

TOWN OF PALM BEACH

Planning, Zoning & Building Department

**MINUTES OF THE ARCHITECTURAL COMMISSION MEETING
WEDNESDAY, OCTOBER 23, 1996 AT 9:00 A.M.
TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH**

I. CALL TO ORDER

II. ROLL CALL

PRESENT: Leighton A. Rosenthal, Chairman (arrived at 9:04 a.m.)
Laurel Baker, Vice Chairman
Ethel Kinsella, Member
Sally Gingras, Member (arrived at 9:04 a.m.)
John H. Schuler, Member
Lowry M. Bell Jr., Member
Robert E. Deziel, Member
Floyd Wideman, Alternate Member
Marvin Rosenberg, Alternate Member
Eric Adams, Alternate Member
Timothy M. Frank, Planner/Projects Coordinator
Robert L. Moore, Director of Planning, Zoning & Building
John C. Randolph, Town Attorney

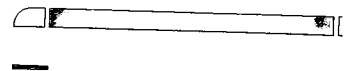
III. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 25, 1996 MEETING.

MOTION BY MR. WIDEMAN TO APPROVE THE MINUTES.

MOTION SECONDED BY MR. SCHULER

MOTION CARRIED UNANIMOUSLY.

Mrs. Baker commented on an article from *The American Architect* entitled "Architectural Style" and offered copies of the article to anyone interested.



IV. PROJECT REVIEW

B77-96 Demolition and New Residence

Applicant: Mr. and Mrs. Robert Diamond
Address: 738 South County Road
Architect: Smith Architectural Group
Project Description: Demolition of existing structures and construction of new residence.

There were no ex-parte communication disclosures.

Architects Jeff Smith and Don Kino presented the project. Mr. Smith stated the owners seek to demolish all of the existing buildings on the site and construct a new 12,700 square foot home. The existing site wall will be repaired and new gates will be installed. The entrance beyond the site wall will be arched with a motor court leading to the front entrance of the house. They will come back with the arch design for approval at a later time. There will be a 1-story guest house with a via attaching it to the main house. The staff quarters will be on the second floor above the garage. The windows will be arched only on the first floor and all of the windows will be trimmed in cast stone. Decorative Portuguese tile will be placed in between two pairs of french doors on the rear elevation and in some areas on the front elevation. There will be terraces along the rear elevation and on both of the wings. The stucco will be a creamy white color and a clay barrel tile will be used on the roof. The hurricane shutters either will be built-in or impact resistant glass will be used in the windows.

MOTION BY MR. SCHULER TO APPROVE THE DEMOLITION OF THE EXISTING BUILDINGS WITH THE USUAL PROVISIONS AND TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. BELL.

MOTION CARRIED UNANIMOUSLY.

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B78-96 Revisions to Previously Approved Plans

Applicant: Sandsong Investments, Inc.
Address: 206 North Ocean Blvd.
Architect: Smith Architectural Group, Inc.
Project Description: Revision to original application. Reallocation of 2nd floor square footage. Minor addition of 1st floor square footage. Redesign of (south) Seminole avenue elevation.

Mr. Deziel declared a Conflict of Interest and left the meeting during the presentation.

There were no ex-parte communications.

Architects Jeff Smith and Don Kino presented the project. Mr. Smith stated he represents Mr. and Mrs. Wahl who own Sandsong Investments and this project is for their personal residence. Mr. Smith said the revision to the original application include the reduction of the lot coverage by 1.1%, reduction of the first floor area by 78 square feet and reduction of the second floor area by 3,360 square feet. The west, north and south facades and the interior courtyard will be redesigned. Mr. Smith said he has reviewed the plans with Mr. Goldblum, a neighbor to the project, and now Mr. Goldblum has no objection to the project.

MOTION BY MR. BELL TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED UNANIMOUSLY.

