neighbors and that the applicant requested a one-month deferral to the August 25, 2021 meeting.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month, to the August 25, 2021 meeting. Motion carried unanimously, 7-0.

9. B-080-2021 New Construction

Address: 360 El Brillo Way

Applicant: Todd Glaser

Professional: Kobi Karp

Project Description: New two-story residence with pool.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Karp agreed to the easement.

Mr. Karp presented the architectural plans proposed for a new residence.

Christopher Cawley, Christopher Cawley Landscape Architecture, presented the landscape and hardscape plans proposed for a new residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small summarized Virginia Mortara's concerns in her letter sent to the town.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace questioned if there were any homes in the area that were similar to the proposed home. She thought the home was significantly different.

Mr. Ives acknowledged that while the architecture was very good, he did not feel as though the home fit into the area or Palm Beach.

Mr. Corey agreed with Ms. Grace and Mr. Ives. He thought the home was well positioned. He thought the home was too commercial for the area.

Ms. Shiverick thought the house would be great for Miami but not for Palm Beach. She also did not believe El Brillo was the street to make a statement as it was a quiet, residential street.

Mr. Smith thought the three “El” streets were famous for the past architects in Palm Beach and added that the home was not appropriate for the area.

Ms. Catlin thought the project was fascinating but was not appropriate for Palm Beach. She added the home was too commercial in nature.

Mr. Kirchhoff stated that it was clear on the neighborhood comparison drawings that the house was not comparable to the other homes.

Mr. Small thought the home was too dissimilar and would not be harmonious in the area.

There was a discussion on whether a deferral or denial was appropriate for the project.

Motion made by Ms. Grace and seconded by Ms. Shiverick to deny the proposed new home as presented, based on Section 18-205 (a), criteria 4 and 6. Motion carried 6-1, with Mr. Small opposed.

E. MINOR PROJECTS – OLD BUSINESS

1. A-020-2021 Modifications

Address: 150 Worth Ave.

Applicant: Wilson 150 Worth LLC (Yvonne Jones)

Professional: Michael Dumala

Project Description: Add 14 new impact windows on south side of building at second floor level. *****Please note: Requires Special Exception with Site Plan Review*****

A motion carried at the February meeting to defer the project to the March 24, 2021 meeting to allow the applicant to provide notice to the surrounding properties. A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to provide notice to the neighbors. A motion carried at the April meeting to defer the project to the June 23, 2021 meeting to file a zoning application. A motion carried at the June meeting to defer the project to the July meeting at the request of the professional.

Please note: This project was withdrawn at the Approval of the Agenda, Item VI.

2. A-051-2021 Modifications

Address: 2 S. County Rd.

Applicant: The Breakers Palm Beach (Alex Gilmurray, Exec. VP & CEO)

Professional: John Schmidt/Schmidt/Nichols

Project Description: Extension and recover of existing driving range awning for an additional 64' in length.

A motion made at the June meeting to defer the project to the July 28, 2021 meeting in accordance with the comments from the Commissioners.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Schmidt presented the architectural modifications proposed for the golf academy.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace asked for clarification on the project. Mr. Schmidt responded. Ms. Grace questioned if a more attractive structure could be built. She thought the additional length made it less attractive.

Mr. Smith inquired about the photographs and whether the proposed structure would exactly match the existing structure. Mr. Schmidt responded.

Mr. Ives inquired whether the Commission voted on the previous project. Mr. Murphy stated that the previous approval had been staff approved.

Ms. Catlin stated that the proposal was typical of golf courses. She suggested a break between the two structures with a space and possible landscaping in between to soften the length.

Mr. Corey stated that structure's design was questionable and he could not support the proposal. He did not believe the structure was befitting of Palm Beach.

Ms. Shiverick agreed with Mr. Corey and added if the Commission was charged with assessing beauty, another 64 feet of a similar structure would be very unattractive. She recommended a denial.

Mr. Smith stated he agreed with Ms. Catlin and believed one way to mitigate the length would be to break up the structure and add landscaping between.

Mr. Sammons thought the structure is hideous but would be hidden. He agreed it would be better in sections.

