

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE ARCHITECTURAL REVIEW COMMISSION

WEDNESDAY, FEBRUARY 27, 2002

TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m.

II. ROLL CALL

PRESENT:

John H. Schuler, Chairman
Eric Adams, Member
Floyd L. Wideman, Jr., Member
Marvin Rosenberg, Member
Leslie A. Shaw, Member
Lindley M.F. Hoffman, Member
Morgan Dix Wheelock, Alternate Member
William J. Strawbridge Jr., Alternate Member
Nikita Zukov, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director Planning, Zoning & Building
Veronica Close, Assistant Director Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Gretchen Dayton, Recording Secretary

Note: Vice-Chairman Lowry Bell was appointed to the Zoning Commission by the Town Council at their February 12, 2002, which terminated his post on the Architectural Review Commission. Morgan Wheelock was a voting member throughout the meeting.

III PLEDGE OF ALLEGIANCE

Chairman Schuler led the Pledge of Allegiance.

IV APPROVAL OF THE MINUTES FROM THE JANUARY 23, 2002 MEETING.

Mr. Hoffman asked for a correction of the minutes regarding project number B2-02. He met with the architect only, and not with the architect and the owner as stated in the minutes.

**MOTION BY MR. WIDEMAN TO APPROVE THE AMENDED MINUTES.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED UNANIMOUSLY.**

V CHAIRMAN'S COMMENTS

Chairman Schuler reported that the term of Vice Chairman Bell has expired. The Town Council has appointed him to the Zoning Commission. He thanked him for his many years of service to this Commission and to the town. He thought that Mr. Bell is a very knowledgeable architect and that he enjoyed a very good architectural taste.

VI STRATEGIC PLANNING BOARD DISCUSSION

Mr. Moore explained that the Strategic Planning Board was called the acronym, S.W.O.T., strengths, weaknesses, opportunities and threats. He invited the commission to join the Landmarks Commission to do the same exercise that the Zoning Commission had done.

**MOTION BY MR. WIDEMAN TO PARTICIPATE IN THE STRATEGIC PLANNING BOARD DISCUSSION.
MOTION SECONDED BY MR. ADAMS.**

VII SWEARING IN PERSONS TESTIFYING.

Persons testifying were sworn in at this time and periodically throughout the meeting

VIII PROJECT DEFERRALS

B84-01 New Residence

Applicant: Michael J. Civitella
Address: 272 Country Club Road
Architect: Turner/Johnson Architects & Planners
Project Description: Construction of a new two-story single family residence.

This project was deferred from the October, November, December, and January meetings and it is on the Town Council's agenda.

B91-01 New Residence

Applicant: 447 Primavera Way, L.C.
Address: 447 Primavera Avenue
Architect: Phoenix Architecture, Inc.
Project Description: New two-story Mediterranean style residence.

Staff deferred this project from the December meeting. It is on the Town Council's agenda and the architect requested deferral from the January and February meetings.

B5-02 Addition

Applicant: Dr. and Mrs. Agresti
Address: 214 Jamaica Lane
Architect: Steven J. Bruh
Project Description: Add second story bedroom suite.

This project was deferred from the January meeting for restudy. The architect requests deferral to the March meeting.

A4-02 Landscape (B9-01)

Applicant: John Littlechild
Address: 131 East Inlet Drive
Landscape Architect: Morgan Wheelock Incorporated
Project Description: Landscape for new residence.

The architect requests deferral from the January and February meetings.

After discussion regarding projects that have had numerous deferrals, Mr. Shaw thought that the neighbors should be re-noticed. Mr. Frank said that some of these projects are still in design development and some are seeking Town Council approvals. Mr. Moore recommended, that if the commission requests that the projects be re-advertised, (have staff mail letters to the properties within 200 feet of the subject property), to charge a fee for the postage only.

MOTION BY MR. WIDEMAN TO DEFER PROJECT NUMBERS B84-01, B91-01, B5-02 AND A4-02 TO THE MARCH MEETING AND TO RE-ADVERTISE PROJECT NUMBER B84-01.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

IX. PROJECT REVIEW

A. DEFERRALS AND CONTINUATIONS - MAJOR PROJECTS

B78-01 New Residence

Applicant: P. Kevin Jaffe Trust
Address: 1440 North Lake Way
Architect: Smith & Moore Architects, Inc.
Project Description: New two-story, contemporary style residence with pool.

