

1 IN RE:

2

3

AUDIO/VIDEO TRANSCRIPTION OF

4

Town of Palm Beach ARCOM Hearing 9/25/24

5

for ARC-24-0032, 272 VIA MARILA

6

7

8

9

10

11

12

13

14

15

16

17

Transcribed Audio Recording By

18

Esther Smith

19

20

21

22

23

24 Job No.: 383681

25

1 The following proceeding was transcribed from an
2 audio/video file as follows:

3 MR. SMITH: Okay. The next item on the agenda
4 is item D, minor projects, old business. Item one
5 is ARC 24-0032, 272 via Marila.

6 MS. MITTNER: Yes. This is a combination
7 project. It is back for the third time to request a
8 gate to span the only vehicular or pedestrian access
9 to the property. The gate is now proposed at 13
10 feet wide with vertical pickets, larger spacing to
11 improve the transparency.

12 The variance is requested to reduce the
13 required vehicular stacking space so therefore two
14 motions will be required by the commission. One for
15 the design and whether the variance has a negative
16 impact. We have not received any new public comment
17 on this item.

18 MS. CHURNEY: Ms. Connaughton, ex parte.

19 MS. CONNAUGHTON: I drove by the site again.

20 MR. SAMMONS: I drove by the site.

21 MR. PHOENIX: None.

22 MR. KARAKUL: None.

23 MS. SHIVERICK: None.

24 MS. CATLIN: I emailed Wayne to request
25 additional information.

1 MR. SMITH: None.

2 MS. GRACE: I went by the site.

3 MR. MIZELL: Thank you. Good morning. Dustin
4 Mizell with Environment Design Group on behalf of my
5 client, Melissa Wight. Melissa was here last month
6 to just share with you some of her issues with
7 security that she has relative to a personal matter
8 of her life. So unfortunately, she's not here again
9 to, to answer any questions or shed more light on
10 that. She's traveling right now for a wedding out
11 of town. But she thanked you again for allowing her
12 to speak on that sensitive issue last month.

13 Just a little bit of a, a reminder again as was
14 mentioned by Ms. Mittner, this is our third time
15 here. The first time we came in with a solid gate
16 driven again by the privacy concerns. And then last
17 month we did come back with not an opaque gate,
18 about 50 percent opacity, but too industrial
19 looking.

20 And then also as well the exposure of the
21 proposed gate was still too wide on the street. So
22 here we are for our third request and what we've
23 done and just remind the context of home, mid-
24 century modern and black finishes everywhere.

25 What we've done is we've come back with the

1 charge was what can we do to, to mitigate or
2 minimize the exposure from the street and also to a
3 little bit more of a decorative gate that didn't
4 just look so industrial. So we've reduced the
5 existing curb cut which is 20 feet wide right now
6 we're bringing it down to 12 feet.

7 So we're -- it's okay. So we're losing eight
8 foot of curb exposure, extending the Clusia hedge,
9 add a little bit of decorative elements to the gate
10 but not much because we won't be too conflicting
11 with the style of the home. But you can see right
12 now, here's the current exposure at the bottom. And
13 so by losing eight feet we can really reduce it.

14 It's a little bit of an angle so it's not so
15 visible like straight on. We can't push it back any
16 further. Mr. Florsheimer had asked us to look at
17 that. So again, we're, we're just here, you know,
18 requesting for consideration due to the sensitivity
19 and the nature of my client and some current
20 security issues she is having in her life.

21 And also the fact that we think that the
22 addition of it and the reduced -- reducing of the
23 curb cut exposure will be a benefit to the street
24 and a variance is required. And this is our third
25 time here and we have not had any issues or

1 complaints from the neighbors and nothing but
2 support for this. Thank you.

3 MR. SMITH: Okay. Ms. Grace?

4 MS. GRACE: Yes. Thank you. I was just
5 wondering if we could -- I could ask our attorney.
6 Are we supposed to be considering the security
7 issues for the client as part of our review?

8 MS. FRANSISCO: Commissioner Grace, thank you
9 for the question. We are not supposed to be
10 considering anything other than the architectural
11 review criteria contained within our town code. And
12 so while it is very sad and disappointing to hear
13 about these security issues, your deliberations
14 today should be limited to what is being presented
15 aesthetically before you today.

16 MS. GRACE: Okay. And then I was just
17 wondering -- I just want to make sure this memo from
18 the town staff is that with respect to the current
19 design, that it says that the proposed gate
20 requiring a variance, you know, potentially creates
21 an unsafe condition or blockage within the roadway.
22 Is that with respect to the current design?

23 MS. MITTNER: It's for the placement of the
24 gate. It's not relative to the actual design
25 because of the stacking --

1 MS. GRACE: Yeah. That's what I mean. The
2 placement is still --

3 MS. MITTNER: Yes. correct.

4 MS. GRACE: -- in effect?

5 MS. MITTNER: It's still a concern. It's still
6 in its exact location and is not providing the
7 adequate stacking requirement on a narrow street.
8 Correct.