Ms. Grace inquired how many golf pros would be using this structure at one time.

Ms. Shiverick wondered if the applicant would be interested in taking down the current structure and replacing it with an entire new structure.

Bill Perry, attorney for Gunster and representing The Breakers, stated the applicant would prefer not to take a deferral, but would rather have a definitive answer.

Motion made by Ms. Shiverick and seconded by Mr. Corey to deny the proposal as presented, based on Section 18-205 (a), criteria 1. Motion carried unanimously, 7-0.

3. A-064-2021 Additions/Modifications

Address: 3140 S. Ocean Blvd.

Applicant: Carlton Place Condominium (Sharon Moye, Property Manager)

Professional: Don Skowron

Project Description: Proposed addition of a +/- 900 sq. ft. tensioned sun sail over the west upper terrace previously approved. Reconsideration of synthetic turf cut outs in terrace paving.

A motion made at the June meeting to defer the project to the July 28, 2021 meeting to allow the applicant to find an alternative to the synthetic turf and shade sails.

Please note: This project was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

4. A-066-2021 Modifications

Address: 6 Sloans Curve

Applicant: Rebecca Owen

Professional: Campany Roofing

Project Description: Remove existing "S" roof tile and replace with new "S" concrete roof tile in multi-family building.

A motion made at the June meeting to defer the project to the July 28, 2021 meeting to allow the applicant to explore a different roofing material.

Call for disclosure of ex parte communication: Disclosure by several members.

James Campany, Campany Roofing, presented the proposed replacement of roof tiles.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Ives thought the project should be denied since the Commission asked for a different proposal and the same proposal was returned to them.

Mr. Corey inquired about the replacement. Mr. Campany stated that the board of the townhomes would not approval any other tile. Mr. Corey stated he was not opposed to replacing this portion of the roof with the “S” tiles. He recognized that the other 14 townhomes would not be replacing their tiles and an in kind replacement was acceptable in this instance.

Mr. Smith stated normally he is not in favor of “S” tiles but would support the replacement of the “S” tile in this case.

Mr. Kirchhoff agreed with Mr. Smith.

Motion made by Mr. Kirchhoff and seconded by Mr. Corey to approve the project as presented. Motion carried 6-1, with Mr. Ives opposed.

5. A-069-2021 Modifications

Address: 2285 Ibis Isle Rd. E.

Applicant: 2285 Ibis LLC (Eric Yeghian, Managing Member)

Professional: James Philip Drago

Project Description: Remodel front street side elevation, other elevations cannot be seen from street. Add doors and windows to other elevations.

A motion made at the June meeting to defer the project to the July 28, 2021 meeting to allow the applicant to give a full presentation.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Drago presented the architectural modifications proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace inquired about the size of the window openings and questioned if they were the same openings as existing. Mr. Drago responded. Ms. Grace inquired about the picture for the folding doors shown. Mr. Drago stated that they would be used on the rear of the home but in a smaller scale. Ms. Grace inquired about a roller window shown on the plans. Mr. Drago responded.

Mr. Ives inquired about the ceramic tile and where that would be used on the home. Mr. Drago responded. Mr. Ives stated that items in the application were not clear.

Ms. Shiverick thought the tile complicated the house and it would soon be outdated. She suggested leaving the whole home stucco and using double hung windows. She suggested adding mullions to the windows to add some character.

Mr. Floersheimer expressed concern for three different colors, especially since the home was very small. Mr. Drago responded.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project for one month, to the August 25, 2021 meeting, returning with a simplification of materials, the existing and proposed elevations on one sheet (above/below) and renderings. Motion carried unanimously.

Please note: A short break was taken at 4:52 p.m. The meeting resumed at 5:04 p.m.

F. ITEMS PULLED FROM CONSENT AGENDA

None – all items were approved on consent.

G. MINOR PROJECTS – NEW BUSINESS

1. A-070-2021 Modifications

Address: 202 Plantation Rd.