A. DEFERRALS AND CONTINUATIONS - MAJOR PROJECTS

B57-96 New Two-Story Duplex

Applicant: Euro-Homes, Inc.
Address: 242/246 Everglade Ave.
Architects: Randall Stofft/Roy-Fisher Associates
Project Description: New two-story duplex

This project was deferred from the July, August and September meetings.

Mr. Frank stated the plans submitted for review were inconsistent with the elevation drawings, the landscape plan shows an inaccurate easement, the hardscape differs from one plan to another and the project does not meet the code. Therefore, Mr. Frank suggested deferral to the November meeting to allow for proper plan submission.

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MOTION BY MRS. BAKER TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. KINSELLA.

MOTION CARRIED UNANIMOUSLY.

B60-96 New Single Family Residence

Applicant: Mrs. Arnold Miller
Address: 1415 South Ocean Blvd.
Architect: John B. Gosman
Project Description: New two-story single family residence

This project was deferred from the July, August and September meetings.

Mr. Moore stated the project had zoning problems and the applicant has since withdrawn their variance request. No new plans have been received for review.

MOTION BY MRS. KINSELLA TO REMOVE THE PROJECT FROM THE AGENDA.

MOTION SECONDED BY MR. SCHULER.

MOTION CARRIED UNANIMOUSLY.

B70-96 Front Entry & Driveway

Applicant: Anita Gilberd
Address: 265 Sandpiper Drive
Designer: K.C. Hubbard
Project Description: Remodel front entry and circular drive

This project was deferred from the September meeting.

There were no ex-parte communications.

Designer K. C. Hubbard presented a revised roof plan for the front entrance, labeled drawing "A" and the previously reviewed plan, labeled drawing "B." The roof in drawing "A" was moved over to connect with the garage roof. The proposed circular driveway will have a sand color concrete in a fishbone pattern. Mr. Hubbard stated there is an existing curb cut to accommodate the new driveway.

It was felt by some of the Commission members that drawing "B" was more attractive.

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**MOTION BY MR. DEZIEL TO APPROVE DRAWING "B," ~~THE ORIGINAL PROJECT~~ WITH THE PROVISION IT MEETS ALL ZONING REGULATIONS AND THE DRIVEWAY MEETS PUBLIC WORKS APPROVAL.
MOTION SECONDED BY MR. SCHULER.
MRS. BAKER AND MR. BELL OPPOSED.
MOTION CARRIED 5-2.**

B72-96 Demolition and New Residence

Applicant: Jonathan Deitcher
Address: 175 Via Palma
Designer: J.F. Brennan Design/Build
Project Description: Demolish existing house and build a new two story home.

This project was deferred from the September meeting.

There were no ex-parte communications regarding this project.

Designer Joe Brennan and Architect Doug Root presented the project. Mr. Brennan stated the existing house was originally a pool house and it is a small 3,500 square foot bungalow. The existing pool will remain and a new pool cabana will be built. The main house is two stories with two-one story garages on either side. There will be a drive through arch beyond the entrance gates with a driveway leading to the center court yard. Some of the windows will have wooden ½ shutters with aluminum backing and the windows without shutters will have removable panels. Mr. Brennan stated the roofing material will be clay tile.

It was felt that the ½ shutters were inappropriate and the chimneys were too high. The north (inside) elevation of the drive through arch was preferred rather than the south (outside) of the arch as it has less detailing and decoration.

**MOTION BY MRS. KINSELLA TO APPROVE THE PROJECT WITH THE PROVISION TO REMOVE THE DECORATION ON THE EXTERIOR SIDE OF THE DRIVE THROUGH ARCH.
MOTION DIED FOR THE LACK OF A SECOND.**

**MOTION BY MR. BELL TO APPROVE THE PROJECT WITH THE PROVISION TO LOWER THE HEIGHT OF THE CHIMNEYS, RE-STUDY THE FRONT DRIVE THROUGH ELEMENT, ELIMINATE THE SHUTTERS AND TO APPROVE DEMOLITION WITH THE USUAL CONDITIONS.
MOTION SECONDED BY MRS. KINSELLA.
MOTION CARRIED UNANIMOUSLY.**

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Mr. Theodore R. Fogg addressed the commission and stated he lives at 146 Via Del Lago and has no objection to the demolition, but asked that the landscaping screen the two properties. Mr. Brennan said he will meet with Mr. Fogg to discuss the landscaping plans.