9 MS. GRACE: It's on a narrow street and there
10 are no other gates on the street?

11 MS. MITTNER: Correct. That we are aware of.
12 No vehicular gates. Yes.

13 MS. GRACE: Okay. I, I personally still find
14 that the character of, of the gate and the street
15 that it doesn't fit in well, and that, I don't know.
16 Maybe it was Mrs. Shiverick who said last time that
17 an intruder might be able to get in through the
18 hedges or something like that. So I'm wondering if
19 it really meets the security needs and they might be
20 met through some other means.

21 MR. SMITH: Ms. Shiverick.

22 MS. SHIVERICK: Thanks. I really sympathize
23 with the owner and the situation, I, you know, and I
24 appreciate your attempts to shrink the curb cut and
25 move the hedges, etc. I find that the gate design

1 still looks industrial, and I think that the
2 negative impacts of us allowing this gate will be
3 sort of pervasive. We'll get, you know, a lot of
4 requests for gates in the North End which no one
5 wants to see.

6 I mean, I think gates are fine for the estates
7 on South Ocean and North Ocean but on a side street
8 in the North End, I just don't think they belong.
9 And I, I would really think a better security system
10 would be some sort of cameras and a really good
11 alarm system. Better than a gate that's -- I think
12 aesthetically this just doesn't look right.

13 MR. SMITH: Ms. Catlin.

14 MS. CATLIN: I agree with Ms. Shiverick. I
15 think that the, the gate is not appropriate here.
16 And yet my heart really goes out to your client.
17 But I just, you know, our, our job is the
18 aesthetics. And I just -- are we ready for a motion
19 do you think?

20 MR. SMITH: There's no other people that have
21 rung in to speak. So yes.

22 MS. CHURNEY: We need public comment.

23 MR. SMITH: Anyone from the public like to
24 address this -- the commission regarding this
25 project?

1 MS. CHURNEY: I would --

2 MS. MITTNER: (indiscernible)

3 MS. CHURNEY: It's okay.

4 MS. CATLIN: Let me see if I see. I, I would
5 say that this -- make a motion to decline. That it
6 is not -- which one is it? It's not in --

7 SPEAKER 1: Deny?

8 MS. CATLIN: Deny. It's not in, in good
9 conformity with the neighborhood. Which section is
10 that one?

11 SPEAKER 1: Number one.

12 MS. CATLIN: Number one. That the plan for the
13 proposed gate is not in conformity with good taste
14 and design in general does not contribute to the
15 image of the town as a place of beauty,
16 spaciousness, balance, taste, fitness, charm, and
17 high quality.

18 MR. SMITH: Is there a second of the motion?

19 MS. SHIVERICK: I'll second.

20 MR. SMITH: Motion made and seconded. All in
21 favor?

22 (Aye)

23 MR. SMITH: Opposed?

24 MR. PHOENIX: No.

25 MS. CONNAUGHTON: I'm opposed.

1 MR. SMITH: Okay.

2 MR. SAMMONS: I like the fact that they're
3 producing the --

4 MR. PHOENIX: Right.

5 MR. SMITH: Let's do a, a roll call just so --

6 MS. CHURNEY: Okay. Ms. Catlin?

7 MS. CATLIN: Yes.

8 MS. CHURNEY: Ms. Shiverick?

9 MS. SHIVERICK: Yes.

10 MS. CHURNEY: Mr. Sammons?

11 MR. SAMMONS: Well, I don't even see what the
12 gate looks like, so. But there's no detail. So,
13 no, I'm going to -- I'm going to just -- I'm going
14 to add it's a sliding gate. Well, I don't have a
15 problem with the gate but I think it should be a
16 two-leaf gate. And you know, and it's not 12 feet,
17 it's 13 feet --

18 MS. CHURNEY: I think there's a motion on the
19 floor.

20 MR. SAMMONS: So.

21 MR. MIZELL: 13 for the columns.

22 MR. SAMMONS: Yeah.

23 MR. MIZELL: Width of the gate is 12, 13 for
24 the columns.

25 MS. CHURNEY: Is that a no, Mr. Sammons?

1 MR. SAMMONS: It's still a -- it's still a no,
2 but it's carrying anyway, right?

3 MS. CHURNEY: Okay. Mr. Karakul?

4 MR. KARAKUL: No.

5 MS. CHURNEY: Ms. Connaughton?

6 MS. CONNAUGHTON: No.

7 MS. CHURNEY: Mr. Phoenix?

8 MR. PHOENIX: No.

9 MS. CHURNEY: That's a no.

10 MR. PHOENIX: I'm sorry. Yes.

11 MS. CHURNEY: Let me -- let me turn on your
12 microphone.

13 MR. PHOENIX: Oh, sorry. Yes, I'm supporting
14 the motion.

15 MS. CHURNEY: Okay. And Mr. Smith.

16 MR. SMITH: Yes.

17 MS. CHURNEY: That passes four to three.

18 MR. SMITH: Okay.

19 MR. MIZELL: Thank you.

20 (End of audio recording.)