Applicant: Our Palm Beach Home LLC & Frances B. Terwilliger (Maura Ziska)

Professional: Keith Spina/Spina O'Rourke

Project Description: Redesign of entry elevation – new single door (Essex green) with coquina pediment (based on Tuscan order) in lieu of double elliptical arched door, 2 new elliptical windows, new wall mounted pendant fixture over door in lieu of two wall sconces, removing the existing balcony over front door with new double casement window in lieu of existing double door at second floor; New handrail on existing balconies (Essex Green with Ipe handrail); new shutter color to be Essex Green in lieu of Yeabridge Breen; New cedar perfection shingle roof in lieu of existing white concrete tile; new door/window assembly on east side of kitchen; repaint door/window trim white in lieu of light tan. Main house body to remain white; Remove (5) Existing HVAC Units on East side of property. Replace with (2) HVAC Units in existing locations on East side of property & (1) HVAC Unit in new location on South side of property.

Call for disclosure of ex parte communication: Disclosure by several members.

Nelo Freijomel, Spina O'Rourke, presented the architectural modifications proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Catlin liked most of the changes but felt the front door needed to be a bit wider.

Mr. Smith made a suggestion for the Nano door on the rear of the home.

Ms. Shiverick inquired about the design of the lanterns. Mr. Freijomel stated they had not yet been picked out but would return with them at a later time. Ms. Shiverick inquired if the Chippendale balcony should be painted white. Mr. Freijomel responded that they had looked into this option but the owner preferred railings in green.

Ms. Grace was in favor of the changes.

Mr. Kirchhoff was in favor of the changes and felt the front door was appropriate.

Motion made by Ms. Shiverick and seconded by Mr. Smith to approve the project as presented. Motion carried unanimously.

2. A-081-2021 Modifications

Address: 111 El Brillo Way

Applicant: 111 El Brillo Way LLC (Evan Yurman, Owner)

Professional: Mario Nievera/Nievera Williams Design

Project Description: Revising rear facing window sills at kitchen. Adding sliding doors at rear terrace and revised railings at upper front portico. New stone headers and house color on exterior walls and shutters. Reduced driveway hardscape layout and new landscape plan.

Call for disclosure of ex parte communication: Disclosure by several members.

Rich Leja, ACI Architects, presented the architectural modifications proposed for the existing home. He indicated that the owners requested that the railings be changed to the green paint proposed.

Mr. Nievera presented the landscape and hardscape modifications proposed for the existing site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Kirchhoff thought the changes were a dramatic improvement and supported the project.

Ms. Grace inquired if the lighting around the home would be changed. Mr. Nievera responded.

Ms. Catlin inquired about a window missing muntins on the front elevation. Mr. Nievera stated it was an error in the drawing.

Mr. Floersheimer inquired about the plantings near the ocean and whether they would survive. Mr. Nievera responded.

Mr. Small commented that the existing home looked forlorn and was supportive of the changes.

Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the project as presented. Motion carried unanimously.

3. A-086-2021 Modifications

Address: 1305 N. Ocean Way

Applicant: Mr. & Mrs. Robert Jewell

Professional: SKA Architect + Planner

Project Description: Garage door, rear railing, and roof material modification.

Updated landscape and hardscape included.

Call for disclosure of ex parte communication: Disclosure by several members.

Daniel Clavijo, SKA Architect + Planner, presented the architectural modifications proposed for the existing residence.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Shiverick inquired about the pedestrian gate proposed for the northeast corner. Mr. Mizell responded.

Motion made by Ms. Grace and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously.

4. A-087-2021 Modifications

Address: 1191 N. Lake Way

Applicant: Mr. & Mrs. John Copeland

Professional: SKA Architect + Planner

Project Description: Removal of a chimney and window shutters. New gazebo and balcony awning.

Call for disclosure of ex parte communication: Disclosure by several members.

Daniel Clavijo, SKA Architect + Planner, presented the architectural modifications proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Corey stated the changes were an improvement and he would support the project.

Ms. Shiverick inquired about the color of the gazebo. Mr. Clavijo stated it would be white. Ms. Shiverick inquired if the gazebo would be wood. Mr. Clavijo indicated it was expected to be wood but the decision had not yet been made.