B. NEW BUSINESS - MAJOR PROJECT

B75-96 Selective Demolition

Applicant: Mr. and Mrs. Jack Friedman
Address: 901 North Ocean Blvd.
Architect: Michael Johnson
Project Description: Demolition of guest house, library wing and connecting bridge.

There were no ex-parte communications.

Mr. Deziel declared a Conflict of interest and left the meeting during the presentation.

Architect Mike Johnson stated the demolition would be limited to a guest house and a library building with a bridge to the main house. Studies to remodel the existing house are being done at this time. A courtyard will replace the library building at the front entrance.

MOTION BY MRS. BAKER TO APPROVE THE DEMOLITION OF TWO BUILDINGS AND A BRIDGE.

MOTION SECONDED BY MRS. KINSELLA.

MOTION CARRIED UNANIMOUSLY.

B76-96 New Residence

Applicant: John L. McDonald
Address: 2258 Ibis Isle Road
Architect: Brower Architectural Assoc.
Project Description: New single story residence.

Staff recommends deferral of this project.

MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MR. SCHULER.

MOTION CARRIED UNANIMOUSLY.

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B79-96 Demolition of Existing Residence

Applicant: Ed Cury
Address: 1469 North Ocean Blvd.
Architect: The Pandula Architects, Inc.
Project Description: Demolition of existing residence.

There were no ex-parte communications.

Architect Gene Pandula stated the house was built in 1954 and repair work has been done to the house over the years. Mr. Pandula presented a conceptual plan of the replacement house.

MOTION BY MR. BELL TO APPROVE DEMOLITION OF THE EXISTING HOUSE WITH THE USUAL PROVISIONS.

MOTION SECONDED BY MR. SCHULER.

MOTION CARRIED UNANIMOUSLY.

B80-96 Demolition of Existing Residence

Applicant: Lodar, Inc.
Address: 107 Indian Road
Architect: Thomas Kirchoff
Project Description: Demolition of existing one story residence. New construction of 5,584 sq. Ft. one story residence.

The applicant requests review of the replacement house deferred to the December meeting.

There were no ex-parte communications.

Architect Thomas Kirchoff stated his client, Shirley Solsman, who currently lives across the street from the subject property wants a smaller house to live in. Harold Chilton built the existing house in 1955 and it has no historical significance.

Mr. Moore stated a variance is required and Mr. Kirchoff is not asking for a conceptual approval of the replacement house at this time.

MOTION BY MR. DEZIEL TO APPROVE THE DEMOLITION OF THE EXISTING HOUSE WITH THE USUAL CONDITIONS.

MOTION SECONDED BY MR. SCHULER.

MOTION CARRIED UNANIMOUSLY.

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B81-96 Addition

Applicant: Mr. and Mrs. Sullivan
Address: 246 Monterey Road
Architect: Robert Henry
Project Description: 275 sq. ft. addition to increase the size of kitchen. Remove some second story windows.

Applicant requests deferral to the November meeting.

MOTION BY MR. SCHULER TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. BAKER.

MOTION CARRIED UNANIMOUSLY.

B82-96 New Residence

Applicant: Sylvia Chilton
Address: 446 Brazilian Avenue
Architect: Donald Lang
Project Description: New two family dwelling.

There were no ex-parte communications.

Mr. Frank stated the landscape plans were lacking the irrigation plan, easements and the size of the plant material.

Architect Donald Lang said the existing residence was converted into an apartment building years ago.

Note: Mr. Lang did not indicate on the application that demolition of an existing structure was requested.

