

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, MAY 27, 2020 AND MONDAY, JUNE 1, 2020

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 9:09 a.m. All members participated via GoToWebinar due to the COVID-19 situation.

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
Robert N. Garrison, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Richard Sammons, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Edward A. Cooney, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Acting Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Kelly Churney, Secretary to the Architectural Review Commission

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Bergman announced that the meeting was being held electronically due to the CDC guidelines, and in accordance with State Executive Order 20-69. Mr. Bergman also took care of some housekeeping items.

Mr. Small announced the rules and procedure that individuals entering Town Hall were required to follow in order to make their presentation.

No new application will be heard and considered after 6 p.m. on May 27, 2020.

- V. **APPROVAL OF THE MINUTES FROM THE APRIL 29, 2020 MEETING**
Motion made by Mr. Garrison and seconded by Ms. Grace to approve the minutes from the April 29, 2020 meeting. Motion carried unanimously.

- VI. **APPROVAL OF THE AGENDA**
The following amendments to the agenda have been requested:

Withdrawal of B-016-2020, 280 El Pueblo Way

Withdrawal of B-019-2020, 165 Seaspray Avenue

Withdrawal of B-029-2020, 500 S. County Road

Deferral of B-074-2019, 125 Worth Avenue to the June 24, 2020 meeting

Deferral of B-069-2019, 977 S. Ocean Blvd. to the July 29, 2020 meeting

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the agenda as amended. Motion carried unanimously.

- VII. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**
Mr. Small announced that Ms. Churney would be administering the oath at the beginning of each project.

- VIII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**
There were no comments heard at this time.

- IX. **COMMENTS FROM THE ARCHITECTURAL COMMISSION MEMBERS**
Mr. Garrison asked for the Commission to closely review the landscape screening plans when it related to the demolition of a residence.

Mr. Floersheimer stated he would like to understand the process of granting variances and the hardship to obtain a variance.

- X. **PROJECT REVIEW**
DEMOLITIONS AND TIME EXTENSIONS

B-012-2020 Demolition

Address: 60 Blossom Way

Applicant: Providencia Partners LLC

Professional: Daniel Kahan

Project Description: Demolition of the existing residence, hardscape and pool.

Existing perimeter walls shall remain. Landscape submittal and presentation will outline the plan to preserve and relocate the existing vegetation.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Clerk's note: Ms. Catlin voted in the absence of Mr. Ives as he was unable to join for this agenda item.

Mr. Kahan presented the plans for the demolition of the existing residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Kahan stated the owner would agree to the easement and added there was an existing easement on the west side of the property.

Mr. Garrison asked Mr. Kahan to make sure that the perimeter of the property was screened so that the neighbors were protected.

Mr. Corey inquired about the removal of a Sea grape tree, east of the coastal construction line. Mr. Kahan responded. Mr. Corey stated he supported the project.

Mr. Sammons requested that the professionals salvage the material from the home. Mr. Kahan stated the material would be salvaged and discussed the details.

Mr. Floersheimer requested that the pagoda be repurposed or donated to the Town. Mr. Kahan agreed and stated it would be repurposed.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Mr. Corey that the proposed demolition has met the conditions listed in Section 18-206 in the Town's Code of Ordinances and to approve the project as presented with the following caveats: material in the residence is to be salvaged as much as possible, repurpose the pagoda, proper screening is installed to protect the neighbors during demolition and construction, and the property will be sodded and irrigated within 30 days. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-016-2020 Time Extension

Address: 280 El Pueblo Way

Applicant: 280 El Pueblo Way LLC

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Request one year extension of previously approved plan (B-023-2019) for a two-story residence, one story guest house, landscape, hardscape, spa and pool.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Clerk's note: This project was withdrawn from the agenda at the Approval of the Agenda, Item VI.

Clerk's note: Mr. Ives joined the meeting at this time.

B-018-2020 Demolition

Address: 965 N. Ocean Blvd.

Applicant: Carl and Jane Panattoni

Professional: Daniel Kahan/Smith and Moore Architects, Inc.

Project Description: Demolition of existing residence, pool, hardscape and select landscape.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Kahan presented the plans for the demolition of the existing residence.

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

Mr. Floersheimer questioned why the three palms in the rear of the home were proposed to be saved in their condition. Mr. Kahan responded.

Ms. Catlin expressed concern for the public using this property to access the beach after the demolition. Mr. Kahan stated he would work with the owner to prevent the public from the accessing the site. Ms. Catlin expressed her dismay for the screening and felt the prominent site would look bad. She suggested using landscaping and a gate. Mr. Kahan stated he would discuss the issue with his client to see what he could arrange.

Mr. Corey inquired if the professionals would be willing to keep some of the trees and vegetation on site after the demolition until the new construction begins. Mr. Kahan stated he would investigate this option.

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

Motion made by Mr. Corey and seconded by Mr. Garrison that the proposed demolition has met the conditions listed in Section 18-206 in the Town's Code of Ordinances and to approve the project as presented with the following caveats: proper screening is installed to protect the neighbors during demolition and construction, and the property will be sodded and irrigated within 30 days. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-019-2020 Time Extension

Address: 165 Seaspray Avenue

Applicant: Oliver "Piper" Quinn

Professional: Daniel Kahan/Smith and Moore Architects, Inc.

Project Description: Time extension for a previously approved project of a new two-story residence in the Palm Beach colonial vernacular. Final landscape.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Clerk's note: This project was withdrawn from the agenda at the Approval of the Agenda, Item VI.

MINOR PROJECTS – OLD BUSINESS

A-004-2020 Modifications

Address: 3450 S. Ocean Blvd.

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

Professional: James C. Paine, Jr.

Project Description: Request for approval of balcony rail change-out from original precast concrete balcony rails to vertical aluminum picket rails (white) conforming to current code.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Paine explained the request for the proposed changes to the condominium buildings.

Mr. Small asked about the status of the undergrounding project in the area of the condominium. Mr. Paine responded. Mr. Small asked if the owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject

to the satisfaction of the Town. Mr. Paine stated the owner would agree to the easement.

Mr. Small stated he did not notice any other surrounding condominiums in the area with glass balconies. He asked Mr. Paine if any other considerations were given to the balcony materials. Mr. Paine responded.

Mr. Garrison stated he had a small concern for the proposed glass and wondered if the furniture could be regulated. However, he believed the current balcony was in bad shape. He questioned how the white metal would weather over the next ten years. Al Rathbun, Construction Manager for The Patrician, responded.

Mr. Ives stated he agreed with Mr. Garrison but did not have the same concern for the furniture.

Mr. Corey was in favor of the proposed modernization but inquired if the paint color for the railing would match the paint color for the windows and doors. Mr. Rathbun responded. Mr. Corey inquired about the fastening system of the railings. Mr. Paine responded.

Ms. Shiverick was in favor of the modernization of the building. She expressed concern for the ability to keep the glass clean due to the proximity to the ocean. She added that she shared Mr. Small's concern about the furniture. Messrs. Paine and Rathbun responded.

Ms. Catlin stated she was not concerned with the furniture and thought the changes were positive and made a big difference.