Ms. Catlin requested that the trucks logistic plan be revised to use County Road rather than N. Lake Way. Mr. Clavijo agreed to the change.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented with the conditions that the gazebo is a wood material and that the truck logistics plan is changed to use County Rd. and Ocean Blvd. Motion carried unanimously.

5. A-089-2021 Landscape/Hardscape

Address: 162 Atlantic Ave.

Applicant: Sam Youneszadeh and Kimberly Honig

Professional: Mario Nievera/Nievera Williams Design

Project Description: Demolition of existing pool and terrace. Proposed hardscape layout pool/spa, driveway gate and landscape revisions.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Nievera presented the landscape and hardscape modifications proposed for the existing site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no comments heard at this time.

Ms. Grace inquired about the status of the existing Ficus. Mr. Nievera responded. Ms. Grace inquired if the Ficus could be replaced with another material. Mr. Nievera responded.

Mr. Corey agreed that this would be a good time to remove the Ficus. He was in favor of the design of the gate but questioned if it was appropriate. Mr. Nievera responded.

Ms. Grace also questioned if the gate was appropriate.

Ms. Shiverick supported the gate.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to approve the project as presented. Motion carried unanimously.

6. A-091-2021 Modifications

Address: 304 Garden Rd.

Applicant: 304 Garden Road LLC (James M. Crowley, Esq.)

Professional: Mario Nievera/Nievera Williams Design

Project Description: Relocation of rear property generator. Addition of spa at rear of property. Modifications to rear property garden and east property site wall and associated proposed landscape and hardscape changes.

Call for disclosure of ex parte communication: Disclosure by several members.

Please note: Mr. Kirchhoff declared a conflict of interest for the project and left the meeting.

Timo Hoefs, Kirchhoff & Associates, presented the architectural changes proposed for the existing residence.

Mr. Nievera presented the landscape and hardscape modifications proposed for the existing site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Ms. Shiverick was in favor of the proposed landscape. She inquired about the window changes and inquired if the new windows would match existing. Mr.

Hoefs responded. Ms. Shiverick confirmed that not all windows were proposed to be replaced. Mr. Hoefs provided confirmation.

Ms. Grace inquired about the change from windows to sliding doors. Mr. Hoefs responded. Ms. Grace thought the existing windows were more attractive. Mr. Hoefs explained that the owners wanted access to the garden and had no real access to the space. Mr. Nievera explained that the garden was a private space and discussed the views from the interior space to the garden.

Ms. Catlin inquired about the raising of the east garden. Mr. Nievera responded. Ms. Catlin inquired if the retaining wall needed to be six feet high. Mr. Nievera explained the reason for the proposed wall height.

Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the project as presented with the condition that the pool must comply with all zoning regulations. Motion carried unanimously.

H. CLARIFICATION HEARING

1. 1045 S. Ocean Blvd. - Staff and neighbor concerns with proposed plantings in north easement by applicant and approval of same by Town of Palm Beach

Please note: This item was deferred to the August 25, 2021 meeting at the Approval of the Agenda, Item VI.

The meeting was stopped at 6:00 p.m. It was announced that the meeting would resume at 9:00 a.m. on July 29, 2021 to discuss the time certain item, B-065-2021, 7 Ocean Lane.

The meeting resumed at 8:59 a.m. on July 29, 2021. Upon Roll Call, all Commissioners, with the exception of Mr. Corey, were found to be present. Messrs. Kirchhoff and Sammons participated via Zoom.

17. B-065-2021 New Construction TIME CERTAIN – 9:00 A.M. ON 7/29/21

Address: 7 Ocean Lane

Applicant: 7 Ocean Lane, LLC (Nedim Soylemez, Manager)

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: New two-story residence with pool. Final hardscape and landscape.

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting for a restudy in accordance with the comments of the Commissioners.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Lehman agreed to the easement.

Angela Lehman, Smith and Moore Architects, Inc., presented some of the architectural modifications that had been made since the presentation made to the Commission in June. Ms. Lehman reviewed the dimensions of the home on the site, relative to the neighboring homes.

Andrew Kotchen, Workshop APD, presented additional architectural and landscape modifications proposed since the presentation in June.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the site.

Messrs. Kotchen and Meyer discussed the beach access and the improvements the owner was willing to implement.