Mr. Lang said the duplex will have two side loading garages and they will not be visible from the street. The building will be two stories with an arcade connecting the pool cabanas on the rear elevation. The units, arcade and pool cabana will all be separated by a common wall. The front facade is asymmetrical for a slight difference in the entry configurations. The style is Mediterranean Revival with a Spanish "S" clay tile on the roof. The building will have true divided windows, cast stone columns and cast stone moldings. Mr. Lang said that each unit will have four bedrooms and four baths including the cabana.

Mr. Moore said the pool cabana cannot be used as living space.

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The Commission felt the project was well done, but suggested changing the appearance of one of the front entry doors.

Mr. Frank stated there is no request for demolition and no demolition report. Therefore, there is no knowledge of what is on the property. He recommended deferral so that the architect can present a complete package including proper landscape plans.

**MOTION BY MR. BELL TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MRS. KINSELLA.
MOTION CARRIED UNANIMOUSLY.**

B83-96 Storefront Renovation

Applicant: Bally Retail, Inc.
Address: 221 Worth Avenue
Architect: Jerome Baumoehl
Project Description: Renovation to storefront

Mr. Moore said Mr. Randolph wanted to remind the Commission that the requirement of the law permitting ex-parte communication is that each person must reveal with whom they had communication and the subject matter.

Mrs. Baker, Mrs. Kinsella and Mrs. Gingras said they spoke with the architect and discussed the project.

Architect Jerome Baumoehl said the 18' wide store front will have a recessed entry with two entrance doors. The face of the building will have textured limestone tile. The awning will be on a brushed stainless steel frame. The two columns at the recess will be grey metal and the sign will have grey lettering. Two fabric screens inside the display window will have "Bally" printed on them. The front door frame and the divided lites in the door will be stainless steel.

**MOTION BY MR. SCHULER TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MRS. KINSELLA.**

After further discussion the architect agreed to make the following changes:

1. Use bronze rather than stainless steel.
2. Reduce the size of the sign to 8" lettering.
3. Change the walls faced in metal to limestone.

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Mr. Schuler withdrew his previous motion.

**MOTION BY MR. BELL TO APPROVE THE PROJECT WITH THE PROVISION TO CHANGE THE METAL WALLS TO LIMESTONE, CHANGE THE STAINLESS STEEL DOOR TO A BRONZE COLOR AND USE 8" LETTERING ON THE SIGN.
MOTION SECONDED BY MR. DEZIEL.
MOTION CARRIED UNANIMOUSLY.**

C. DEFERRALS AND CONTINUATIONS - MINOR PROJECTS

A79-96 Driveway

Applicant: Marvin Rosenberg
Address: 101 Nightingale Trail
Architect: John Lang
Project Description: Driveway

Applicant requests deferral to the November meeting.

**MOTION BY MR. BELL TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED UNANIMOUSLY.**

A82-96 Revisions to Previously Approved Plans

Applicant: Mr. and Mrs. Russell Balasco
Address: 136 Woodbridge Road
Architect: James Ashley
Project Description: Changes from last ARCOM meeting:
1. Minor changes in window size, location & muntins
2. Minor change in second floor overhangs
3. Addition of Chimneys
4. Addition of french doors and balcony

This project was deferred from the September meeting.

This project was called after a lunch break at 1:20 p.m. and after item #A83-96.

No ex-parte communication disclosures were announced.

Mrs. Balasco asked that Mr. Wideman be excused during the presentation as she felt there were conflicting interests.

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Some of the Commission members commented that it was inappropriate to ask any commission member to leave during project presentations.

Mr. Wideman complied with Mrs. Balasco's request and left the meeting during the presentation.

Architect James Ashley presented a list of the five items changed from the original plans:

1. The window above the front door was shortened.
2. Two chimneys and chimney caps were added.
3. A balcony, railing and french doors were added.
4. Exposed lookouts were closed off on the second floor level.
5. A smaller separation was used between the upper and lower windows in the two-story window frames.

Mr. Ashley presented photographs of the house under construction and an example of the stick on muntins.

