

EXHIBIT "G"

TRANSCRIPTION OF
TOWN OF PALM BEACH
ARCOM MEETING
APRIL 27, 2022
425 CHILEAN AVENUE

ARC 21-101

Transcribed by Louanne Rawls

Notary Public, State of Florida

Esquire Deposition Solutions, #J8203609

T R A N S C R I P T I O N

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CHAIRMAN SMITH: The next item will be ARC-21-101, 425 Chilean Avenue.

MR. LYNCH: Good afternoon. Frank Lynch on behalf of the applicant, Lorraine Charman. With me is Dustin Mizell of Environment Design Group.

We have a plan before you --

CHAIRMAN SMITH: Before you being, I thought we were going to get an introduction from the staff. But if not -- if not, then we would -- do need to do ex parte before we hear you. Okay.

MR. MURPHY: Yes. As you call recall, this item was originally presented at the December 17th, 2021 meeting. Last month, as courtesy to the applicant's representative and the owner, they came and gave a brief discussion on the status of where they're at. They played for you a little video.

And again, the Commission reiterated their concerns about the plan that was approved by ARCOM and the removal of the trees. The applicant is back before, as originally submitted, and their -- their desire is to remove those trees permanently citing safety concerns and they're here for action by the Commission.

CHAIRMAN SMITH: Okay. Let's hear ex parte communication.

1 UNIDENTIFIED COMMISSIONER: Last month I recused myself
2 out of an abundance of caution. I once worked for this
3 client when it was a remodeling of the house on the property
4 but she tore it down, so I don't think it's necessary again,
5 really.

6 COMMISSIONER KARAKUL: I drove by the property.

7 COMMISSIONER GRACE: I went by the property and looked
8 at the plan. I thought I had received maybe a letter and a
9 video but maybe that was from last one.

10 COMMISSIONER KIRCHHOFF: I received a video.

11 COMMISSIONER COREY: I received the video that we saw
12 at the hearing last month and went by the house.

13 COMMISSIONER SHIVERICK: I received and watched the
14 video and the letter from Mr. Lynch.

15 COMMISSIONER CONNAUGHTON: I reviewed the video, as
16 well.

17 MR. LYNCH: Again, good afternoon. Frank Lynch. I'm
18 here on behalf of Lorraine Charman, the property owner.

19 We are asking you to review the same landscape plan
20 that Mr. Mizell prepared and was presented to you at the
21 December 17 meeting. We considered your comments that you
22 made at that December meeting.

23 While they were very appropriate, the issue becomes, in
24 function, they don't address the client's concern and the
25 property owner's concern that putting anything that blocks

1 the view of that garage also creates a visual problem when
2 you back out from the garage onto the street.

3 And in this particular instance, with all due respect,
4 I understand that you like the sight screen garages. There
5 is no code requirement for sight screening. There is no
6 prohibition on front-facing garages.

7 In this particular instance, there are a number of
8 unique situations that we would ask you to consider.
9 Nonetheless, being a number of houses have front-facing
10 garages on this street, those houses -- those houses with
11 the front-facing garages are sight screened with hedges that
12 are perpendicular to the property, which in our position
13 creates a problem for walking on the street and for those
14 using the sidewalk, especially.

15 And in addition, we have a elevation of the property
16 that those other houses do not. They back out of their
17 driveways directly onto the street. We have a significant
18 pitch that's femur (sic) related. And we also have a
19 significant hedge that's next to us on our neighbor's
20 property that we cannot control.

21 So in all due respect to your time, with all due
22 respect to your comments, we would ask you to take action on
23 what we have submitted to you, essentially a landscape plan
24 that removes those trees.

25 My client is under a code enforcement fine situation so

1 we would like to move this forward. And again, with all due
2 respect, we would like you to either approve what we've
3 submitted or deny it so that we can move forward on that.
4 Thank you.

5 CHAIRMAN SMITH: Mr. Corey.

6 COMMISSIONER COREY: Thank you, very much.

7 Question the -- for staff, I guess. Two things.

8 One, in our purview the applicant mentions many --
9 about site triangles and safety issues. And I see site
10 triangles on our site plan here and I know that has to go
11 through Town zoning review and everything.

12 How -- I mean, do we negate that part of the testimony?

13 I mean, is it something -- obviously we don't want approve
14 something that's unsafe, per se, but, I mean, we're looking
15 at it based on the ARCOM code, is that right?

16 MR. MURPHY: That's correct. And it's safe to say that
17 Mr. Lynch is not saying that he received those comments from
18 staff or from the public works' department, that those were
19 in violation of the safe sight distance triangle. He's
20 maintaining that the owner's experience in the backup make
21 it's an unsafe scenario.

22 COMMISSIONER COREY: Okay. And then the next question
23 would be is the plan we see here says previously approved
24 ARCOM, but then it says staff approval. So did -- is this
25 not the plan that this Commission approved?