This project was deferred from the October and November meetings for restudy, and it was deferred from the January meeting at the architect's request.

Mr. Zukov, Mr. Shaw, Mr. Schuler, Mr. Hoffman, and Mr. Adams said they met with the architect and reviewed the plans. Dr. Rosenberg and Mr. Wheelock said they met with the architect several months ago.

ARCOM Minutes 2/27/02

Architect Harold Smith presented plans with a revision of architectural style that was British West Indies. The roof will have a broken pitch and white concrete tiles. A two-story loggia on the rear of the house will mirror the front of the house with columns clad in a gloss painted wood. The windows will be aluminum clad wood impact casements. The center four windows at the stairwell will be flanked with arched top windows and an arched entry feature of mahogany wood. The louvered paneled garage doors will match with arched tops. The driveway will be focused on a large banyan tree in the middle of a parking circle.

It was stated that the shutters could be consistent as some windows have colonial shutters, some have Bahama shutters, and some windows have no shutters.

Mario Neviera addressed the preliminary, perimeter landscaping. They centered the driveway entry on the large banyan tree and the existing hedges will be maintained with a driveway through an arched opening.

It was requested to maintain the existing hedge through construction.

**MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY DR. ROSENBERG.
MOTION CARRIED UNANIMOUSLY.**

Ms. Ann Metzger, representing the residents of Esplanade Way, requested that the tree, (at the front of the property), be protected so that it will remain even in the event the property is sold. She stated that she was happy with the design changes to the house. She was asked to contact Mr. Ugi in the Public Works Department to recommended landmarking this tree.

The lights attached to the house were discussed at this time. It was agreed to bring back a lighting plan.

B2-02 New Residence

Applicant: 251 Jungle Road, Inc./William D. Elias
Address: 251 Jungle Road
Architect: Smith and Moore Architects
Project Description: New two-story French country style residence.

This project was deferred from the January meeting for restudy.

Mr. Zukov, Mr. Schuler and Mr. Hoffman said they met with the architect and reviewed the plans. Mr. Adams said he met with the architect and the owner and reviewed the plans. Mr. Wheelock said he met with the architect and the owner and visited the site.

Note for the record: The Assistant Building Official declared the original house “an unsafe building” in accordance with the Town of Palm Beach, Code of Ordinances, Section 103.5 of the amendments of the Standard Building Code. He approved the demolition of this house, hence it did not come before ARCOM for review.

Mr. Moore said that a flood variance and a set back variance were granted to the prior property owners for a remodeling project. The property was sold and then the house was torn down. Therefore, this should be considered a new project that is on a non conforming lot and requires site plan review. He said it is an atypical situation as the original house had certain considerations granted. The new project still needs Town Council approval before continuing with the ARCOM review. It was discussed whether the commission should take action on this project before the Town Council considers it.

MOTION BY MR. SHAW TO REVIEW THE PROJECT AND TAKE NO ACTION.

MOTION SECONDED BY MR. HOFFMAN.

ROLL CALL:

MR. SHAW	YES
MR. HOFFMAN	YES
MR. ADAMS	YES
MR. WIDEMAN	YES
DR. ROSENBERG	NO
MR. WHEELOCK	NO
MR. SCHULER	NO

MOTION CARRIED 4-3.

Architect Harold Smith presented a scale model of the project and Property Owner Bill Elias addressed the Commission. The Commission felt the changes made were an improvement and none of them made suggestions to improve the project further.

B4-02 New Residence

Applicant: Maryanne T. Barry
Address: 160 Woodbridge Road
Architect: Dailey and Partners Architects
Project Description: New two story residence, pool and cabanas.

This project was deferred from the January meeting for restudy.

Mr. Wideman, Mr. Shaw, Mr. Schuler, and Mr. Adams said they met with the architect. Mr. Hoffman drove by the site and met with the architect. Dr. Rosenberg said he met with the architect and the attorney. Mr. Zukov and Mr. Wheelock said they met with the architect and drove by the site.

Attorney Ray Royce stated he representing Judge Maryanne T. Barry, said they received a special exception and a heigh plane variance from the town council. The original house was non conforming in several different ways. He respectfully suggested to the commission that the size of the house has been reviewed by the Town Council regarding the width, depth, height, volume and mass of the building.