Mrs. Baker asked Mr. Ashley if these changes were done before receiving ARCOM approval. Mr. Ashley said the five changes did not receive ARCOM approval, but the balcony, railing and french doors were staff approved. Mr. Ashley stated the living room is a 2-story interior space and 2-story windows were needed in this room. He said he recalled the only request of the commission was to lower the 2-story windows, not to separate the glass in the windows.

Mr. Bell said he felt there was not a significant change in the revised plans.

Mr. Frank said he felt that the conditions were understood as another drawing developed showing divided windows and lowered windows.

Mrs. Balasco said the windows were lowered about 13".

The architect was asked why the drawings show a divider in the windows and yet they were installed without one. Mr. Ashley stated it was no longer a necessary structural element.

Mr. Balasco stated he was the one who ordered the windows and the architect had nothing to do with the window change. He said he wanted one solid window.

Mr. Moore asked Mr. Balasco if he arbitrarily changed the architect's plan. Mr. Balasco said he did.

Mr. Moore asked the chairman if the commission will allow the windows to remain as they are or ask to have the windows put in that were originally approved. If the windows are allowed to

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stay, the commission may ask for some type of camouflage, as it is clear the commission does not like the two-story windows.

MOTION BY MR. DEZIEL TO APPROVE THE PROJECT WITH THE PROVISION TO RE-CONFIGURE THE MUNTINS AND INCLUDE A SASH AS SHOWN ON THE APPROVED DRAWINGS.

Mrs. Balasco stated the muntins in the large windows are not the applied type.

Mr. Deziel withdrew his motion.

Mrs. Gingras stated that according to the photographs of the house, it doesn't look as if the entry will accommodate the treatment that is shown on the plans.

Mrs. Baker stated that nothing was changed from last month's presentation and no information has been provided to persuade the commission to give an affirmative vote. She said the commission members are willing to meet with the architect and the owners.

MOTION BY MRS. BAKER TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. GINGRAS.

Mr. Balasco stated he could not afford to have the work stopped for another month.

Mr. Schuler stated dimensions are not on the drawings and that the drawings are not clear as to what was changed.

SUBSTITUTE MOTION BY MR. BELL TO APPROVE THE PROJECT WITH THE PROVISION THE WINDOWS ARE REMOVED AND REPLACED WITH WINDOWS NO HIGHER THAN 10'.

MOTION DIED FOR THE LACK OF A SECOND.

Mr. Frank suggested using a stucco band from the balcony across the two story windows to tie the project together and they will still have the two-story effect on the inside.

The architect was asked to come back with absolute figures for the windows and show how the stone surround will fit the front entrance.

THE MOTION TO DEFER THE PROJECT TO THE NOVEMBER MEETING CARRIED UNANIMOUSLY.

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Mr. Ashley asked for approval of the chimneys so they can continue with the stucco and the roof.

MOTION BY MRS. GINGRAS TO APPROVE THE TWO CHIMNEYS.

MOTION SECONDED BY MRS. BAKER.

MOTION CARRIED UNANIMOUSLY.

Again it was stated the commission would like to see drawings showing the windows divided as they were on the original plans and not appear as two-story windows. A preliminary overlay of the landscaping will also help next month's presentation. It was made clear that if the existing windows are removed and replaced with the windows that were approved, they will not have to come back next month for ARCOM approval of the windows. If the applicant wishes to alter the existing windows, or change the front entry surround, they must present drawings for ARCOM approval.

Note for the record: After the meeting James Ashley returned with a sketch of the existing modifications and a window configuration, including a stucco band at the second story, which conforms to the originally approved window scheme. Therefore, staff approved the subject drawings allowing construction to continue. The approval process on this item is now completed.

A83-96 Front Entry

Applicant:	Homa Bahary
Address:	160 Kings Road
Architect:	Robert Bell
Project Description:	Remodel front entry with pre cast stone

This project was deferred from the September meeting.

Applicant requests deferral to the November meeting.

MOTION BY MR. DEZIEL TO DEFER THE PROJECT TO THE NOVEMBER MEETING.