Mr. Floersheimer thought the changes were appropriate. Mr. Floersheimer inquired about the parking for the buildings as well as the access to the beach. Mr. Paine and Rathbun responded.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

MINOR PROJECTS – NEW BUSINESS

A-006-2020 Modifications

Address: 560 Island Dr.

Applicant: James Reyes

Professional: Lang Design Group

Project Description: Minor landscape, hardscape, lighting renovation to existing. Replace existing pool with proposed perimeter overflow pool, spa, fountain wall side, and arbor. Refinish existing patio and driveway with new stone, beige shells, tone colored limestone.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

John Lang, Lang Design Group, presented the proposed changes to the landscape and hardscape on the property.

Many of the commissioners were in favor of the project.

Mr. Floersheimer inquired if the installation of the dock would be reviewed by the Architectural Review Commission. Mr. Castro stated ARCOM does not typically review docks.

Mr. Castro noted that the professionals would need to work with the Town Engineer on the curb cuts.

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

Clerk's note: A short break was taken at 10:33 a.m. The meeting resumed at 10:45 a.m.

MAJOR PROJECTS – OLD BUSINESS

B-010-2020 Demolition/New Construction

Address: 1 Wells Circle

Applicant: Allison Menkes

Professional: LaBerge & Menard

Project Description: Demolition of existing house. New 8,800 sq. ft. one-story home.

A motion carried at the February meeting to approve the demolition request. A second motion carried to approve the architectural plans as presented and to defer the landscape and hardscape plans to the March 25, 2020 meeting for a restudy of the site circulation and vehicular guest parking. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Keith Williams, Nievera Williams Design, presented the modifications for the landscape and hardscape proposed for the residence.

Many of the commissioners were in favor of the project.

Ms. Grace believed that the additional parking did not detract from the project.

Ms. Shiverick was in favor of the project but added if owner did not prefer the extra parking spaces, she recommended removing them. Mr. Williams responded.

Mr. Cooney inquired about the protections that would be put in place for Australian Pines that are part of the scenic vista. Mr. Williams stated he would ask the contractor to place some protections around the Australian Pines.

Mr. Small asked about the landscape screening on the south side to screen the parked cars. Mr. Williams responded.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Ms. Grace and seconded by Mr. Garrison the proposed project at 1 Wells Circle has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and to approve the project as presented. Motion carried unanimously.

B-009-2020 New Cabana

Address: 1360 N. Ocean Blvd.

Applicant: Katherine J. Henry

Professional: M. Mark Marsh/Bridges Marsh & Associates, Inc.

Project Description: Construction of a beach cabana and site improvements. New doors and windows at the existing house.

A motion carried at the February meeting to defer the project to the March 25, 2020 meeting for a restudy of the project. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Marsh presented the proposed architectural plans for the beach cabana as well as the changes to the windows and doors on the existing home.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape design for the beach cabana as well as the pedestrian gate design.

Mr. Small expressed concern for the obstructed ocean vista and stated he could not support the project.

Mr. Garrison shared Mr. Small's position for the cabana and the ocean vista.

Mr. Ives understood Mr. Small's position but felt that the owner had a right to develop the property. Mr. Ives felt the changes to the beach cabana were acceptable but added he could not support the changes to the main house.

Ms. Grace thought the fenestration changes proposed were better but still questioned some of the changes in the main home. Ms. Grace felt the changes to the design of the cabana were better but wondered if the owner would consider an open air cabana.

Mr. Corey expressed concern that the size of the proposed cabana was much larger than the existing cabana. Mr. Marsh responded.

Mr. Castro discussed the Code requirements for the ocean vista relative to the size of the beach cabana.

Mr. Corey stated he could not support the application until he could understand the size difference between the existing and proposed cabanas. He added that the landscape proposed was foreign and questioned the wood decking and pavers proposed.

Mr. Shiverick liked the existing home more than the proposed changes. She added that she preferred the double hung windows but was in favor of the mullions. She added that the north windows on the cabana were too large. She suggested adding half walls with lattice on the north and west side.

Ms. Catlin agreed with many of her fellow commissioners. She felt the landscaping needed to be reduced in scale. She saw improvements in the changes to the main residence but felt there were changes that still needed to be made.

Mr. Floersheimer agreed with Mr. Small regarding the ocean vista. He expressed concern for the height of the cabana and the steepness of the roof.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Mr. Marsh presented the elevations of the existing and proposed cabanas. He explained the reason for the removal of the pavilion and the proposal of the beach cabana.

Mr. Garrison suggested reducing the size of the beach cabana as well as the height of the landscape proposed.

Mr. Marsh stated the proposed cabana was under the maximum size allowance.

Mr. Castro further explained the Code provisions for beach cabana and ocean vista requirements.

Ms. Catlin thought the main objection of the proposed cabana was it blocked the ocean vista.

Mr. Marsh advocated for the proposed project.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project for one month, to the June 24, 2020 meeting, giving consideration to all of the comments from the Commissioners. Motion carried 6-1, with Mr. Sammons opposed.

B-013-2020 Additions/Modifications

Address: 1620 S. Ocean Blvd.

Applicant: Anthony and Lynda Lomangino

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

Project Description: Additions and alterations to an existing two-story residence.

Landscape and hardscape revisions.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Smith presented the proposed architectural changes proposed for the existing residence.

Mr. Garrison inquired about the color of the home. Mr. Smith responded.

Mr. Ives thought the changes to the front elevation were making the home appear heavy and added he felt the terraces were driving the changes.

Ms. Grace was in favor of the changes and liked the natural stone. She agreed with Mr. Ives about the heaviness of the front elevation. She questioned the window change on the first floor, south elevation. Mr. Smith explained the changes.

Mr. Corey found the details slightly heavy but not unbefitting. He suggested looking at a different order of the columns, rather than the Corinthian columns proposed but added he would not stop the progress of the project.

Ms. Shiverick first thought the changes were too heavy but now believed it was appropriate for the area. She asked about the depth of the terrace on the southeast elevation. She was in favor of the materials.

Mr. Sammons expressed concern with many of the details and stated he could not support the project.

Ms. Catlin was thought the improvements were nice and thought it was nicer than the existing home.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith stated the owner would agree to the easement and believed it was already undergrounded.

John Lang, Lang Design Group, presented the proposed landscape and hardscape changes to the existing residence.

Mr. Corey inquired about the change in materials to Ficus Nitida. Mr. Lang responded and stated he would remove the Ficus Nitida proposed and would use Green Buttonwood.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Ms. Shiverick and seconded by Mr. Ives to defer the project for one month, to the June 24, 2020 meeting, to restudy the potential heaviness and restudy where it could be lightened, and to reduce the moldings. Motion carried unanimously.

A second motion made by Mr. Sammons and seconded by Ms. Shiverick to approve the landscape and hardscape changes as presented. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

MAJOR PROJECTS – NEW BUSINESS

B-020-2020 New Construction

Address: 171 Via Bellaria

Applicant: John Robert Tomisch Trust (M. Tim Hanlon, Attorney)

Professional: LaBerge & Ménard Inc.

Project Description: New 8,468 sq. ft. two-story house painted cream with clay tile roof, stone trim. New landscape and hardscape.