Mr. Small called for public comments.

Elizabeth Ailes, 4 and 6 Ocean Lane, expressed concern that the current owner of the property did not have any connection to the neighborhood. She discussed her objections for the proposed project.

Caren Marder, 1 Ocean Lane, expressed concern for the proposed home and the effect that it would have on her home; she especially felt that she would lose the light in her home.

Gary Marder, 1 Ocean Lane, expressed concern for the loss of light in his home, the decrease of his property value if the proposed home was built and his concern for the sea turtles.

James Green, attorney for the owner of the home, cross-examined Mr. Marder about his sea wall, his concern for the sea turtles, and his past interference with sea turtle nesting by the Sea Turtle Survival League.

George Palladino, 710 N. County Road, expressed concern for the proposed landscaping and the proposed camouflaging of the home in the neighborhood.

Paul Rampell, attorney and owner of 237 Ridgeview Drive, advocated for the proposed architecture and home and indicated his support for the project.

John Eubanks, attorney for Elizabeth Ailes, argued that the proposed home was not harmonious in the neighborhood and stated that he did not believe the home met the items in the Code. He presented exhibits on the overhead in illustration of his arguments.

Rick Gonzalez, REG Architects and representing Elizabeth Ailes, argued that none of the issues pointed out at the last meeting were addressed in the current, proposed changes. He used an exhibit on the overhead to illustrate why the proposed home was disharmonious for the neighborhood.

Mr. Green cross-examined Mr. Gonzalez about his claim of similarity of the proposed home to the neighboring homes. He also inquired about vistas and the right to a vista. Mr. Gonzalez responded to Mr. Green's questions.

Mr. Small called for staff comment. There were no comments heard at this time.

Mr. Kotchen argued that the visuals the other side presented were inaccurate, discussed the water vistas, the massing of the proposed home, and the differences of the proposed home and the neighboring homes.

Mr. Eubanks submitted documentation into the record supporting Mr. Gonzalez's drawings.

Ms. Catlin appreciated the changes in the colors and the landscaping. She liked the design and thought the style was fine for the area. However, she added that she could not support the home because the home was too far east on the lot. She thought the garage was too boxy and industrial. She recommended a shorter driveway. She recognized that the lot was challenging but thought the professional needed to design a home with that in mind.

Mr. Floersheimer agreed with Ms. Catlin. He believed the home should be pushed further west.

Mr. Ives thought the proposed design was one of the better designs that he has seen. He thought the proposed was very well sited and he was in favor of the material choices. He cautioned that if it changed too much, it may lose its uniqueness.

Ms. Shiverick inquired if Mr. Castro had any concern of the size and the CCR, to which Mr. Castro replied, no. Ms. Shiverick was in favor of the design but thought there was a little too much glazing on the east side. She was disappointed that the professionals did not reduce the glazing on the east side as well as did not move the home to the west, at the Commission's request. She agreed with one of the neighbors that the landscaping may be a bit too lush; she suggested thinning it out at the front of the home to provide more visibility to the ocean. She liked the west elevation and thought it felt light, but added the east façade felt a bit heavy. She also thought that since this was a spec house, consideration should be given to the neighbors' concerns.

Mr. Smith agreed with Ms. Catlin. He thought the style was acceptable but thought the home was too far east on the lot. He thought the problem with the design was the garage. He liked Mr. Floersheimer's suggestion to place the garage in the basement.

Ms. Grace believed the presentation given was the same presentation as last month, which was disappointing to her as she expected to hear the changes in the proposed design. She thought the big issue in the design was the east façade and felt it was too similar to the neighbor's home. She also believed the home design should respect the line along the east border that all of the other homes respected. Ms. Grace thought the home was too large for the site and suggested reducing the size. She suggested the possibility of a different style of home.

Mr. Sammons had an issue with the style, the amount of glass and the mass of the proposed home. He thought that the amount of glass proposed should be under a veranda. He thought the amount of proposed glass in this architecture was irresponsible in a tropical climate.

Mr. Kirchhoff thought the house was very commercial looking and that there was too much glass on the east side. He thought the house could be reduced on the site. He was in favor of the garage and entry.