21

22

23

24

25

1 CERTIFICATE OF TRANSCRIPTIONIST

2 I, ESTHER SMITH, do hereby certify:
3

4 That said audio transcription is a true record
5 as reported by me, a disinterested person.
6

7 I further certify that I am not interested in
8 the outcome of said action, nor connected with, nor
9 related to any of the parties in said action, nor to
10 their respective counsel.
11

12 IN WITNESS THEREOF, I have hereunto set my hand
13 this 1st day of November, 2024.
14

15
16 
17 Esther Smith

18
19
20
21
22
23
24
25

<hr/>	addition 4:22	audio/ video 2:2	<hr/>	Clusia 4:8	connecte d 11:8
1 8:7,11	addition al 2:25	aware 6:11	C	code 5:11	consider ation 4:18
12 4:6 9:16,23	address 7:24	Aye 8:22	call 9:5	columns 9:21,24	containe d 5:11
13 2:9 9:17,21, 23	adequate 6:7	<hr/> B <hr/>	cameras 7:10	combinat ion 2:6	context 3:23
1st 11:13	aestheti cally 5:15 7:12	back 2:7 3:17,25 4:15	Catlin 2:24 7:13,14 8:4,8,12 9:6,7	comment 2:16 7:22	contribu te 8:14
<hr/> 2 <hr/>	aestheti cs 7:18	balance 8:16	century 3:24	commissi on 2:14 7:24	correct 6:3,8,11
20 4:5	agenda 2:3	beauty 8:15	CERTIFIC ATE 11:1	Commissi oner 5:8	counsel 11:10
2024 11:13	agree 7:14	behalf 3:4	certify 11:2,7	complain ts 5:1	creates 5:20
24-0032 2:5	alarm 7:11	belong 7:8	characte r 6:14	concern 6:5	criteria 5:11
272 2:5	allowing 3:11 7:2	benefit 4:23	charge 4:1	concerns 3:16	curb 4:5,8,23 6:24
<hr/> 5 <hr/>	angle 4:14	bit 3:13 4:3,9,14	charm 8:16	conditio n 5:21	current 4:12,19 5:18,22
50 3:18	ARC 2:5	black 3:24	CHURNEY 2:18 7:22 8:1,3 9:6,8, 10,18,25 10:3,5, 7,9,11, 15,17	conflict ing 4:10	cut 4:5,23 6:24
<hr/> A <hr/>	architec tural 5:10	blockage 5:21	client 3:5 4:19 5:7 7:16	conformi ty 8:9,13	<hr/> D <hr/>
access 2:8	attempts 6:24	bottom 4:12		Connaugh ton 2:18,19 8:25 10:5,6	day 11:13
action 11:8,9	attorney 5:5	bringing 4:6			decline 8:5
actual 5:24	audio 10:20 11:4	business 2:4			decorati ve
add 4:9 9:14					

4:3,9 deliberations 5:13 Deny 8:7,8 design 2:15 3:4 5:19,22, 24 6:25 8:14 detail 9:12 disappointing 5:12 disinterested 11:5 driven 3:16 drove 2:19,20 due 4:18 Dustin 3:3 <hr/> E <hr/> effect 6:4 elements 4:9 emailed 2:24 end 7:4,8 10:20	Environm ent 3:4 estates 7:6 Esther 11:2,17 exact 6:6 existing 4:5 exposure 3:20 4:2,8, 12,23 extendin g 4:8 <hr/> F <hr/> fact 4:21 9:2 favor 8:21 feet 2:10 4:5,6,13 9:16,17 file 2:2 find 6:13,25 fine 7:6 finishes 3:24 fit 6:15 fitness 8:16	floor 9:19 Florshei mer 4:16 foot 4:8 FRANSISC O 5:8 <hr/> G <hr/> gate 2:8,9 3:15,17, 21 4:3,9 5:19,24 6:14,25 7:2,11, 15 8:13 9:12,14, 15,16,23 gates 6:10,12 7:4,6 general 8:14 good 3:3 7:10 8:8,13 Grace 3:2 5:3, 4,8,16 6:1,4,9, 13 Group 3:4	<hr/> H <hr/> hand 11:12 hear 5:12 heart 7:16 hedge 4:8 hedges 6:18,25 hereunto 11:12 high 8:17 home 3:23 4:11 <hr/> I <hr/> image 8:15 impact 2:16 impacts 7:2 improve 2:11 indiscer nible 8:2 industri al 3:18 4:4 7:1 informat ion 2:25	interest ed 11:7 intruder 6:17 issue 3:12 issues 3:6 4:20,25 5:7,13 item 2:3,4,17 <hr/> J <hr/> job 7:17 <hr/> K <hr/> Karakul 2:22 10:3,4 <hr/> L <hr/> larger 2:10 life 3:8 4:20 light 3:9 limited 5:14 location 6:6 losing 4:7,13 lot 7:3	<hr/> M <hr/> made 8:20 make 5:17 8:5 Marila 2:5 matter 3:7 means 6:20 meets 6:19 Melissa 3:5 memo 5:17 mentione d 3:14 met 6:20 micropho ne 10:12 mid- 3:23 minimize 4:2 minor 2:4 mitigate 4:1 Mittner 2:6 3:14 5:23 6:3,5,11 8:2
---	---	--	--	---	--