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

Mr. Ménard stated that the owner of the property received two additional letters of support from the neighbors. Mr. Ménard presented the architectural plans for the proposed new residence.

Mr. Garrison expressed concern for the garage design and thought it appeared as an appendage. He thought the home lacked charm and would not fit in on the street.

Mr. Ives agreed with Mr. Garrison and questioned the design in general. He did not believe this design worked as a Mediterranean Revival. He suggested a restudy of the design.

Ms. Grace thought the homes on the street had charm and character while the proposed lacked charm. She thought the proposed design did not have much interest. She also seemed the home seemed a little large.

Mr. Corey thought the proposed home was too large, tall, and boxy. He questioned the doors on the rear of the home, the pergola, columns and railings. He thought the home design lacked sophistication.

Ms. Shiverick stated she agreed with her fellow commissioners. She questioned the windows proposed. She thought the home lacked elegance and did not measure up for the street.

Mr. Sammons thought this home design was outclassed by its neighbors. He stated he would deny the proposed plans.

Ms. Catlin thought the design seems barren. She appreciated that the home was set back from the street. Ms. Catlin added the style was good but it missed its mark in the execution.

Mr. Floersheimer stated he agreed with his fellow commissioners.

Mr. Cooney stated the house needed to rise to the level of the surrounding homes. Mr. Cooney also added that while he appreciated the attempt to push the home away from the street, this was inconsistent with the streetscape. He suggested a restudy of the design.

Mr. Small stated he agreed with his fellow commissioners.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project. Ms. Churney stated the Town receive a letter of opposition from Victor Spilotro, who stated he would not be able to attend the meeting but wanted to make sure his objections were known.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month, to the June 24, 2020 meeting, for a massive restudy with every aspect of the design. Motion carried 5-2, with Messrs. Sammons and Small opposed.

Clerk's note: A lunch break was taken at 12:33 p.m. The meeting resumed at 1:10 p.m.

B-022-2020 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 202 Osceola Way

Applicant: Dennis and Rosanne Vollman

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

Project Description: Construction of two one-story additions to an existing one-story residence. The additions total 483 square feet.

ZONING INFORMATION: The applicant is proposing to convert the existing garage into living space and add 56 square foot to the rear of the house and construct a new 427 square foot one story garage addition to the existing one-story residence. Both additions total 483 square feet. The following variances are being requested: 1) Section 134-894(6): The applicant is requesting a variance for an angle of vision of 126.2 degrees in lieu of the 116.7 degrees existing and the 112 degrees maximum allowed for the one-story garage addition. 2) Section 134-894(7): The applicant is requesting a variance for a west side yard setback of 9.9 feet in lieu of the 12.5 feet required in the R-B Zoning District for the 427 square foot one-story garage addition. 3) Section 134-894(7): The applicant is requesting a variance for a west side yard setback of 9.9 feet in lieu of the 12.5 feet required in the R-B Zoning District for the 56 square foot bedroom addition.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Smith presented the architectural plans for the proposed additions to the existing home.

Mr. Garrison was in favor of the project. He inquired about the new concrete screening wall and asked how it would affect the neighbors. Mr. Smith responded.

Many of the commissioners were in favor of the project.

Ms. Shiverick suggested changing the front door to a louvered door as it would lighten up the front of the home. Mr. Smith stated he would speak to the home owners.

Ms. Grace agreed with Ms. Shiverick's suggestion for the garage door.

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

Smith stated the owner would agree to the easement but believed it was already undergrounded.

Motion made by Mr. Corey and seconded by Mr. Garrison that the implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-021-2020 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 228 Nightingale Trail

Applicant: Mr. & Mrs. Winston Wren

Professional: MP Design & Architecture

Project Description: New 380 SF bedroom addition at the northeast corner of existing single story residence. Relocate existing garage overhead door to the north façade. New driveway, pedestrian walkway, gate and front landscape.

ZONING INFORMATION: Section 134-894(7): The applicant is requesting an east side yard setback of 10.66 feet in lieu of the 12.5 foot minimum side yard setback required in the R-B Zoning District in order to construct a 380 square foot bedroom addition on the front of the residence. The cost of construction for the addition will be less than 50 percent of the market value of the home thus the work will not trigger a FEMA compliance issue.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

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

Keith Williams, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the existing residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Maura Ziska stated that the undergrounding had been completed in the area.

Mr. Garrison asked for confirmation that the side yard setback would not be changing. Mr. Perry provided confirmation. Mr. Garrison thought the design was a good solution.

Ms. Grace raised an issue for the proposed front loading garage versus the existing side loading garage. Mr. Perry responded. She expressed concern that landscaping would block the front of home and wished the plan was friendlier to the neighborhood. She also questioned the reduction of parking spaces in the plan. Mr. Perry responded and explained the design. She recommended making the front landscaping more attractive.

Mr. Corey stated he had somewhat of a concern for the switch from the side load to front load garage. Another concern of his was the lack of mitigation from landscape in the driveway design and suggested adding a Sea grape tree near the driveway. Mr. Williams stated the client requested the proposed plan. Mr. Corey inquired about the design for the pedestrian gate. Mr. Williams presented a design of an existing gate on the property that would be replicated for the pedestrian gate. Mr. Corey finished his comments by stating that he preferred the side loading garage but if a front loading garage was approved, proper screening should be planted.

Ms. Shiverick was in favor of the front loading garage and thought the changes were a nice solution. She recommended adding an espalier or some potted plants in the courtyard area. Mr. Williams agreed and proposed adding a confederate Jasmine vine espalier.

Mr. Sammons recommended adding a garden wall next to the courtyard to make it more inviting. Mr. Williams agreed with the recommendation.

Ms. Catlin was in favor of Mr. Sammons' suggestion.

Mr. Floersheimer thought the plan made sense but had some concern for the garage layout change. He recommended moving the driveway to the east so that the garage was not in the direct view of the street.

Mr. Cooney was in favor of the design.

Mr. Small stated he shared many of the comments made by the commission and thought there should be some improvement in the landscape by screening the curb cut.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry stated the underground had already been completed in the area.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative

architectural impact to the subject property. Motion carried 6-1, with Ms. Grace opposed.

A second motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented with the following conditions: the addition of a garden wall, moving of the driveway to the east with the addition of a shade tree at the entrance of the driveway.

Mr. Williams expressed concern with shifting the driveway to the west. The commission suggested shifting the driveway to the east.

Mr. Garrison amended his motion and Mr. Corey seconded the motion to approve the project as presented with the following conditions: the addition of a garden wall and the addition of a shade tree at the entrance of the driveway. Motion carried unanimously.

B-025-2020 Additions/Modifications

Address: 288 Sandpiper Dr.

Applicant: Kelly Williams

Professional: MP Design and Architecture Inc.

Project Description: One bedroom extension at the rear of the second floor level.

All finishes and details to match existing conditions.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

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

Mr. Small asked if there were any changes to the landscape plan. Mr. Perry stated there were no changes.

Many of the commissioners were in favor of the project.

Ms. Shiverick confirmed that the roof would be white. Mr. Perry provided confirmation.

Mr. Floersheimer inquired about the third garage. Mr. Perry responded.