Mr. Small discussed Palm Beach's reputation for having beautiful architecture. He talked about ARCOM's charge to protect the vistas. Mr. Small thought the home needed to be moved west on the lot but thought the design was acceptable. He was interested in the suggestion to moving the garage underground. He was happy that the applicant was willing to improve the beach access. Mr. Small was also concerned with the glazing on the east side of the home.

Mr. Ives hoped that the Commission would come to a resolution with the project.

Ms. Grace cautioned the applicant that the Commission was looking for significant changes to the east façade.

Motion made by Ms. Catlin to deny the proposed new home as presented, based on Section 18-205 (a), criteria 4, 5, 6(e), 6(g), 6(h), 7 and 9. Motion failed for lack of a second.

Motion made by Ms. Shiverick and seconded by Mr. Floersheimer to defer the project, for two months to the September 29, 2021 meeting, for a restudy with a potential change in style, moving the house to the west, reducing the size of the house, reducing the east fenestration and reducing the garage size or relocating it to the basement as well as all of the Commissioners comments. Motion carried unanimously, 7-0.

VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public
None.

2. Staff
Mr. Bergman stated that Thomas Kirchhoff declared a conflict for his project at 147 Dunbar Road at the June 23, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Ms. Catlin wanted to show the Commission of photographs that demonstrated new homes that are raised next to existing, single story homes. Ms. Churney stated that she would send the photographs to the Commission via email.

3. Commission
None.

IX. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Floersheimer to adjourn the meeting at 10:41 a.m. on Thursday, July 29, 2021. Motion carried unanimously.

The next meeting will be held on Wednesday, August 25, 2021 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Small", written over a horizontal line.

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

CERTIFICATION OF ACTION BY THE ARCHITECTURAL REVIEW COMMISSION

The Architectural Review Commission has denied the following request as it is not in accordance with the criteria set forth in Article III. ARCHITECTURAL REVIEW AND PROCEDURE, Section 18-205 Criteria.

Application Number and Title: A-051-2021 Modifications

Address: 2 S. County Rd

Applicant: The Breakers Palm Beach

Architect: John Schmidt / Schmidt / Nichols

Project Description:

The above request has been denied by the Architectural Review Commission for the following reasons:

- ☒ (1) The plan for the proposed building or structure is not in conformity with good taste and design and in general does not contribute to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
- ☐ (2) The plan for the proposed building or structure does not indicate the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment more desirable.
- ☐ (3) The proposed building or structure is, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
- ☐ (4) The proposed building or structure is not in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the Comprehensive Plan.
- ☐ (5) The proposed building or structure is excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following

features of exterior design and appearance:

- a. Apparently visibly identical front or side elevations;
- b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
- c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

___ (6) The proposed building or structure is excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

- a. Height of building or height of roof.
- b. Other significant design features including, but not limited to, materials or quality of architectural design.
- c. Architectural compatibility.
- d. Arrangement of the components of the structure.
- e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
- f. Diversity of design that is complimentary with size and massing of adjacent properties.
- g. Design features that will avoid the appearance of mass through improper proportions.
- h. Design elements that protect the privacy of neighboring property.

___ (7) The proposed building or structure is not appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality of architectural design as viewed from any

public or private way (except alleys).

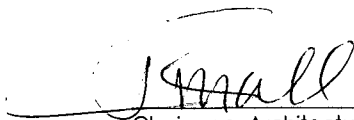
- ___ (8) The proposed development is not in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- ___ (9) The project's location and design does not adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

The applicant is advised that appeals must be filed with the Town Clerk within 10 days in accordance with Article III, Section 18-177 of the Town Code of Ordinances.

CERTIFICATION:

The above denial was issued by the Architectural Review Commission at their meeting on July 28, 2021

TOWN OF PALM BEACH



Chairman, Architectural Commission

CERTIFICATION OF ACTION BY THE ARCHITECTURAL REVIEW COMMISSION

The Architectural Review Commission has denied the following request as it is not in accordance with the criteria set forth in Article III. ARCHITECTURAL REVIEW AND PROCEDURE, Section 18-205 Criteria.