Architect Roger Janssen presented street scape drawings and described the project as a simple, classical, old world Italian villa. The floor plan and site plan did not change considerably with the exception of the turnaround in the driveway. The 5/12 roof pitch was changed to 4/12 pitch which lowered the roof volume by 3½ feet at the roof peak. The portico was increased by bringing up the second floor sill course and was widened slightly. A light beige, sponge finish stucco will be used on the building. The stone surrounds at the windows, doors and portico, and the water table will be imitation limestone. The hand made barrel roof tiles will be clay which he presented samples of brown and terra cotta colors. Black wrought iron will be used at the entry railing, the top of the portico, and the entry gates. The door and window frames will be mahogany wood, painted a putty color, with impact resistant glass.

Landscape Architect Mario Neviera presented a revised driveway layout which gave more room to back out of the garage. The hedges planted along the rear and sides will be planted at 5' to 6' feet. Mr. Janssen indicated that the twenty foot high fiscus hedge, the site wall, and the existing vegetation along the rear and the front will remain through

construction.

Mr. Hoffman said his original comment was that this house was too massive, especially in regard to the front facade which was too long, unrelieved, and too severe. He thought the architect did a good job following the commission's comments from last meeting by lowering the roof and the increased definition in mass of the portico also helped. He stated that this house is in scale with the house at the end of the street, but less in scale with the other houses that are to the east of it.

Mr. Shaw was concerned that there was a lack of parking for this site and that the parking layout was impractical. He commented that there was no parking on the street and no place to put yard trash. Mr. Wheelock agreed and asked the architect to discuss this with the owner and see if some accommodation for off-street parking and arrival would improve the lifestyle of this building.

MOTION BY DR. ROSENBERG TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. WIDEMAN.

MR. SHAW OPPOSED.

MOTION CARRIED 6-1.

B. NEW BUSINESS - MAJOR PROJECTS

B10-02 Time Extension of Approval

Applicant:	Taja Realty Trust
Address:	206 North Ocean Boulevard
Architect:	Smith and Moore Architects, Inc.
Project Description:	Request for a twelve-month extension of ARCOM approval. (New residence)

Architect Harold Smith asked the Commission to extend the approval of the plans that were reviewed last February. The Town Council had extended approval of the point of measurement variance.

Ms. Veronica Close stated that the staff has received some complaints about the condition of the vacant lot, and asked Mr. Smith if he could take care of it. Mr. Smith stated that although it is not the responsibility of the architect, the owner and the contractor are well aware of the situation as his office has provided the documents needed to take care of it. He thought the required site structures for water retention were being built at this time.

Mr. Shaw wanted to extend the approval for only one month until the issues of the Town Council and the neighbors are resolved.

MOTION BY MR. WIDEMAN TO EXTEND THE PROJECT APPROVAL.

MOTION SECONDED BY DR. ROSENBERG.

MR. SHAW OPPOSED.

MOTION CARRIED 6-1.

B11-02 Time Extension of Approval

Applicant:	Barry Pinciss and Joanne Warshaver
Address:	223 Seminole Avenue
Architect:	Brower Architectural Associates
Project Description:	Addition of a second story staircase, addition of a swimming pool, renovation of the driveway, general interior renovation, demolition of a two-story portion, and front elevation renovation. (Request for a twelve-month extension of ARCOM approval.)

There were no ex-parte communications disclosed regarding this project.

Designer Raphael Saladrigas of Brower Architectural Associates passed out mini-plans and requested a twelve-month approval extension for this project.

Mr. Adams was not comfortable extending this approval as he did not consider it, “a sterling project.”

MOTION BY MR. WIDEMAN TO EXTEND THE PROJECT APPROVAL.

MOTION SECONDED BY MR. HOFFMAN.

MR. ADAMS OPPOSED.

MOTION CARRIED 6-1.

B12-02 Addition

Applicant: Christopher K. Sullivan
Address: 275 North County Road
Architect: Ames Bennett
Project Description: Add a two-story addition to the southwest (front) corner of the existing residence, thus enlarging the existing garage from a one-car to a two-car garage, and enlarging the existing bed room/sitting room above it. Existing roof tiles, exterior character, wall finishes and colors to match existing.

There were no ex-parte communications disclosed regarding this project.

Architect Ames Bennett made the presentation of the garage addition and an extension of the second floor sitting room. A new circular driveway and a new site wall will be added at the street. Mr. Bennett stated that the new garage door will match the existing garage door.