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

Mr. Small asked if the overhang roof could be removed from the third garage to have some symmetry. Mr. Perry further explained the design.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-027-2020 Demolition/New Construction

Address: 335 Seabreeze Ave.

Applicant: 65 Kimberly Place LLC

Professional: MP Design and Architecture Inc.

Project Description: Demolition of existing two-story residence, one car garage and pool. Renovation of existing two-story guest house. New four car garage. Existing site wall and motor court to remain. New Landscape.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Small expressed concern that the demolition report was missing significant information. Mr. Perry stated that he was not aware of any information that was missing. A discussion ensued on this issue.

Mr. Small asked the commissioners if they were comfortable moving forward or asked if they would prefer more information on the residence.

Mr. Garrison stated he did not receive a checklist for the project.

Mr. Castro weighed in on the issue with the checklist and stated that the home was not landmarked.

Ms. Shiverick requested more information on the guest house and garage along with some renderings, including colored renderings.

Mr. Corey requested a civil plan to review.

Motion made by Ms. Shiverick and seconded by Ms. Grace to defer the entire project for one month, to the June 24, 2020 meeting, to allow the professional to return with renderings, more history on the current home and a more thorough demolition plan. Motion carried unanimously.

B-028-2020 Additions/Modifications

Address: 110 Clarendon Ave.

Applicant: North Fifth LLC

Professional: MP Design and Architecture Inc.

Project Description: Removal of existing pool house and breezeway. No change to the North elevation (front). New pool house, garage and driveway on south of the property. Replace existing windows and doors with new impact rated.

Addition of new loggia and terrace. New landscape, hardscape and relocation of pool to be submitted on a later meeting.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

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

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

Mr. Garrison was in favor of the project. Ms. Grace agreed.

Mr. Corey thought the guest house was too tall and competed with the main house. He thought the living green wall was mitigating the large guest house. He thought the guest house needed a restudy.

Ms. Shiverick stated that she agreed with Mr. Corey. She liked the living wall but thought it was too large. She cautioned to be careful of the shade of glass used for the windows.

Mr. Sammons thought the guest house needed to be reduced.

Ms. Catlin stated she agreed with the comments on the guest house and thought it was not as charming as the main home.

Messrs. Floersheimer and Small agreed with the comments on the proposed guest house.

Mr. Perry commented on the glass for the windows.

Mario Nievera, Nievera Williams Design, presented the hardscape and landscape modifications proposed for the residence.

Ms. Grace stated she was in favor of the project.

Mr. Corey reiterated that the living wall was too big and thought if the guest house was reduced in size, it would also reduce the living wall. He also recommended using more native plantings.

Ms. Shiverick and Messrs. Sammons and Cooney were in favor of the landscape plan.

Ms. Catlin thought the landscaping plan was great but thought the living wall and fountain were too large.

Messrs. Floersheimer and Small were in favor of the landscape plan but thought the guest house needed to be reduced.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented, with the exception of the guest house, which would return to the Commission in one month, at the June 24, 2020 meeting. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-024-2020 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Address: 215 Peruvian Ave.

Applicant: Risotto Realty, LLC (Daniel E. Ponton, Managing Member)

Professional: Jeffery Smith/Smith Architectural Group, Inc.

Project Description: Construction of a new one story addition in the Regency style. Addition is 922 square feet and is a permanent replacement for the existing tent structure which is in place from October through May each year. Final landscape, hardscape and drainage included.

ZONING INFORMATION: 1. Sec. 134-1109(a) (3) - A special exception to allow a one-story 922 sq. ft. addition as a permanent replacement for the existing tent structure which has been in place from October through May each year for 25+ years, with no increase in seating, at a private social club which is permitted as a special exception use in the C-TS zoning district. 2. Sec. 134-229 - A special exception to allow a one-story 922 sq. ft. addition as a permanent replacement for the existing tent structure which has been in place from October through May each year for 25+ years, with no increase in seating, at a private social club which is permitted as a special exception use in the C-TS zoning district. 3. Sec. 134-329 - Site plan review for a one-story 922 sq. ft. addition as a permanent replacement for the existing tent structure which has been in place from October through May each year for 25+ years, with no increase in seating, at a private social club which is permitted as a special exception use in the C-TS zoning district.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Smith presented the architectural modifications proposed for the existing building.

Claudia Visconti, SMA Landscape Architecture, presented the landscape and hardscape modifications for the existing site.

Mr. Garrison was in favor of the project but expressed concern for the logistics of the construction. Mr. Smith discussed the logistics.

Mr. Ives questioned the Regency style proposed for the project and requested other options.

Ms. Grace was in favor of the style but questioned the red roof proposed. She also recommended adding more doors that opened to the front.

Mr. Corey was in favor of eliminating the tent with a more permanent solution. However, he thought a Mediterranean Revival style design would be more successful.

Mr. Smith responded to Ms. Grace and Mr. Corey's suggestions.

Ms. Shiverick was in favor of the changes but did recommend adding some color to the front of the building, possibly by painting the urns.

Mr. Sammons questioned the detail in the entablature and the molding but otherwise was supportive.

Mr. Cooney was in favor of the project.

Mr. Small was in favor of the project but expressed concern for the unsightly, eastern façade. He requested that this façade is given some attention.

Mr. Corey recommended adding a service gate. A short discussion ensued on the topic.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented with the following conditions: the addition of a color be considered for the front elevation and the addition of a service gate between

the two properties. Motion carried 4-3, with Messrs. Ives, Sammons and Small.

Clerk's note: A short break was taken at 3:00 p.m. The meeting resumed at 3:10 p.m.

B-026-2020 Additions/Modifications

Address: 1334 N. Lake Way

Applicant: The Christopher Asplundh Family Partnership, LP

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

Project Description: A second floor addition and alterations to an existing garage/guest house. Landscape and hardscape alterations.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Smith presented the architectural modifications proposed for the existing garage.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith stated he would agree to the easement.

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

Mr. Garrison thought the plans were a good solution and he added that he hoped the Ficus tree could be saved. He added that he was in favor of the project. Mr. Ives agreed.

Ms. Grace stated she was in favor of the project overall but thought the addition would make the area feel closed in. She also requested the removal of some of the hardscape on the east side. Mr. West responded.

Mr. Corey thought the professional did a good job tying the guest house to the main house but added the guest house was far too large. He thought the guest house should read as subservient to the main house. He recommended that the two story building should be redesigned in a one and a half story fashion.

Ms. Shiverick thought the changes proposed were beautiful. She asked if the driveway material would remain concrete. Mr. West stated it would be concrete. She suggested that a brick driveway would look sensational as a brick driveway. She recommend changing the entry courtyard area by adding stepping stones and more green rather than concrete. Mr. Smith stated the courtyard area was existing.

Mr. Sammons was in favor of the project.

Ms. Catlin thought the modifications were warm, inviting and had whimsy and was a great project.

Mr. Floersheimer recommended scaling down the guest house. He thought the guest house was too large for the site.

Mr. Cooney was in favor of the project.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Sammons and seconded by Mr. Garrison to approve the project as presented. Motion carried 6-1, with Mr. Corey opposed. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

XI. **ADDITIONAL COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

There were no comments heard at this time.