Application Number and Title: B-080-2021, 360 El Brillo way (New Construction)
Address: 360 El Brillo way
Applicant: Todd Glaser
Architect: Kobi Karp
Project Description: New two-story residence with pool.

The above request has been denied by the Architectural Review Commission for the following reasons:

- ☐ (1) The plan for the proposed building or structure is not in conformity with good taste and design and in general does not contribute to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
- ☐ (2) The plan for the proposed building or structure does not indicate the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment more desirable.
- ☐ (3) The proposed building or structure is, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
- ☒ (4) The proposed building or structure is not in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the Comprehensive Plan.
- ☐ (5) The proposed building or structure is excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following

features of exterior design and appearance:

- a. Apparently visibly identical front or side elevations;
- b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
- c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

✓
— (6)

The proposed building or structure is excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

- a. Height of building or height of roof.
- b. Other significant design features including, but not limited to, materials or quality of architectural design.
- c. Architectural compatibility.
- d. Arrangement of the components of the structure.
- e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
- f. Diversity of design that is complimentary with size and massing of adjacent properties.
- g. Design features that will avoid the appearance of mass through improper proportions.
- h. Design elements that protect the privacy of neighboring property.

— (7)

The proposed building or structure is not appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality of architectural design as viewed from any

public or private way (except alleys).

- ___ (8) The proposed development is not in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- ___ (9) The project's location and design does not adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

The applicant is advised that appeals must be filed with the Town Clerk within 10 days in accordance with Article III, Section 18-177 of the Town Code of Ordinances.

CERTIFICATION:

The above denial was issued by the Architectural Review Commission at their meeting on July 28, 2021

TOWN OF PALM BEACH


Chairman, Architectural Commission

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Sammons, Richard</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Architectural Review Commission</i>	
MAILING ADDRESS <i>455 Worth Ave.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION <i>Town of Palm Beach</i>	
DATE ON WHICH VOTE OCCURRED <i>July 28, 2021</i>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who shall incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Richard Sammons, hereby disclose that on July 28, 20 21:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

B-067-2021 Demolition
253 El Pueblo Way

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Aug 25 2021
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME - FIRST NAME - MIDDLE NAME <i>Sammons, Richard</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Architectural Review Commission</i>	
MAILING ADDRESS <i>455 Worth Ave</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>July 28, 2021</i>		NAME OF POLITICAL SUBDIVISION <i>Town of Palm Beach</i>	
		MY POSITION IS ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Richard Sammons, hereby disclose that on July 28, 2021:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

B-042- 2021 New Construction
1080 S. Ocean Blvd.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Aug 25, 2021
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Smith, Jeffrey W.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Architectural Review Commission</i>
MAILING ADDRESS <i>241 Sanford Avenue</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION <i>Town of Palm Beach</i>
COUNTY <i>Palm Beach</i>	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE
DATE ON WHICH VOTE OCCURRED <i>July 28, 2021</i>	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

Jeffrey W. Smith, hereby disclose that on July 28, 2021:

(a) A measure came or will come before my agency which (check one or more)

- ☐ Inured to my special private gain or loss;
- ☐ Inured to the special gain or loss of my business associate, _____;
- ☐ Inured to the special gain or loss of my relative, _____;
- ☒ Inured to the special gain or loss of Mr. AND Mrs. Basil Vasilou, by whom I am retained; or
- ☐ Inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

B-070-2021 Demolition OF STAIR AND REPLACEMENT
114 Seaspray Ave.
Continuing Conflict

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

8.24.21

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Kirchhoff, Thomas</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Architectural Review Commission</i>
MAILING ADDRESS <i>1907 Commerce Ln. # 106</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION <i>Town of Palm Beach</i>
COUNTY <i>Palm Beach</i>	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE
DATE ON WHICH VOTE OCCURRED <i>July 28, 2021</i>	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas Kirchhoff, hereby disclose that on July 28, 20 21:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of 304 Garden Road LLC, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

A-091-2021 Modifications
304 Garden Rd.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Aug 11, 2021

Signature

Thomas Kirchhoff

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.