A privacy issue was raised regarding the windows on the side of the second floor addition.

**MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT WITH THE PROVISION TO MOVE THE SECOND FLOOR WINDOWS THAT ARE ON THE SIDE TO THE FRONT AND THE GARAGE DOORS BE IDENTICAL.
MOTION SECONDED BY MR. ADAMS.
MOTION CARRIED UNANIMOUSLY.**

B13-02 Guest House

Applicant: Martin and Audrey Gruss
Address: 1574 South Ocean Boulevard
Architect: Bridges, Marsh & Carmo
Project Description: One-story Mediterranean style casita, barrel tile roof, stucco finish

There were no ex-parte communications disclosed regarding this project.

Architect James Carmo stated that this project is a guest house for the adjoining property to the north. The proposed 4,000 square foot home will be placed in the center of the property. The front of the house will be about 180 feet from the road and 160 feet to the lake. The house has an entrance pavilion into the main living area on one side of the house and a garage on the other side. A unity of title regarding this lot and the lot to the

north was discussed at this time. Mr. Moore said if they have separated the properties, then it cannot be a guest house. Mr. Carmo thought that the properties were separated and that this project was a stand alone home. The criterion in the code relating to the similar/dissimilar issue was discussed, and it was felt that if this home were to be sold separately, it would be much smaller than the other homes in the area. It appeared by the opening in the hedges that this property will use the access easement drive along the south property line which leads to a pump station. Mr. Moore said that any use of the access would have to be authorized by the Town's Public Work's Department. Mr. Carmo agreed to continue the hedge along the south property line.

Mr. Hoffman thought that the roof line at the front door, where it goes into the arcade, looked like a shed roof that didn't match the pitch of the gable roofs one either side of it. The Commission further commented that the detailing around the entrance did not agree with the detailing around the rest of the house. The garage doors looked large and it was suggested splitting the four doors into two doors. The design was very simple. It was stated that there would be a potential for this property to be "cut off" and made into smaller lots. It was advertised a guest house project, but it doesn't really link to the primary house as the vistas are not open and it is not a part of the main property. If it were a true guest house, it would have landscaping blending with the main house. Mr. Moore stated that the owner's estate lawyers wanted the properties separated so they can sell it off in the future without any incumbency. They need to declare what they are doing, the advertisement and the application states that this is a guest house for the main house. It means this project is an accessory building and a unity of title is required putting this property together with the main property.

MOTION BY MR. WIDEMAN TO DEFER THE PROJECT TO THE MARCH MEETING TO COME BACK WITH A CLEAR DEFINITION OF WHAT THE STATUS OF THIS HOUSE IS (A GUEST HOUSE OR A SINGLE FAMILY RESIDENCE), AND TO HAVE A CLEAR DEFINITION OF WHAT IS BEING PRESENTED.

MOTION SECONDED BY DR. ROSENBERG.

MOTION CARRIED UNANIMOUSLY.

The architect was asked to continue the hedge along the south property line.

B14-02 Addition

Applicant: Mr. Hamlin Beattie
Address: 1263 North Lake Way
Architect: Robert L. Bell
Project Description: New staff quarters addition above garage, (624 s.f.); roofing, windows, stucco finish, fascia and soffit details to match existing.

Mr. Adams said he met with the property owner and discussed the plans.

Architect Robert Bell presented a 624 square foot, second floor addition which would increase the size of the home to a total Cubic Content of 3.81. Two different types of shutters, colonial and Bahama, will be used.

Mr. Adams said he is the neighbor across Kenlyn Road. He and Mr. Beattie visited the site together. He felt that his hedges were high enough that he would not be invaded by the addition and he thought that the neighbors were well protected also.

MOTION BY MR. WHELOCK TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

B15-02 Addition

Applicant: Norman and Homa Bahary
Address: 168 Kings Road
Architect: Robert Kolany
Project Description: Existing one story "Regency" residence. Proposed: To add partial second story and change architectural style to Mediterranean. Increase front yard green space.

Mr. Hugo Cassesce asked to have this project heard later in the meeting as the architect was not in attendance at this time.

MOTION BY MR. HOFFMAN TO DEFER THE PROJECT TO THE END OF MAJOR PROJECTS - NEW BUSINESS.