At this time, Mr. Cooney expressed reservations for moving into the second day of the agenda. He wanted to make sure that anyone interested in the items on the second day of the agenda had the opportunity to participate. Messrs. Corey, Floersheimer and Ms. Shiverick agreed with Mr. Cooney. A short discussion ensued on this topic.

Clerk's Note: Mr. Small recessed the meeting at 3:45 p.m. and stated that the meeting would resume on Monday, June 1, 2020 at 9:00 a.m.

DAY 2 AGENDA

**JUNE 1, 2020
9:00 A.M.**

I. **CALL TO ORDER**

Mr. Small called the meeting to order at 9:00 a.m. All members participated via GoToWebinar due to the COVID-19 situation.

II. **ROLL CALL**

Michael B. Small, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT

Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Richard Sammons, Member	PRESENT (arrived at 9:10 a.m.)
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Edward A. Cooney, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Acting Director of Planning, Zoning and Building

Paul Castro, Zoning Manager

Kelly Churney, Secretary to the Architectural Review Commission

III. **RULES OF ORDER AND PROCEDURE**

Mr. Small announced the rules and procedure that would be taken upon individuals entering Town Hall for their presentation and as well as the procedure that would occur for each presentation.

Mr. Bergman announced that the meeting was being held electronically due to the CDC guidelines, and in accordance with State Executive Order 20-69. Mr. Bergman also took care of some housekeeping items.

IV. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney administered the oath at the beginning of each project.

V. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**

There were no comments heard at this time.

VI. **PROJECT REVIEW**

MAJOR PROJECTS – OLD BUSINESS

B-074-2019 Additions & Modifications

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

Address: 125 Worth Avenue

Applicant: 125 Worth Partners LLC

Professional: Jose Luis Gonzalez Perotti/Portuondo Perotti Architects

Project Description: The project consists of the façade renovation and addition to an existing four-story 1970's building. The fourth-floor structure will be removed and replaced with four new luxury residential apartments, and trellis gardens. The façade will be renovated with new architectural screens, white brick veneer and exposed concrete accents that will enhance the aesthetic of the building for its users and pedestrians alike. The addition component consists of a new one-story commercial structure with a roof top trellised courtyard and a two-story elevator tower.

ZONING INFORMATION: A request for Site Plan Review modification approval for revitalization, renovation and expansion of the 45-year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two-story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth-story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53 feet in lieu of the 49 feet 2 inches existing and the 25-foot maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63 feet 4 inches in lieu of the 53 feet 8 inches existing and the 35-foot maximum allowed by current code. 5. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing air-conditioned floor area of the fourth story to 13,212.9 square-feet from 3,448.75 square-feet existing. An open fourth story trellis of 5,433 square-feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 square-feet in addition to the existing air-conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1-foot 1 inch for portions of the building in lieu of the 5 feet existing and the 5 feet minimum required on the private property. The sidewalk is required to be a minimum of 10 feet wide and this proposal is a minimum of 8 feet 2 inches in the area where the sidewalk is only 1 foot 1 inch wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 66% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code.

A motion carried at the December meeting to defer the project to the February 26, 2020 meeting. A motion carried at the February meeting to defer the project to the March 25, 2020 meeting at the request of the attorney. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Clerk's note: This project was deferred to the June 24, 2020 meeting at the Approval of the Agenda, Item VI.

B-069-2019 Demolition/New Construction

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

Address: 977 South Ocean Boulevard

Applicant: 195 PHESTEN ASSOCIATES, LLC (RUSTY & ASHLEY HOLZER)

Professional: Studio SR Architecture

Project Description: Demolition of existing 1-story wood frame house, and construction of a contemporary 1 & 2-story residence.

ZONING INFORMATION: A request for Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two-story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district (Section 134-840 & 134-893(c)). The following variances are also being requested:

1. Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35-foot minimum required in the R-A Zoning District.
2. Section 134-843(a)(5) and (9): A request for a variance to allow the proposed residence to have a rear setback of 9 feet in lieu of the 15 foot minimum required in the R-A Zoning District which includes the balconies which extend 3 feet from the building in lieu of the 2' foot maximum allowed.
3. Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District.
4. Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District.
5. Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District.
6. Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house.

At the October 30, 2019 ARCOM meeting, the demolition of the existing home was approved; however, the proposed new home was deferred to the December 13, 2019 meeting with direction to restudy the project per the comments made by the Commission members. A motion carried at the December meeting to defer the project to the January 29, 2020 meeting at the request of the applicant. A motion carried at the January meeting to defer the project to the March 25, 2020 meeting for a significant restudy with consideration of the comments from the Commissioners. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Clerk's note: This project was deferred to the July 29, 2020 meeting at the Approval of the Agenda, Item VI.

MAJOR PROJECTS – NEW BUSINESS

B-014-2020 Additions

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 145 Kings Road

Applicant: Sam Bonomo

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: New Garage 328 square foot addition.

ZONING INFORMATION: 1) Sec. 134-843(8): Request for a variance to allow construction of a 289.15 square foot addition to convert a one car garage to a two-car tandem parked garage that will result in a 1.25 foot east side yard setback In lieu of the 15 foot minimum allowed in the R-A Zoning District. 2) Sec. 134-843(11): Request for a variance to allow construction of a 289.15 square foot addition to convert a one car garage to a two-car tandem parked garage that will result in a lot coverage of 33.2% in lieu of the 30.84% existing and the 25% maximum allowed in the R-A Zoning District. 3. Sec. 134-2171: Request to add onto a one car garage to stack a second vehicle. The code requires the parking to be arranged so that each automobile can be removed without moving another automobile.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Maura Ziska, Attorney for the owner, explained the zoning requests to the Commission and asked for a positive recommendation to the Town Council.

Mr. Castro asked the professional to explain the location of the air conditioning equipment.

Mr. Segraves presented the architectural modifications to add a new garage to an existing residence.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modification for the existing residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves stated he would agree to the easement.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Mr. Garrison inquired about the construction method for the garage addition with the close proximity of the hedge. Mr. Segraves responded. A short discussion ensued on the topic.

Ms. Grace asked about the letter of concern received from the neighbor. Mr. Segraves stated that the neighbor, Lucinda Stonestrom, wrote a new letter and Ms. Ziska read the letter into the record. Ms. Grace asked about the screening for the air conditioning units. Mr. Segraves responded. A discussion ensued about the air conditioning units.

Mr. Corey thought the new garage worked well with the design. He added that the landscape plan looked very nice. Mr. Corey asked if the owner would let the Sea grape tree grow in the southeast corner.

Mr. Shiverick questioned the style for the garage door and suggested changing the garage door to match the existing garage door.

Ms. Catlin was in favor of the project and thought it enhanced the area. She asked the professional for assurance regarding the maneuverability in the driveway to the garage. Mr. Segraves responded.

Mr. Floersheimer was in favor of the project. He asked for further clarification on the variance requests. Mr. Segraves responded.

Ms. Grace agreed with Ms. Shiverick's suggestion on the garage door. Mr. Segraves explained the reasons for his choice of the garage door style.