1 MR. MURPHY: That is -- that is -- the drawing up there
2 is a staff level approval that modified the plans that was
3 previously approved by the Commission. However, those --
4 that staff level approval did not make it's way to an actual
5 building permit and, therefore, expired.

6 That signature is from a former director and when they
7 resubmitted, current staff was not comfortable approving the
8 modification as staff level to eliminate that landscaping
9 that was part of this proposal.

10 COMMISSIONER COREY: Okay. But this testimony says
11 previously approved. So, I guess, it's true but it is how
12 do we -- I guess, I'd like -- personally I'd like to see
13 what was approved and what we're looking at now. I mean --

14 MR. LYNCH: Mr. Corey, if I may?

15 COMMISSIONER COREY: Yeah.

16 MR. LYNCH: Please keep in mind this house was built
17 and a certificate of occupancy issued based on that drawing
18 that says previously approved staff approval. So --

19 COMMISSIONER COREY: That's not what staff just said,
20 though.

21 MR. LYNCH: Well, I think if you look at the date on
22 the staff approval, it goes back to November of '19.

23 [CROSSTALK]

24 COMMISSIONER COREY: I'll just cut to the chase. I'll
25 just cut to the chase and I'll just -- you guys know how I

1 feel about this, but I just don't see why we have this big
2 house, which is great, it's a beautiful house, don't get me
3 wrong, I live in the area, I just don't know why there
4 aren't any trees or any ways to soften it up.

5 It's a big pediment. I don't -- I can't imagine that
6 the front lawn doesn't have a single thing that's higher
7 than four feet high. And then we had some landscaping
8 around the garage and I was on the Commission at the time
9 and we said, oh, yeah, put some live oaks, you know,
10 whatever, so to soften up the garage wing. And that was
11 approved, as far as I knew. And then we're here today.

12 So I still maintain that there should be some height on
13 the front of the house to soften it up from the streetscape.

14 Those are my comments. Thank you.

15 MR. LYNCH: If I may? We have placed bougainvillea on
16 the garage to soften it. The concern that we have is
17 anything that goes above that sight wall impacts the view
18 because you are backing out from a height that's above the
19 street and it -- it just -- it's an impediment to a safe
20 view of what happens on the street, be it pedestrians or
21 vehicles.

22 COMMISSIONER COREY: I guess the question would be is
23 this staff approval, is this what the code enforcement board
24 is looking at even though you said it never made it through
25 a plan -- a permit? James? I just don't know why this is

1 so confusing.

2 MR. MURPHY: I understand. I'm not sure exactly what
3 plan the code enforcement board is reviewing. I believe
4 they were looking at the ARCOM approved plan.

5 MR. LYNCH: With all due respect, we would not have
6 received a certificate of occupancy had we not adhered to an
7 approved plan. So to the extent that there was an ARCOM
8 approved plan and staff subsequently approved that plan, and
9 it didn't come before you, that CO was issued on the
10 approved plan.

11 COMMISSIONER COREY: Okay. That sounds fine but my --
12 I guess, my -- as far as the aesthetic concerns and ARCOM
13 code, to me it seems like the garage should be screened
14 better like it was before. That's it. Thank you.

15 COMMISSIONER SMITH: Ms. Grace?

16 COMMISSIONER GRACE: I agree. I think I like the
17 aesthetic screening efforts so I'm in support of those.

18 I think I did watch the video, I guess. But we don't
19 really have to make a determination as to safety.

20 I felt like if I were driving a car and going slowly,
21 I'd feel comfortable. But I don't think we're making a
22 safety determination here. Thanks.

23 COMMISSIONER SMITH: Mr. Kirchhoff?

24 COMMISSIONER KIRCHHOFF: Yeah. Mr. Lynch, I'm looking
25 at this plan and it's not really a planting plan. So

1 whether it was two trees out there on either side of the
2 driveway that were approved or not, it's hard to tell from
3 this drawing.

4 I think there's a bubble there --

5 MR. LYNCH: (Indiscernible) Right here.

6 COMMISSIONER KIRCHOFF: There's two shaded -- irregular
7 circles. What are they?

8 MR. LYNCH: What we see right here, the two yellow --

9 COMMISSIONER KIRCHHOFF: Again, I don't know why the
10 trunk of a tree with a canopy above would -- would block
11 your sight visibility. I mean, it would be a specific point
12 as you're moving you would see around it.

13 MR. LYNCH: It's the elevation of the garage backing
14 down that creates the problem. And that's what creates the
15 unsafe vision --

16 COMMISSIONER KIRCHHOFF: So when I move those trees
17 further out, make them palm trees or something and move them
18 further out or more to the west and over to the east and --
19 so you're still providing some softness on the garage, but
20 you're not in the sight triangle, in a way.

21 MALE SPEAKER: Would you show some of those additional
22 pictures?

23 COMMISSIONER KIRCHHOFF: I think the front of the house
24 needs some landscaping. So if she took this out, put
25 something else back.