MOTION SECONDED BY MR. WHELOCK.

MOTION CARRIED UNANIMOUSLY.

This project was called after item number B17-02.

There were no ex-parte communications disclosed regarding this project.

Architect Robert Kolony introduced his associate Tim Dart and presented the project. Mr. Kolony made comparisons to the architecture of Mar-a-Lago. The commission felt this house was over embellished.

MOTION BY MR. HOFFMAN TO DEFER THE PROJECT TO THE MARCH MEETING FOR RESTUDY.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY.

B16-02 Addition

Applicant: David and Diane Canepari

Address: 260 Nightingale Trail

Architect: The Childs Group

Project Description: Adding a one-story, 993 s. f. master bedroom suite to the rear of the existing one-story 1,964 s. f. residence

There were no ex-parte communications disclosed regarding this project.

Architect Dennis Childs distributed handouts to the commission and presented photographs of the existing home. The vegetation in the back yard will be supplemented for privacy. An open wood trellis will replace an awning in the back of the house. He indicated that Tishler windows with applied muntins will be used in this project. A five foot high CBS wall will be added to extend from the garage to balance the one on the east.

It was suggested adding two or three palm trees to break the massing of the new roof addition.

MOTION BY MR. WHEELOCK TO APPROVE THE PROJECT AS PRESENTED WITH THE ADDITION OF THREE PALM TREES ON THE SOUTH SIDE OF THE PROPERTY.

MOTION SECONDED BY DR. ROSENBERG.

MOTION CARRIED UNANIMOUSLY.

B17-02 Addition

Applicant: Steven P. Rosenberg
Address: 288 Queens Lane
Architect: Giacomelli Architecture
Project Description: Addition of a two-story music/media room to an existing two-story residence.

There were no ex-parte communications disclosed regarding this project.

Architect Dario Giacomelli said the project is a two-story addition on the east side of an existing two-story home.

MOTION BY DR. ROSENBERG TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY.

C. DEFERRALS AND CONTINUATIONS - MINOR PROJECTS

A67-01 Landscaping (B67-01)

Applicant: Eliot I. and Ruth F. Snider
Address: 109 El Mirasol
Landscape Consultant: Armstrong Landscape Group, Inc.
Project Description: Chimney design, roof material samples and landscape plan.

The chimney and roofing material were approved at the November meeting and the landscaping was deferred for restudy. The landscaping project was deferred from the December meeting at the architect's request. The project was deferred from the January meeting for restudy.

Landscape Consultant Bruce Armstrong said the owner did not want to completely block the house from the street so they propose small seagrapes and cocoanut palms along the front. Australian pines are existing along the beach access. The paving material will be a toupe color.

In order to match the existing plant material in the cul-de-sac, it was requested that the seagrapes continue from the corner to the center of the house.

The sample board that Mr. Armstrong presented indicated that the building will be a light peach color and the shutters will be green.

**MOTION BY MR. WHEELOCK TO APPROVE THE PROJECT,
CONDITIONAL OF PUTTING TWELVE FOOT SEAGRAPHES TO COMPLETE
THE CIRCLE AND THE TOP OF THE NECK.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

A71-01 Window Revisions

Applicant: Donna A. Ward
Address: 1564 South Ocean Boulevard
Architect: Patrick Seagraves
Project Description: Request approval of the existing cast stone window surrounds on the east elevation.

The project was deferred from the December meeting at the attorney's request and deferred from the January meeting for restudy.

Attorney Ron Kolins stated that the window surrounds were added to two second story windows only. Mr. Kolins admitted that his client should have received this Commission's approval before applying these surrounds.

Mr. Frank said the photographs that Mr. Kolins passed out were confusing and there were changes on the north elevation that are visible from the road. Mr. Seagraves told him that he was not retained by this applicant.

The Commission felt the presentation should have drawings of all of the elevations showing the changes that were made to the house, to look at the entire house, not just the two windows.

**MOTION BY MR. WIDEMAN TO DEFER THE PROJECT TO THE MARCH
MEETING.
MOTION SECONDED BY MR. ADAMS.
MOTION CARRIED UNANIMOUSLY.**

A3-02 Landscape (B13-01)

Applicant: Tim Pappas
Address: 100 Everglade Avenue
Landscape Architect: Mario Nievera
Project Description: Proposed landscape design

This project was deferred from the January meeting for restudy.