Motion made by Mr. Corey and seconded by Mr. Garrison that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion carried by Mr. Corey and seconded by Mr. Garrison to approve the project with the following conditions: that proper vegetative screening be addressed on the east side of the property, the existing hedge is protected and if the existing hedge on the east side has to be removed during construction, a screen will be added before a new hedge is installed. Motion carried 5-2, with Mses. Shiverick and Grace opposed. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-023-2020 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Address: 150 Worth Ave., Ste. 235

Applicant: Maison (Ashley Wu, Founder)

Professional: Jerome Baumohl

Project Description: To convert existing covered colonnade roof structure to functional balcony as part of the tenant improvement work for "Maison" Suite 235. The only exterior modification would be to modify one pair of existing fixed French Doors to operable.

ZONING INFORMATION: Section 134-1159 (9): A request for special exception approval to operate a 3,315 square foot shared space and a 680 square foot balcony in suite 235 on the second floor of the Esplanade called "Maison". Maison will be a "member's only" club catering to women (although men are not prohibited) that will offer a shared, co-working place for members to work, relax, attend events, meet and build community. Designed with working moms in mind, the founder Ashley Wu found it hard to work from home "As the workforce goes more remote and people travel to meet clients, and catch up with friends all over the city, a base for gathering in any neighborhood is ideal." Ashley Wu Section 134-1164(e) and Section 134-1163(8): A request for special exception approval with site plan review to modify the existing arcade by allowing the use

of the existing second story balcony above the arcade. Section 134-1161: A request for special exception approval to allow outdoor seating on the balcony above the arcade to enjoy food and beverages.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Clerk's Note: Mr. Sammons declared a conflict of interest for the project. Mr. Small noted that Ms. Catlin would be voting in his place.

Mr. Baumoehl presented the architectural modifications for the existing commercial building.

Maura Ziska, Attorney for the owner, explained the requests to the Commission.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Several of the commissioners were supportive of the project.

Mr. Corey asked the owner of the building to address the ficus hedge on the southwest of the building. He added that he was in favor of the project.

Mr. Floersheimer asked about the furniture proposed for the space. Mr. Baumoehl responded.

Mr. Small thought the furniture on the balcony would be a distraction. Ms. Grace agreed.

Motion made by Mr. Garrison and seconded by Ms. Shiverick to approve the project as presented. Motion carried 5-2, with Mr. Small and Ms. Grace opposed.

A second motion was made by Mr. Garrison and seconded by Ms. Catlin that the conversion of the architectural arcade to a balcony on the second floor is acceptable as it relates to the architecture of the building. Motion carried 6-1, with Mr. Small opposed.

B-030-2020 New Construction/Renovation

Address: 1350 S. Ocean Blvd.

Applicant: Greene Family Trust (Oren Lieber, Trustee)

Professional: Boyle Architecture PLLC

Project Description: New 1,662 A/C SF tennis pavilion with tennis court, new 1,544 A/C SF carriage house, with 1,326 SF of garage area to match existing main house, renovation of existing boat house, driveway and walkway.

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

Bill Boyle, Boyle Architecture PLLC, presented the architectural plans for the new accessory structures.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Boyle stated that the undergrounding has already taken place in the area.

Mr. Garrison confirmed that the new buildings would not be seen from the street. Mr. Boyle confirmed that it would not be seen. Mr. Garrison questioned the height of the carriage house.

Mr. Ives had the same concerns for the height of the carriage house but thought the project was fine.

Ms. Grace thought the carriage house was too tall and that it should be reduced. She thought the view from the west was too busy and it detracted from the view from the water. Mr. Boyle stated that they were proposing to raise the boat house, placing a new roof on the structure along with new impact windows.

Mr. Corey was in favor of the project.

Ms. Shiverick thought the height on the garage structure and tennis pavilion were a bit too tall.

Ms. Catlin and Mr. Floersheimer were in favor of the project.

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

Mr. Garrison thanked Mr. West for the thorough landscape and hardscape plan.

Ms. Grace inquired if some color could be added to the landscape on South County Road.

Mr. Corey agreed with Mr. Garrison. He suggested adding the native live oaks near the tennis pavilion.

Many of the Commissioners complimented the landscape design and were in favor of the project.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

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

Clerk's note: A short break was taken at 10:26 a.m. The meeting resumed at 10:40 a.m.

B-011-2020 Demolition/New Construction

Address: 217 Sandpiper Dr.

Applicant: Valley Property Management LLC (Philip Cambo)

Professional: Gregory Bonner/B1Architect

Project Description: A new proposed one-story single family residence approximately 5,120 total square feet in a Bermuda architectural style.

A motion carried at the February meeting to approve the demolition request. A second motion carried to defer the project to the March 25, 2020 meeting for a restudy based on the comments from the Commissioners. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Bonner presented the architectural plans proposed for the new residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Bonner stated he would agree to the easement.

Mr. Castro pointed out that a window in the rear gable could not exceed 14 feet. Mr. Bonner stated if it was an issue, he would reduce the window or remove it completely.

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

Mr. Garrison thought the changes were an improvement. Mr. Garrison suggested removing the pediment over the rear door as to clean up the elevation and roof design.

Mr. Ives was happy with the changes proposed.

Ms. Grace was in favor with the changes but agreed with Mr. Garrison's suggestion. She also recommended that the overhang on the north side should be widened.

Mr. Corey appreciated the changes with the landscape plan and asked to see a sample of the hardscape materials. Mr. Mizell discussed the material to be used. Mr. Corey suggested moving the Gumbo Limbo away from the home and closer to Sandpiper Drive.

Ms. Shiverick thought the hip roof change was an improvement. She recommended changing the shutter color to reflect two tones lighter. Ms. Shiverick also recommended removing the awnings on the cabana in the rear of the home. She suggested restudying this area of the design. Mr. Bonner stated he would look into the suggestions.

Mr. Sammons stated he was not in favor of the project. He thought the house would be dark and thought the plan should be reworked. He listed his concerns with the project.

Ms. Catlin agreed that the pediment should be removed from the rear of the house. She thought the cabana should be more connected with the home with the shower moved to the outside.

Mr. Small agreed with Mr. Garrison and Ms. Catlin's assessment of the rear pediment and Ms. Catlin's suggestion for the cabana.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Ms. Shiverick to approve the project with the following conditions: the color of the shutters would be changed to a lighter color, the removal of the pediment on the south elevation (rear) of the residence, to restudy the cabana with the design to return to the June 24, 2020 meeting. Motion carried 6-1, with Mr. Sammons opposed.

B-015-2020 Awnings

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

Address: 247 Worth Avenue

Applicant: Jane Holzer

Professional: Keith Spina/Spina O'Rourke

Project Description: Install a combination of new awnings consisting of a fixed awning connecting to the via to the front door of the restaurant and a retractable awning over the outdoor dining area to be used during inclement weather.

ZONING INFORMATION: 1) Sec. 134-1159 (a)(6), Sec. 134-329 and Sec. 134-229: A request to modify the previously approved Special Exception with Site Plan Review to add 51 additional seats to the previously approved 109 seat, 3,590 square foot restaurant ("Le Bilboquet") on both the 1st and 2nd floor in the rear of the via located at 247 Worth Avenue (160 total proposed seats). In addition, to add 594.5 square feet on the back of the building to house a cooler/storage area and elevator and two retractable awnings totaling 512 square feet over the via. There are also two existing permanent awnings that will be replaced with three awnings of the same approximate size.

