

Architectural Commission #A0102021  
Gate-1055 North Ocean Blvd.  
Mr. William Rickman  
Transcript of Arcom Hearing  
February 24, 2021 at Recording#2  
Time Stamp 1:27:40-1:46:30

Chair Michael Small: Moving on, we're going to make it. A0102021 Gate, 1055 North Ocean Blvd. Project Description-proposed gate for deeded beach access in property easement on North side of property. Are the applicants present? I will call for ex-parte communications.

Pat Seagraves: Yes, Pat Seagraves, the architect.

Chair Small: Will there be anyone else speaking on behalf of the applicant?

Mr. Seagraves: Maybe Joel Koepfel, the attorney. I'm not sure, maybe Mr. Rickman is on too, but I don't think he is but he's listening.

Chair Small: Will you tell them they'll have to be sworn before they speak. Let me hear the ex parte first.

Robert Garrison: Reviewed the plans.

Alexander C. Ives: The same, reviewed the plans.

Maisie Grace: Same.

John David Corey: Made a site visit and reviewed the plans.

Betsy Shiverick: I reviewed the plans.

Jeffrey W. Smith: Same.

Katherine Catlin: I walked by, I walked up the beach access, I drive by on a daily basis. I also reviewed the plans. I received one letter of objection and I also, when I was walking by, had a neighbor stop me and express their concern...

Chair Small: Can you identify her?

John Randolph, Esq. Town Attorney	Can you.....?
Ms. Catlin:	I don't know who it was, it was a neighbor, literally venting, "did you hear what they are going to do..." etc.
Chair Small:	Are you referring to the lengthy letter from Martin Klein?
Ms. Catlin:	That's the one letter, yes...
Chair Small:	I think all of you may have received that...
Ms. Shiverick:	Yes, I did...
Mr. Garrison:	I did too.
Chair Small:	Mr. Cory, did you receive it as well?
Mr. Corey:	I did not. Did it come from Kelly?
Chair Small:	Yes.
Mr. Corey:	I will go through my email right now.
Chair Small:	Ok, then moving on, let's see, Mr. Floersheimer...
Dan Floersheimer:	Yes, I reviewed the miniset; I drove to the site; I walked the path, and I received the strongly worded letter from Mr. Klein.
Chair Small:	Ok. Mr. Cooney.
Edward A. Cooney:	I reviewed the miniset and received the letter from Mr. Klein.
Chair Small:	And from the chair, I also visited the site, the opening with the two...pillars on each side and reviewed the miniset and reviewed Mr. Klein's letter with attachments.
Chair Small:	So, we're ready to proceed at this time. Is the applicant ready?
Mr. Seagraves:	Yes. I also see Mr. Rickman's name here and I don't know if he wants to be sworn in or not?
Mr. Rickman:	Yes-can you hear me?

Chair Small: Yes.

Ms. Grace: I didn't receive the letter-can someone briefly say what the letter is about?

Mr. Corey: Yes, and I didn't receive it either, so maybe just a quick summary.

Unidentified Speaker: It might be a good idea to read it into the record.

Chair Small: Well, that's not a great...it's like a ten-page letter and 30 pages of attachments.

Mr. Randolph: That's not necessary during ex parte. Why don't you hear about that after the presentation?

Chair Small: Let's swear in Mr. Rickman so we can move forward.

Arcom Clerk Kelly Churney Swears in Mr. William Rickman at this point.

Chair Small: Ok, applicant please proceed.

Mr. Seagraves: This is fairly simple. This is a gate. This is the gate design. The beach access, the access is here, along the side of Mr. Rickman's house which is here (pointing to diagram) and was completed this..actually last year. This is a survey showing the actual beach easement. I'm here for the gate only. These are houses surrounding the area. You'll probably know, on North Ocean Blvd....some gates...this is the actual easement before we started on the construction on the house. You can see the columns are existing.

Unidentified Speaker: Because this was a minor project, you guys only had the one drawing we provided to you, but Maura (Ziska?) asked for further images which is why we're showing it to you there.

Mr. Seagraves: So, what I'm going to show you is how...this is the way it exists today...the gate with the.... These are existing columns that are already there. The landscaping and hardscaping was already done by Mr. Rickman with the help of Keith Williams and \_\_\_\_\_ so these are photographs of the existing right now...