There were ex-parte communications disclosed regarding this project.

Landscape Architect Mario Nievera said that cocoanut palms were added along Everglade Avenue to continue the rhythm of the trees. Additional screening was added to the rear and side yards.

**MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. WHELOCK.
MOTION CARRIED UNANIMOUSLY.**

D. NEW BUSINESS - MINOR PROJECTS

A6-02 Landscape (B58-00)

Applicant: NRL Trust
Address: 271 Plantation Road
Landscape Architect: Morgan Wheelock, Inc.
Project Description: Landscape plan for existing/renovated residence. (Placed on the agenda per the Commission's directive)

Mr. Schuler said he discussed this project with the adjacent property owner and with their attorney. Commissioner Wheelock recused himself as he is the architect of record and left the dias during the presentation of this project.

Attorney Jim Paine introduced Landscape Architect Don Skowron, Architect Dario Giacomelli and General Contractor Bret Elhilow. After the second floor walls were erected, the neighbors became concerned about the placement of the windows in the second floor, which is adjacent to their property. The landscape architects have designed a substantial landscape buffer with eureka a traveler's palms because the owners want to be good neighbors and provide an adequate buffer. They would like to leave a tree where it is rather than relocate it as originally planned. He thought that the landscaping should

be viewed from both sides, by both parties to make sure that it meets with both of the neighbor's approval.

Mr. Moore said the project started out as remodel and a second story addition, but it has turned into a new house as the only thing that was remaining was the foundation. It has all new walls all the way around. It does meet the zoning ordinance as two variances were granted previously which are still in place. This is an atypical situation. When they stated the remodeling, they discovered that the existing construction was poor and had to rebuild. He wanted the commission to know that this was in essence a brand-new house and not just a remodel with a second floor addition.

Landscape Don Skowron mentioned that they will keep the existing tree, on the south, at its present location, and an existing twelve-foot high ficus hedge on the east property line. Eighteen feet tall eureka palms will be supplemented by twenty-five feet tall traveler's palm trees to screen the new second story windows.

Attorney Frank Chopin, representing the neighbor's to the east, addressed the Commission. He said the letter notifying his clients of this project was sent to an old address. He thought that the plans presented did not show clearly the windows on the east side of the house and a balcony overlooking his client's property. Mr. Chopin commented that the landscaping is a requirement for approval as this is not a remodel project, it is a new house.

After much discussion, it was agreed to plant the material that is proposed and if the neighbor feels that it is inadequate, after viewing it from both properties, then the addition of plant material, and the type of plant material will be worked out between both parties.

Mr. Moore stated that the windows, which are the subject of the concern, on the second floor, are only framed in at this time. He has asked the contractor to wait until the landscaping is installed because the windows could be altered at this stage.

MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT WITH THE CONDITION THAT THE TWO PARTIES GET TOGETHER AND COME TO A REASONABLE AGREEMENT ON THE SCREENING OF THE EASTERN PORTION OF THE PROPERTY, TO BE VIEWED FROM BOTH SIDES, AND IF THEY DO NOT AGREE, TO BRING THE PROJECT BACK TO THE COMMISSION FOR A FINAL APPROVAL.

MOTION SECONDED BY MR. SHAW.

MOTION CARRIED UNANIMOUSLY.

A7-02 Landscape & Hardscape (B17-01)

Applicant: Cornacchia
Address: 50 Middle Road
Landscape Architect: Scott Mosolf
Project Description: New landscape and hardscape

Mr. Wheelock said he visited the site.

Landscape Consultant Bruce Armstrong reported that the project was complete. Two pink tabebuia trees were planted in the front and triple Alexander palms on either side of the front door. The driveway has cast stone with zoysa grass. He indicated the four water retention areas on the property.

The Commission felt that the project has too much hardscape. It was recommended to match the size of the proposed trees with the existing tree sizes. They also thought that to examine the working drawings would help with their review.

MOTION BY MR. ADAMS TO DEFER THE PROJECT TO THE MARCH MEETING TO BRING BACK THE ORIGINAL PLANS SO THAT THE COMMISSION CAN SEE WHAT WAS BUILT AS OPPOSED TO WHAT THEY APPROVED, AND TO BRING BACK THE GENERAL CONTRACTOR AND THE ORIGINAL ARCHITECT TO REVIEW THE APPROVED ELEVATIONS AND DRAWINGS AND THE “AS BUILT” DRAWINGS.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY.