MOTION SECONDED BY MRS. KINSELLA.

MOTION CARRIED UNANIMOUSLY.

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A84-96 Landscape

Applicant: Rori & Dilow Estates
Address: 220 Banyan Road
Architect: Lowry Bell
Project Description: Landscape plan

This project was deferred from the September meeting.

No ex-parte communication disclosures were announced.

Architect Lowry Bell and Landscape Designer Douglas Allen presented the project. Mr. Bell has previously filed a Conflict of Interest form. Mr. Bell presented a grey stone paver and stated this will be installed in the driveway. Mr. Allen said wedelias will be planted under the existing banyan trees along the driveway. An existing ficus hedge along the property line will remain and intermittent ficus trees were added in the hedge. Xeriscape material will be planted along the front of the property and mondo grass and shade grass will be planted in the shady areas. A large tree type bougainvillea will be planted at all of the major columns of the house with branfelsia (gardenia) planted at the base of each tree.

Mrs. Kinsella suggested continuing with the banyan trees in the hedge along the south property line.

**MOTION BY MRS. KINSELLA TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. BAKER.
MOTION CARRIED UNANIMOUSLY.**

D. NEW BUSINESS - MINOR PROJECTS

A85-96 Pavilion

Applicant: Marcia and Eugene Applebaum
Address: 325 Via Linda
Architect: Ike & Kligerman
Project Description: Garden Pavilion

There were no ex-parte communications.

Mr. Frank said the plans that were submitted show a service gate and a forecourt gate. Both of the gates need variances and were not noted on the application. Therefore, approval of the garden pavilion is the only consideration at this meeting.

Bill Erwin of Worth Builders stated a potting shed and a tool shed are planned in the garden area.

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An accessory structure with an aluminum, open/ trellis type roof supported by columns will be built over the two sheds. Arched openings on the east and west sides will provide a view from the house through the pavilion to the garden.

**MOTION BY MR. BELL TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED UNANIMOUSLY.**

A86-96 Landscape

Applicant: Euro-Homes
Address: 239 Australian Avenue
Architect: Roy-Fisher Associates
Project Description: Landscape plan

This project was heard after project #A79-96.

There were no ex-parte communication disclosures.

Landscape architect Connie Roy-Fisher stated the landscape design creates a series of spaces. The entry court yard will be defined by low walls and plant materials. There will also be a lawn area and a pool area. Washingtonia palms, black olive trees and coconut trees will be used to screen the property.

**MOTION BY MRS. BAKER TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. KINSELLA.
MOTION CARRIED UNANIMOUSLY.**

A87-96 Landscape

Applicant: Arthur DeMoss
Address: 185 Woodbridge Road
Architect: Mario Nievera
Project Description: Landscape plan

No ex-parte communication disclosures were announced.

Landscape architect Mario Nievera stated all of the existing trees will be saved and relocated to create archways into gardens and parking courts. A row of 30' high royal palms will be planted along the lake. 33% of the plant material meets the high to medium drought tolerant requirements. Mr. Nievera presented the irrigation plan which will be a 12-zone system separating the lawn and planting areas.

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Mrs. Kinsella asked if a drip irrigation system will be used. Mr. Nievera stated in some area there will be strip irrigation (soaker lines) installed.

**MOTION BY MRS. KINSELLA TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. BELL.
MOTION CARRIED UNANIMOUSLY.**

A88-96 Hurricane Shutters

Applicant: Mary Weiss
Address: 340 Brazilian Avenue
Contractor: Rolladen
Project Description: Hurricane shutters

No one was present to represent the project.

**MOTION BY MR. SCHULER TO DEFER THE PROJECT TO THE NOVEMBER MEETING.
MOTION SECONDED BY MRS. BAKER.
MOTION CARRIED UNANIMOUSLY.**

V. OTHER BUSINESS

Mr. Moore said Mr. Wideman was correct in leaving the proceedings during the Balasco project. When absent a formal opinion, recusing oneself is the appropriate action. The Balasco's attorney wrote a letter asking that Mr. Wideman be excused from the Balasco presentation. Mr. Wideman disputes the allegations that he had any preconceived notions as to the Balasco project and has no financial interest regarding the same.