There is also an existing awning on Worth Avenue that will be replaced with an awning of the same approximate size. There will be new mechanical equipment located on the roof that will be screened. Additionally, the restaurant plans to have background music in the via. 2) Sec. 134-1159 (a) (6), Sec. 134-2176 and Sec. 134-2001: A request for Special Exception with Site Plan Review modification to allow 58 seats to be outside in the via in lieu of the 48 seats previously approved. 3) Sec. 134-1161 (a): A variance to have 58 outdoor seats over the Inside capacity. The Code does not allow outdoor seating above the Indoor capacity of the tenant space. 4) Sec. 134-1163 (7): A variance request to have a rear yard setback of 5.5 feet for the elevator and 2.5 feet for the cooler/storage building in lieu of the 10 foot minimum required In the C-WA Zoning District. 5) Sec. 134-1163(9): A variance request to allow a lot coverage for the elevator, cooler/storage building and retractable awnings of 84.6 % in lieu of the 72.4 % existing and the 35 % maximum allowed in the C-WA Zoning District for a two story building. 6) Sec. 134-1163(11): A request for a landscaped open space to be 3.5 % in lieu of the 4 % existing and the 25 % minimum required in the C-WA Zoning District for a two story building. 7) Sec. 134-2175, Sec. 134-329 and Sec. 134-229: A request for a variance to provide zero (0) on-site parking spaces in lieu of the required 24 parking spaces that would be required under the principle of equivalency for the additional 51 seats being requested and the new elevator and 494 square foot cooler/storage building that is being added. A variance was previously approved to eliminate the requirement of 29 parking spaces.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Castro explained the Commission's role regarding some of the zoning requests.

Maura Ziska, attorney for the owner, further explained the zoning requests that related to the architecture and advocated for a positive recommendation to the Town Council.

Mr. Spina presented the proposed architectural modifications for the existing commercial building.

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

Mr. Garrison thought the landscaping on the rear of the building would be a big improvement.

Ms. Grace agreed and thought the landscaping would be an improvement. Ms. Grace inquired about the possibility of changing the landscaping in the future. Mr. Castro responded. Ms. Grace expressed concern for the retractable awning proposed.

Mr. Corey asked about the landscaping plan proposed that showed the landscaping on the neighboring property. Mr. Mizell responded. Mr. Corey pointed out that if the proposed addition was removed, the landscaping could be installed on the property. Mr. Spina responded. Mr. Castro stated he would require a consent letter

from the property owner to install property on another person's property. Mr. Corey asked why the elevator was not designed within the envelope of the building. Mr. Spina and Ms. Ziska responded. A discussion ensued on this topic.

Mr. Corey inquired about the items included in the previous staff approval that was granted. Mr. Castro responded and discussed the items that were staff approved by the previous Planning and Zoning Director. Mr. Castro added that the approvals still needed zoning approval, which was the reason the project was being presented to the Architectural Review Commission. A discussion ensued on this topic. Mr. Corey asked about the design of the spiral staircase. Mr. Spina responded and stated that the staircase would be reworked to become compliant with the Code. Mr. Corey thought there were many details missing in the presentation and thought the project should be deferred.

Ms. Shiverick expressed concern for the lack of details for the awnings and signage. Mr. Spina stated he did not go into detail because the items were staff approved from the previous Planning and Zoning Director. A discussion ensued on this topic.

Mr. Garrison expressed concern about the signage and questioned why it was staff approved and not sent to the Commission for approval. Many of the commissioners agreed with Mr. Garrison.

Mr. Small agreed with his fellow commissioners and thought the project request should be made clearer. He also thought the Commission should be informed on what was approved and why it was approved without the Commission's approval.

Ms. Catlin thought the lack of details in the presentation were disturbing. She also was uncomfortable with the staff approvals that were granted, without the items being presented to the Commission.

Mr. Floersheimer agreed with the Commissioners on the signage and the awnings. He asked for the details in regard to the awning. Mr. Spina showed the Commission the staff approved awning by Josh Martin, the previous Planning and Zoning Director. A short discussion ensued on this topic.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Mr. Corey listed many other items that lacked details in the presentation.

Clerk's Note: Mr. Sammons declared a conflict of interest for the project. Mr. Small noted that Ms. Catlin would be voting in his place.

Motion made by Mr. Corey and seconded by Ms. Catlin to defer the project for one month, to the June 24, 2020 meeting to return to the Commission with the details requested. Motion carried unanimously.

B-017-2020 Demolition/New Construction

Address: 260 Plantation Rd.

Applicant: FS Partners LLC

Professional: Roger Janssen/Dailey Janssen Architects

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

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

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

Mr. Janssen present the architectural plans to demolish the existing home. He then presented the landscape and hardscape demolition plan.

Mr. Garrison inquired about the existing hedge around the property and confirmed that a screening fence with a gate would be placed at the front of the property. Mr. Janssen confirmed his request.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen stated he would agree to the easement.

Motion made by Mr. Garrison and seconded by Ms. Shiverick to approve the demolition request as presented with the following caveats: The property will be sodded and irrigated within 30 days, all elements on the property are to be maintained prior to demolition, an opaque screening fence will be added to the entire perimeter during demolition and the items remaining after demolition to be maintained until new construction commences, the existing hedge would remain during the demolition and construction and a screen with a gate would be placed across the front of the property. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

Mr. Janssen presented the architectural plans for the newly proposed residence.

Jedidiah Hall, Nievera Williams Design, presented the landscape and hardscape plans proposed for the new residence.

Mr. Garrison inquired about the color proposed for the home. Mr. Janssen showed the Commission a sample of the color samples. Mr. Garrison was in favor of the home.

Mr. Ives thought the roof pitch could be restudied and thought more focus should be brought to the front door. He was thought the home, in general, was nicely designed.

Ms. Grace thought the center portion of the home was too tall. She recommended using wood doors rather than the proposed door with the side lights. She recommended the balcony to be painted in the same color as the shutters.

Mr. Corey suggesting lowering the pitch of the roof. Mr. Janssen responded. A short discussion ensued on the pitch of the roof.

Ms. Shiverick was in favor of the home and landscape designs in general. She recommended using a larger, wood column. She also suggested removing the side lights in the front door entrance. She recommended using a mahogany cap on the top of the railing. She recommended using shutters that had less vertical lines. Mr. Janssen responded.

Mr. Sammons thought the roof pitch was fine. He recommended raising the champsers, and questioned the window sizes. Mr. Sammons recommended using conventional framing rather than trusses to bring down the overall height and to bring the roof down further over the windows. Mr. Janssen responded.

Ms. Catlin disagreed with the comments on the front door and was in favor of the door proposed. She thought the construction logistics needed to be changed to use County Road rather than Lake Drive. Mr. Janssen agreed.

Mr. Floersheimer inquired how much of the lot would need to be raised. Mr. Janssen responded. Mr. Floersheimer asked about the neighboring properties and how their finished floor compared. Mr. Hall responded.