A8-02 Landscape & Hardscape (B75-00)

Applicant: Fasca, Inc.
Address: 401 Brazilian Avenue
Landscape Architect: Steven Dauber
Project Description: Landscape and hardscape plan

Mr. Wheelock said he had been to the site.

Landscape Architect Steven Dauber explained that he attempted to personalize each of the townhouse units considered the character of the street scape. Cast stone, in different patterns, with strips of zoysa grass, will form the driveways. Royal palm trees will frame the front of the east unit and the west unit will have Phoenix Majool trees.

The parking area at the front of the building was examined and thought to be inadequate. If two vehicles were parked in this area, they would have to back out into the street.

Mr. Moore asked Mr. Dauber to contact the Public Work's Department regarding replacing the palm trees in the parkway along the street.

MOTION BY MR. WHEELLOCK TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY.

A9-02 Parking Lot Lighting

Applicant: The Breaker's (First Union Bank)
Address: 40 Cocoanut Row
Engineer: Kuhns Engineering
Project Description: Install new parking lot lighting.

There were no ex-parte communications disclosed regarding this project.

Electrical Engineer Howard Kuhns explained that the project consisted of placing lights on the existing parking lot. He said the photometrics were run on a computer and complied the Palm Beach County requirements for a minimum foot candle. David Lithco, representing Kuhns Engineering, remarked that the business offices will be open until 10:00 p.m. during the week and that the proposed lighting was for security purposes. He stated that the lights will be turned off after 10:30 p.m. with the exception of the three light poles in the center of the lot. The lights will be turned off on the weekend.

MOTION BY MR. WIDEMAN TO APPROVE THE PROJECT WITH THE UNDERSTANDING THE LIGHTS WILL BE TURNED OFF AT 10:30 P.M. WITH THE EXCEPTION OF THE THREE LIGHTS IN THE CENTER OF THE PARKING LOT.

MOTION SECONDED BY DR. ROSENBERG.

MOTION CARRIED UNANIMOUSLY.

A10-02 Landscape and Hardscape(B1-00)

Applicant: Palm Beach Tamarin, Inc.
Address: 322 Australian Avenue
Landscape Architect: Mark Henegan
Project Description: Hardscape and landscape

There were no ex-parte communications disclosed regarding this project.

Landscape Architect Mark Henegan explained that a seven-foot site wall is under construction. The house will be higher than the surrounding homes so he provided taller plant material of sable palms at twenty-two feet tall with fish tail palms filling in the bottom spaces to make a complete buffering. He commented that this project is at the minimum greenspace having 35% landscaped area. The driveway will be a light color paving material in a herring bone pattern.

It was recommended to continue the buffer material between this house and the house next door. The architect was asked to come back with another sample, of a darker color driveway material because tires will leave marks on the light color that he proposed. It was advised to change the color of the driveway entry gate from green to black and set them from the edge of the street the required 18'. Mr. Moore wanted it earmarked that the set-back and height issues of the entry gates and posts need to be resolved before the commission reviews this project again. Mr. Henegan remarked that there will be no site lighting involved with this project.

MOTION BY MR. WHEELOCK TO DEFER THE PROJECT TO THE MARCH MEETING TO RESTUDY THE GATE HEIGHT, EXTEND THE SCREENING, REDUCE THE HARDSCAPE AND SUGGEST AN ALTERNATIVE PARKING COURT MATERIAL.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

A10-02 Landscape and Hardscape(B1-00)

Applicant: Palm Beach Tamarin, Inc
Address: 322 Australian Avenue
Landscape Architect: Mark Henegan
Project Description: Hardscape and landscape

There were no ex-parte communications disclosed regarding this project.

Landscape Architect Mark Henegan explained that a seven-foot site wall is under construction. The house will be higher than the surrounding homes so he provided taller plant material of sable palms at twenty-two feet tall with fish tail palms filling in the bottom spaces to make a complete buffering. He commented that this project is at the minimum greenspace having 35% landscaped area. The driveway will be a light color paving material in a herring bone pattern.