Mrs. Baker discussed a letter she wrote to the ARCOM Members and gave to them prior to the meeting. She said she felt there is nothing wrong with saying "no" to a proposed project. (A copy is attached to the minutes). Mr. Bell agreed and said if the project is bad, it should be voted against. Mr. Moore reminded the commission they are an advisory board to the Town Council. He said this commission has some criteria that are broad in the sense they are not definitive and absolute. He stated there are four areas of judgment for ARCOM approval which are the square footage, the materials, the style and the cubic content.

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VI. ADJOURNMENT

The meeting was adjourned at 3:30 p.m.

The next two Architectural Commission meetings will be held on Friday, November 22, 1996 and Tuesday, December 17, 1996.

Respectfully submitted,

Leighton A. Rosenthal,
Chairman

October 23, 1996

TO: ARCOM Commissioners

Arbitrary, capricious, inconsistent, unfriendly, rude, without teeth. These are some of the descriptions I have been confronted with by Palm Beach citizens when they describe ARCOM - whether real or perceived, it is unfortunate that such terms are being used more and more frequently. It is becoming embarrassing and it is getting somewhat more difficult to defend.

While I've never presented a project to ARCOM, I have sat on the commission for seven years. I believe that as a group a good cohesiveness and comraderie has developed, especially in this past year. Naturally, we each have our own special interests and partialities and expertise: they may not always mesh, but they should provide for a fair and equitable treatment of all applications, regardless if they're in our immediate neighborhood, done by a friend or family member, on a house that brings back old memories or conversely, if they pose a threat to ones neighborhood, or you don't like the person or persons presenting or if the color or the style aren't something you'd call home.

The commissioners are chosen to represent the citizens of the Town, based upon the recommendations of the Town Council. As such, should we not be directing our inquiries and evaluations at the impact of a given project on the neighborhood - should we not be encouraging participation of the neighbors in the review process by endeavoring to make the process more user-friendly? The restraints of the Sunshine Law have been lifted significantly to allow us to visit sites, talk to architects and designers. Are we reaching everyone that could be impacted by a given project? Or is there a resignation to the process that will allow the continued over-development of properties? Doesn't anyone care any more?

Are we out of the loop in understanding our role and how other commissions impact us? Can we disregard the activities of the Zoning Calendar another year? Is there something inherently wrong in asking that the Town Council to meet with all appointed commissioners and provide some direction to our tasks?

Applications being presented are to be complete: if the guidelines are there, they should be followed. I am most offended by the less than truthful presentation and the rude, arrogant attitudes of some presenters. The commission does not serve its stated purpose if it allows either to take place: we are a quasi-judicial body. Is not truth and common courtesy to be expected from both sides of the table? If we do not run our commission with unquestionable character, we deserve to hear criticisms of arbitrary, capricious, inconsistent, unfriendly, rude, toothless and more.

The integrity of each member is in jeopardy if we do not take a hard and firm stand on the

integrity of this community. It cannot be what it was 50 or 100 years ago - the dynamics have changed; however, does it mean we should totally disregard that which made Palm Beach special - the green space, the scale, the sense of community, the diversity of houses and buildings. There were standards - I find it difficult to accept that early leaders lived in constant fear of being sued if an applicant didn't get all that they asked for - yet today, that fear lies behind every application we hear: "I paid " - "I've advised my client to sue" - "I'm entitled to do whatever I want".

Of course we sit in judgment - that is our task. With integrity, fairness and consistency, we can make decisions without regret. While the codes state maximums allowable, they do not say that everything must be built to those maximums. Why should we accept, through intimidation, the pressure to give in to unreasonable demands? I would ask each of you to give serious thought to what you see this commission doing during your term: why did you accept the appointment? What did you hope to achieve? Are you heading in the direction you thought? How can each of us make this commission and the Town citizens we serve describe our deliberations as fair, consistent, courteous and strong?