Mizell 3:3,4 9:21,23 10:19 modern 3:24 month 3:5,12, 17 morning 3:3 motion 7:18 8:5,18, 20 9:18 10:14 motions 2:14 move 6:25	<hr/> O <hr/> Ocean 7:7 opacity 3:18 opaque 3:17 opposed 8:23,25 outcome 11:8 owner 6:23	pervasiv e 7:3 Phoenix 2:21 8:24 9:4 10:7,8, 10,13 pickets 2:10 place 8:15 placemen t 5:23 6:2 plan 8:12 potentia lly 5:20 presente d 5:14 privacy 3:16 problem 9:15 proceedi ng 2:1 producin g 9:3 project 2:7 7:25 projects 2:4 property 2:9	proposed 2:9 3:21 5:19 8:13 providin g 6:6 public 2:16 7:22,23 push 4:15	related 11:9 relative 3:7 5:24 remind 3:23 reminder 3:13 reported 11:5 request 2:7,24 3:22 requeste d 2:12 requesti ng 4:18 requests 7:4 required 2:13,14 4:24 requirem ent 6:7 requirin g 5:20 respect 5:18,22 respecti ve 11:10 review 5:7,11 roadway 5:21	roll 9:5 rung 7:21
<hr/> N <hr/> narrow 6:7,9 nature 4:19 negative 2:15 7:2 neighbor hood 8:9 neighbor s 5:1 North 7:4,7,8 November 11:13 Number 8:11,12	<hr/> P <hr/> part 5:7 parte 2:18 parties 11:9 passes 10:17 pedestri an 2:8 people 7:20 percent 3:18 person 11:5 personal 3:7 personal ly 6:13		<hr/> Q <hr/> quality 8:17 question 5:9 question s 3:9		<hr/> S <hr/> sad 5:12 Sammons 2:20 9:2,10, 11,20, 22,25 10:1 seconded 8:20 section 8:9 security 3:7 4:20 5:6,13 6:19 7:9 sensitiv e 3:12 sensitiv ity 4:18 set 11:12 share 3:6 shed 3:9 Shiveric k 2:23 6:16,21, 22 7:14 8:19
			<hr/> R <hr/> ready 7:18 received 2:16 record 11:4 recordin g 10:20 reduce 2:12 4:13 reduced 4:4,22 reducing 4:22		

9:8,9	SPEAKER	4:25	vehicula
shrink	8:7,11	6:16	r
6:24	stacking	today	2:8,13
side	2:13	5:14,15	6:12
7:7	5:25 6:7	town	vertical
site	staff	3:11	2:10
2:19,20	5:18	5:11,18	visible
3:2	straight	8:15	4:15
situatio	4:15	transcri	
n	street	bed	W
6:23	3:21	2:1	
sliding	4:2,23	transcri	Wayne
9:14	6:7,9,	ption	2:24
Smith	10,14	11:4	wedding
2:3 3:1	7:7	TRANSCRI	3:10
5:3 6:21	style	PTIONIST	wide
7:13,20,	4:11	11:1	2:10
23 8:18,	support	transpar	3:21 4:5
20,23	5:2	ency	Width
9:1,5	supporti	2:11	9:23
10:15,	ng	travelin	Wight
16,18	10:13	g	3:5
11:2,17	supposed	3:10	wonderin
solid	5:6,9	true	g
3:15	sympathi	11:4	5:5,17
sort	ze	turn	6:18
7:3,10	6:22	10:11	
South	system	two-leaf	
7:7	7:9,11	9:16	
space			
2:13	T	U	
spacing	taste	unsafe	
2:10	8:13,16	5:21	
spacious	thanked		
ness	3:11	V	
8:16	THEREOF	variance	
span	11:12	2:12,15	
2:8	time	4:24	
speak	2:7	5:20	
3:12	3:14,15		
7:21			