It was recommended to continue the buffer material between this house and the house next door. The architect was asked to come back with another sample, of a darker color driveway material because tires will leave marks on the light color that he proposed. It was advised to change the color of the driveway entry gate from green to black and set them from the edge of the street the required 18'. Mr. Moore wanted it earmarked that the set-back and height issues need to be resolved before the commission reviews this project again. Mr. Henegan remarked that there will be no site lighting involved with this project.

MOTION BY MR. WHELOCK TO DEFER THE PROJECT TO THE MARCH MEETING TO RESTUDY THE GATE HEIGHT, EXTEND THE SCREENING, REDUCE THE HARDSCAPE AND SUGGEST AN ALTERNATIVE PARKING COURT MATERIAL.

MOTION SECONDED BY MR. ADAMS.

MOTION CARRIED UNANIMOUSLY.

A11-02 Landscape Lighting

Applicant: Max Draime
Address: 1 Golf Road
Contractor: Luminary Effects
Project Description: Landscape lighting.

There were no ex-parte communications disclosed regarding this project.

Lighting Consultant Don Collier explained that the total wattage will be 1,325 watts:
One up-light of a large banyan tree.
One down-light from the same banyan tree to light the sidewalk.
Four up-lights on fox tail palms (@100 watts).
One down-light onto the pool patio.
One up-light on a statue in the back yard.

**MOTION BY MR. SHAW TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.**

A12-02 Landscape Lighting

Applicant: Peter Townsend
Address: 1230 North Lake Way
Contractor: Luminary Effects
Project Description: Landscape lighting.

There were no ex-parte communications disclosed regarding this project.

Lighting Consultant Don Collier described the illumination of landscape material and described the illumination of the building. He said the total for this project will be 2,900 watts, 1,500 watts in the front of the property and 1,300 watts in the back.

Most of the commissioners felt there was too much light for this property, especially in the front yard.

**MOTION BY MR. ADAMS TO APPROVE THE PROJECT WITH THE
PROVISION TO ELIMINATE THE TWO LIGHTS AT THE BIKE PATH AND
ELIMINATE THE FOUR LIGHT AT THE DRIVEWAY.
MOTION SECONDED BY MR. SHAW.**

ROLL CALL:

MR. ADAMS YES

MR. SHAW YES

MR. WIDEMAN NO

DR. ROSENBERG NO

MR. HOFFMAN NO

MR. WHEELOCK NO

MR. SCHULER YES

MOTION FAILED 3-4.

MOTION BY MR. SHAW TO APPROVE THE PROJECT WITH THE EXCLUSION OF THE TWO TREES, THAT ARE IN THE EASEMENT BY THE LAKE, AND TO ELIMINATE THE TWO LIGHTS IN THE MIDDLE OF THE DRIVEWAY.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY.

X. OTHER BUSINESS

The Commission's Mission Statement was discussed at this time. Mr. Frank agreed to incorporate all of the comments and redraft the Mission Statement for discussion at the next meeting.

XI. ADJOURNMENT

The meeting was adjourned at 4:55 p.m.

The next meeting of the Architectural Review Commission will be held on March 27, 2002 at 9:00 a.m. in the Town Council Chambers.

Respectfully submitted,

John H. Schuler, Chairman

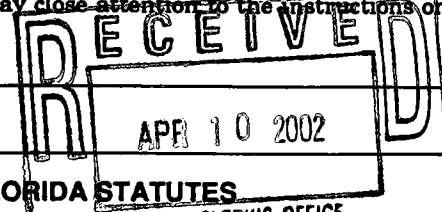
FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

NAME—FIRST NAME—MIDDLE NAME FLOCK MORGAN DX		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ARCHITECTURAL	
ADDRESS 280 BAHAMA LANE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PALM BEACH FL	COUNTY PB	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 2-27-02		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 any measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on 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:

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, MORGAN WHEELLOCK, hereby disclose that on 2-27, 19 02:

(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 _____, 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:

Project AC-02

271 Plantation Rd. Client of my office.

2-27-02

Date Filed

M Wheellock
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 FOLLOW: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION OF 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 ELOCK MORGAN DX		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ARCHITECTURAL	
MAILING ADDRESS 280 BAHAMA LANE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY PAUM BEACH	FL	COUNTY PB	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 2-27-02		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

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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).

* * * * *

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* * * * *

APPOINTED OFFICERS:

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- ☐ 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 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:

Project A6-02 271 Plantation Rd. Client of my office.

2-27-02
Date Filed

Morgan Wheellock
Signature

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