The actual gate itself, the gate is designed so that it can actually be removed for vehicles to come in and do maintenance. The inspiration for the gate-similar to a lot of

gates along North and South Ocean Blvd. These are just some of them...on North Ocean Blvd., \_\_\_ Inlet...this over on Dunbar, and...N. Ocean.

Mr. Rickman also said, the gate right now is supposed to be at...gate design is supposed to be 5 ½ feet, he would prefer to drop it to 4 ½ feet, so I think Mr. Rickman would like to speak a little more about...the rest of it...but ours is just the gate which would be in aluminum...

Chair Small: So, what's being presented now is a gate proposed to be 41/2 feet?

Mr. Seagraves: Right, yes-basically what the idea is if you needed to have vehicular access to maintain it, these would be...lifted out...

Chair Small: Mr. Rickman, did you want to speak now?

Mr. Rickman: Yes, I think that it's important to know the background on this. I am the only one who has an easement there. The rest of it is direct ownership and I have an agreement from all these people who have direct ownership to put the gate in. I also have to maintain it. So, this was the driveway to my house, 1055, but because all the neighbors and I decided different vehicles going up and down that road would be a problem-and we've had a problem-I didn't mean a road, I meant driveway-and we've had people coming from West Palm Beach, as recently as last week...people coming from Delray...even though it says no private-everybody knows it's private-for it's always been private. They seem to trespass all the time, so we've decided to put this gate up for protection from people going on the property.

Chair Small: Anything further on behalf of the applicant?

Mr. Rickman: The only thing I'd like to say if you wanted it 5'6", it would be fine, but I realize that Mr. Klein has three gates, they all are 4'4", so in keeping with the neighborhood, I thought that would be appropriate.

Chair Small: Thank you Mr. Rickman. Anything further on behalf of the applicant?

Chair Small: There being non-anything on behalf of the public?

Unidentified Speaker: There is no public comment on this item.

Chair Small: Anything from Staff?

Paul Castro:  
Town Zoning Manager: I have one comment. I have one comment. As it relates to the zoning code, they are required to have a 3' high hedge in front, not the gate but the rest of the remaining fence and pillars. They should have a 3' high fence (sic hedge?) in front of that?

Chair Small: So, if I understand you, the hedge will go to the point of each pillar...

Mr. Castro: Correct. So that the gate is the only thing-there should be a 3' hedge in front of that...because it's in the front setback and I said earlier back walls and fences in the previous project...anything that's within the first 25' of that lot...if there's a fence above 4'...it's required to have a 3' high hedge in front of it.

Mr. Rickman: Can I speak?

Chair Small: Who is asking that? Mr. Rickman, the owner?

Mr. Rickman: Yes.

Chair Small: I don't see you. Go ahead. Mr. Rickman, go ahead...

Mr. Rickman: The only thing I want to point out to Mr. Castro is that this is a driveway apron and was a driveway and the way we are designing it so the whole thing could be removed-wo it could be still used periodically as a driveway...

Mr. Castro: No Sir, it can't; no Sir, it can't be used as a driveway. I had that discussion with you when you redesigned and got...came to the Town Council. You have a private easement agreement with Lots 2-15 for a driveway easement agreement, but the Town was never a party to that easement agreement, and we don't recognize that easement agreement so if you want to put a gate in there, or that fence that you have there, you're required that you have there...you're required to cut out that driveway and put a 3' high hedge in there.

Mr. Rickman: Ok, I don't have a problem with that. I'll have to get smaller equipment to go through that gate there.

Chair Small: Ok, we're good. Anything further from staff?

Unidentified Speaker:  
Perhaps Laura Groves  
van Onna: Thank you Pat and Daniel for providing me additional documentation.

Chair Small: Let me now call upon my fellow commissioners for comments or questions. Mr. Garrison?

Mr. Garrison: Let me ask you a question. If he moves the gate back 20 feet from the road, then he doesn't have to put up the landscaping. Is that correct?

Mr. Castro: 25 feet.

Mr. Garrison: All right. 25 feet.

Mr. Castro: ...from the property line in the front-the Lot 1A property line...

Mr. Garrison: So, he could move the gate he's proposed back 25 feet and he wouldn't have any problem?