Laurel Baker

B78-96 Deziel mine

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

LAST NAME—FIRST NAME—MIDDLE NAME DEZIEL, ROBERT EDWARD		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Commission	
LING ADDRESS P.O. Box 936		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: Town	
CITY PALM BEACH	COUNTY FL	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 10-23-96		NAME OF POLITICAL SUBDIVISION:	
		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 equally 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 the reverse side 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 inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained including the parent organization or subsidiary of a corporate 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 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:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, 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.
- 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, ROBERT DEZIEL, hereby disclose that on 10-23-96, 19 96.

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

- ☐ 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 SANDSONG INVESTMENTS, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent 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:

SANDSONG INVESTMENTS IS A LAW CLIENT
OF MY LAW FIRM, ROBERT E. DEZIEL, P.A.

10-23-96
Date Filed

Robert Dezuel
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.

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS (19 96)

MEMBERS	1/ 24	2/ 28	3/27	4/ 24	5/ 22	6/ 26	7/ 24	8/ 28	9/ 25	10/23	Fri 11/22	Tue 12/ 12
LEIGHTON A. ROSENTHAL												
LAUREL BAKER												
LINDLEY HOFFMAN			/	/	/	/	/	/	/	/	/	/
BRUCE HELANDER												
ETHEL												
SALLY GINGRAS						2V						
JOHN SCHULER					V							
LOWRY BELL			V	V2						VPD		
ALTERNATES	1/24	2/ 28	3/ 27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/22	12/12
LOWRY BELL	V	VPD	/	/	/	/	/	/	/	/	/	/
ROBERT DEZIEL		* ✓	V3	VPD	VPD/V	VPD	VPD-V		V	V2		
MARVIN ROSENBERG	/	/	V	VPD	VPD	VPD			V			
FLOYD WIDEMAN	/	/										

* No Conflict was necessary at this time.

LEGEND: V = One Voting Conflict during a meeting
 V2 = Two Voting Conflicts during a meeting
 V3 = Three Voting Conflicts during a meeting
 And so on...

VPD = Voting Conflict Previously Declared
 (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing renovation project. ONLY COUNT ORIG. DECLARED CONFLICT FOR ONGOING PROJECT PER JOHN C. RANDOLPH, TOWN ATTORNEY)

TOWN OF PALM BEACH

ATTENDANCE RECORD (19 96)

											Fri	Tue
MEMBERS	1/24	2/28	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/22	12/12
LEIGHTON ROSENTHAL	P	P	P	P	E	E	E	P	P	P		
LAUREL BAKER	P	P	P	P	P	P	P	P	P	P		
LINDLEY HOFFMAN	P	P	/	/	/	/	/	/	/	/	/	/
BRUCE HELANDER	P	P	P	P	P	P	P	/	/	/	/	/
ETHEL KINSELLA	P	P	P	P	P	U	P	P	P	P		
SALLY GINGRAS	P	P	P	P	A	P	A	E	P	P		
JOHN SCHULER	P	P	P	P	P	P	P	P	P	P		
LOWRY BELL	/	/	P	P	P	P	P	U	P	P		
ALTERNATES	1/24	2/28	3/27	4/24	5/22	6/26	7/24	8/28	9/25	10/23	11/22	12/12
LOWRY BELL	P	P	/	/	/	/	/	/	/	/	/	/
25 MEMBER- ROBERT DEZIEL	E	P	P	P	P	P	P	P	P	P		
MARVIN ROSENBERG	/	/	P	P	P	P	P	A	P	P		
FLOYD WIDEMAN	/	/	P	P	P	P	P	P	P	P		
ERIC ADAMS	/	/	/	/	/	/	/	/	P	P		

LEGEND: P = Present

E = Excused Absence

U = Unexcused Absence

A = Absence Pending Classification as "Excused" or "Unexcused"