Mr. Small shared some of the concerns of the Commissioners.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Ms. Grace and seconded by Ms. Shiverick to defer the project for one month, to the June 24, 2020 meeting, for a restudy based on the comments from the Commissioners. Motion carried 5-2, with Messrs. Sammons and Garrison opposed.

B-029-2020 New Construction

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

Address: 500 South County Road

Applicant: The Everglades Club, Inc. (Scott Lese, General Manager)

Professional: Jason P. Drobot/Brasseur and Drobot Architects, PA

Project Description: This project consists of a 12,000 square foot (60' x 200'), 25' tall metal storage building to be located at a starting point 249'-8" north of the existing Reverse Osmosis Building and running 200' north from that point along South County Road.

ZONING INFORMATION: Section 134-840: A request for special exception with site plan review to allow the construction of a 12,000 square foot (60' x 200'), 25 foot tall metal storage building to be located north of the existing Reverse Osmosis Building and running 200 feet north from that point along South County Road. The following variances are being requested: 1. Section 134-843(5): a 10 foot street side yard setback along South County Road in lieu of the 35 foot minimum required in the R-A Zoning District. 2. Section 134-843(6): an angle of vision of 168.58 degrees in lieu of the 120 degrees maximum allowed. 3. Section 134-843(7): a building height plane setback ranging from 10 feet to 50 feet in lieu of the 50 foot to 52.5 foot minimum setback required.

Clerk's note: This project was withdrawn from the agenda at the Approval of the Agenda, Item VI.

Paul Castro, Zoning Manager, presented the proposed window treatments for Tiffany, while the construction is occurring and asked the Commissioners for their feedback.

Mr. Garrison stated he would be afraid that the approval of the proposed would set a precedence. Mr. Small agreed.

Ms. Grace preferred the black and white screening.

The consensus of the Commissioners was that they preferred the black and white screening and did not want to deviate from what has been approved in the past.

VII. **DISCUSSION ITEM**

1. Staff approval at 456 S. Ocean Blvd.

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

Mr. Bergman provided some background information on the staff approval process and the ARCOM Project Designation Manual. He then provided an overview of the staff approvals that were granted to the project at 456 S. Ocean Blvd.

Mr. Castro discussed his knowledge about the change in the project and added that he was not aware of the staff approval that occurred in July of 2019.

Mr. Bergman followed up with the Commission and asked them if they thought the ARCOM Project Designation Manual was in need of updates.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the topic.

Mr. Small asked staff to highlight the items that were approved at the staff level compared to what the Commission approved. Mr. Small also inquired about the intent of the decks. Messrs. Bergman and Castro responded.

Mr. Garrison stated the Commission would have never have approved the railings on the parapet roof. He thought the changes were a disgrace.

Mr. Ives was generally in favor of staff approvals for smaller items. He did ask to wait to make any changes to the ARCOM Project Designation Manual until the Commission had a chance to review them. Mr. Ives thought by offering staff approvals to aid as a project evolves was acceptable. However, he stated he would not have approved the changes if the changes had been presented to the Commission.

Ms. Grace inquired how the item was placed on the agenda. Mr. Bergman stated he was asked to place the item on the agenda as a discussion item. Mr. Small stated that the Commission could review the changes but could not take any action unless directed by the Town Council.

Ms. Grace stated she was not in favor of the parapet and would not be in favor of the roof to be used as a sun deck or viewing deck. Mr. Castro weighed in on the ways the deck could be used. A short discussion ensued.

A lengthy discussion ensued about staff approvals in general.

Mr. Corey appreciated this item was added to the agenda for the public to hear the discussion. He also appreciated Mr. Bergman's proposed changes to the ARCOM Project Designation Manual. Ms. Shiverick agreed with the changes to the ARCOM Project Designation Manual.

Mr. Sammons disagreed with the Commission and thought the parapet roof was appropriate. He did not see the harm in having a viewing deck on the roof of this building.

Ms. Catlin agreed with Mr. Sammons on the parapet roof. She also thought reviewing and revising the ARCOM Project Designation Manual was smart and should be done often.

Mr. Cooney stated he had been involved in many staff approvals in his past role as Chairman of the Landmarks Preservation Commission. He stated he was not in favor

of making staff approval more complex. He agreed with Mr. Sammons' statements on the parapet roof.

Mr. Small thought the staff approval by the previous Director of Planning and Zoning, violated the ARCOM Project Designation Manual. Mr. Small stated he felt that the Commission should make a recommendation to the Town Council.

Anne Pepper, 333 Seaspray Avenue, expressed her concern for any allowance of flat roof activities and thought it would set a precedence. She did add that solar panels should be allowed on a flat roof.

Motion made by Mr. Corey and seconded by Mr. Garrison to express a concern for the staff approved changes at 456 S. Ocean Blvd. and asked to refer the matter to the Town Council for possible action or direction. Motion carried 6-1, with Mr. Sammons opposed.

VIII. **STAFF APPROVALS**

There was no further discussion at this time.

IX. **ADDITIONAL COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

There were no communications heard at this time.

X. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

Mr. Garrison expressed his concern about attending the next several meetings in person. He thought the current platform worked well and the Commission should continue with this medium. Mr. Corey agreed with Mr. Garrison.

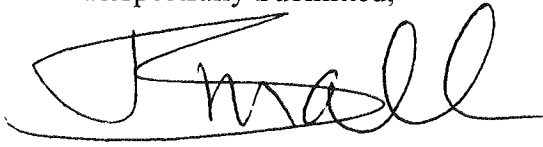
Mr. Floersheimer reminded the Chairman that he would like to understand the process of granting variances and the hardship needed to obtain a variance. Mr. Castro stated the hardship is not in the purview of ARCOM and that the Town Council would make the decisions regarding the variances.

XI. **ADJOURNMENT**

Motion made by Mr. Corey and seconded by Mr. Garrison to adjourn the meeting at 1:18 p.m. Motion carried unanimously.

The next meeting will be held on Wednesday, June 24, 2020 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. Small", with a large, stylized initial "M" and a long horizontal stroke extending to the right.

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME Sammons, Richard		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Commission
MAILING ADDRESS 455 Worth Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ Town OTHER LOCAL AGENCY
CITY Palm Beach	COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION Town of Palm Beach
DATE ON WHICH VOTE OCCURRED June 1, 2020		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 June 1, 20 20 :

(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-023-2020 Modifications

150 Worth Avenue, Suite 235 (Maison)

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.

6/1/2020
Date Filed


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 Sammons, Richard		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Commission	
MAILING ADDRESS 455 Worth Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF ☐ CITY ☐ COUNTY ☒ <u>Town</u> OTHER LOCAL AGENCY	
CITY Palm Beach	COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED June 1, 2020		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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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:

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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.

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- 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 June 1, 20 20 :

(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.

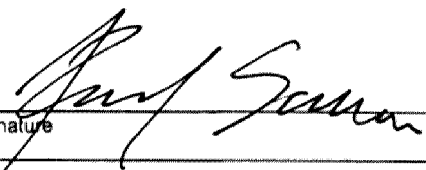
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

B-015-2020 Awnings

247 Worth Avenue

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.

6/1/2020
Date Filed


Signature

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