Mr. Castro: Yes...I just don't think he wants to do that.

Mr. Rickman: If I could speak...I'm fine with planting in front of it.

Mr. Garrison: I have no more comments.

Chair Small: Mr. Ives.

Mr. Ives: No comments. The only thing would be the 4-foot version I'd prefer but it's no big deal.

Chair Small: Ms. Grace.

Ms. Grace: I would prefer the 4-foot version and I still don't know what the letter was about. Thank you.

Chair Small: Mr. Randolph, I agree with you-go ahead...

Mr. Randolph: Mr. Klein has an opportunity to address the board and he's not here but is there a way to summarize his objection for those people that did not read it?

Unidentified Speaker: Can you summarize it?

Chair Small: My concern for the record in attempting to summarize for the record 50 pages would be, you know, I'm bound to forget 49 of them, so...

Mr. Randolph: I'm sorry, I didn't realize it was that long. I agree with you.

Chair Small: It's very long and with the attachments, and it covers numerous points, one of the principal points is...and it really has nothing to do with Arcom's jurisdiction, and I'll certainly defer to you Mr. Randolph on it—is to consider that other neighbors have a prescriptive easement to go down this easement and as such no one can put a gate up which would prohibit or preclude them from doing so. That's a legal question. We deal with architecture, landscaping, hardscape. We don't adjudicate who has a prescriptive easement.

Mr. Randolph: You are correct.

Mr. Corey: Is Corey next?

Chair Small: Yes.

Mr. Corey: Ok, I think the gate looks fine. The existing piers are already there so I think that's a natural place for it and I would also go for 4'6" but I think it looks good. Thank you.

Chair Small: Ms. Shiverick?

Ms. Shiverick: Well, I'm really not in favor of the gate at all. Just because piers are there doesn't mean the gate shall be there. I, in the end, think it's not in harmony with what the Town wants. I think it should be open.

Chair Small: Mr. Smith?

Mr. Smith: No further comment.

Chair Small: Ms. Catlin?

Ms. Catlin: You know I totally understand the desire for the gate there. I go back and forth to the beach in that area with a friend of mine through a private access. I see the individuals that don't have private access going across private property all the time. That's one of the reasons why with one of the previous approvals we did with demolition, I was so hard and

fast there being a fence Something that was going to block because it does create a problem with individuals that don't belong on those accesses climbing fences and trespassing on private property. So, I understand that. I also think that there is a group of individuals that live on adjacent streets that as Mr. Klein has pointed out, have used it for years. So that's a question for me, um, and how the individuals that have the ownership there...how are you securing that gate? Are they all on board with the locking of it, and however else you are going to control that?

Chair Small: Thank you Ms. Catlin.

Mr. Floersheimer: From the architectural perspective I'd prefer a smaller gate. From a legal perspective, I have to defer to Mr. Randolph and the Town as to whether the neighbors have an as of right easement to use that pathway to access the beach. If they do have a legal right to access the beach, then there should not be a gate.

Mr. Randolph Interjecting: But that's not for your consideration....

Mr. Floersheimer: No, it's not. From an architectural point of view, I prefer a smaller gate. From a legal point of view, I defer to you Mr. Randolph.

Chair Small: We've gone over that. Mr. Cooney...

Mr. Cooney: I'd prefer a smaller gate and I am a little troubled by some of the inspiration photos which some of the gates put in their by the Public Works department which I don't think were to the highest design standards.

Chair Small: Thank you.

Chair Small: And from the Chair's perspective, we are bound by and respect the opinion of our legal counsel Mr. Randolph and we don't adjudicate ownership of rights of access and as a practical matter if it turns out that Mr. Rickman is lying and a court of law says he can't have the gate, then the worst thing that would happen would be either the lock would have to be removed or the lock and the gate-so neither one would given rise to the significance of having to....the construction.



Chair Small: If we can have a motion at this time and it appears that the motion ought to include, if it is voting to approve, the 4'6' or 4 1/2-foot gate and the required hedge.

Mr. Corey: That would be my motion-a 4'6' gate and a 3'hedge on the wings....

Mr. Ives: Second.

Chair Small: All in favor signify by saying Aye...  
Ayes heard.

Chair Small: Any opposed?  
No response.

Chair Small: Motion passes unanimously.