1 COMMISSIONER KARAKUL: (Indiscernible)

2 CLERK: Your microphone, please.

3 COMMISSIONER KARAKUL: If you put in two trees that
4 were further off the driveway but did do -- you know, soften
5 the whole front, that could work, right?

6 MR. MIZELL: Good morning. Dustin Mizell with
7 Environment Design Group.

8 It's critical to your point that we did look at several
9 options with our client, that the trees, moving them
10 conical, different things, verticality, and we kind of just
11 settled on the fact that they just felt that any additional
12 vertical element, they did not feel was safe for them.

13 And it's not backing into the -- excuse me, the vehicle
14 roadway, it's the pedestrian issues that they have. They've
15 almost hit some people several times and the idea of
16 anything in there, they just do not feel comfortable.

17 So they testified to that themselves last month. So I
18 don't want to speak more to it because I think they said how
19 they feel. But we did, to your point, we did look at
20 multiple options with them and they considered them and just
21 didn't feel comfortable. Thank you.

22 COMMISSIONER SMITH: Ms. --

23 COMMISSIONER CONNAUGHTON: Sorry. I guess I would just
24 echo what everyone else is saying. I think there should
25 definitely be some screening.

1 COMMISSIONER SMITH: Ms. Grace?

2 COMMISSIONER GRACE: Are you allowed to like cut those
3 walls back a foot or something on either side? Would that
4 help them or --

5 MR. LYNCH: Again, I think that's within the purview of
6 ARCOM. I think at this point we have a plan before you that
7 we're asking to approve or deny and that's the direction
8 we'd like to go in, unfortunately.

9 (BACKGROUND DISCUSSION BEING HAD)

10 COMMISSIONER SMITH: Ms. Shiverick?

11 COMMISSIONER SHIVERICK: Can you put one of those --
12 those rounded mirrors on the wall so that you can see
13 pedestrians coming? And a lot of them are on the north end
14 because it's really hard up there. This is nothing compared
15 to that.

16 You get one of those round mirrors, you see pedestrians
17 coming, you see cars. I don't even think -- this is a
18 one-way street so you're really only looking one way for a
19 car.

20 I completely agree it needs screening to the left. I
21 like Mr. Kirchoff's idea and Mr. Karakul's about trees to
22 the left. Get the mirror and then you don't have a
23 pedestrian problem.

24 You wouldn't have -- if they're skinny palm trunks
25 you're not -- you're not reducing your visibility coming out

1 of the driveway.

2 MR. LYNCH: The issue with mirrors like that is this
3 isn't really an accurate depiction of the configuration of
4 the site wall in relation to the driveway. You have to
5 negotiate the driveway to get out so we have to turn. So
6 you're talking about multiple angles on a mirror.

7 COMMISSIONER COREY: Well, there is no appetite for
8 this existing plan. So I guess the question would be is do
9 you want a denial or do you want a deferral? You choose.

10 MR. LYNCH: Our direction at this point would be a
11 denial.

12 COMMISSIONER COREY: You sure? You can come back.
13 Dustin can work his magic and kill this thing off.

14 MR. LYNCH: We -- we have discussed this at length with
15 our client.

16 COMMISSIONER SMITH: Anyone want to make a motion?

17 COMMISSIONER GRACE: Okay. So if you want a motion for
18 a denial, I guess that's what we should do, then. I'll make
19 a motion to deny.

20 CLERK: Can you state the reasons that are listed in
21 the --

22 COMMISSIONER SHIVERICK: How does a denial help your
23 client?

24 MR. LYNCH: It -- it gets us to push this forward.
25 Like I said, we have a code enforcement issue that's pending

1 --

2 COMMISSIONER SHIVERICK: Yeah.

3 MR. LYNCH: -- that we need to address. So --

4 COMMISSIONER GRACE: I make a motion to deny it based
5 on -- what's the code section that --

6 COMMISSIONER COREY: 18.205.

7 COMMISSIONER GRACE: Yeah, 18.205. It doesn't -- it's
8 not -- that it would not be in conformity with good taste
9 and design and general contribute to the Town. That's one.
10 We could do two, as well.

11 COMMISSIONER SMITH: Would you like to read item two?

12 COMMISSIONER GRACE: The plan proposed for the building
13 or structure indicates the manner in which the structures
14 are reasonably protected against external and internal
15 noise, vibrations, and other factors that may tend to make
16 the environment less desirable.

17 COMMISSIONER SMITH: Okay. Is there a second to that
18 motion?

19 COMMISSIONER KARAKUL: I'll second it.

20 COMMISSIONER SMITH: All in favor?

21 COMMISSION: Aye. (Affirmative response in unison).

22 COMMISSIONER SMITH: Opposed?

23 MR. LYNCH: Thank you.

24 COMMISSIONER SMITH: You get your motion.

25 (AGENDA ITEM CONCLUDED)

C E R T I F I C A T E

I, LOUANNE RAWLS, certify that I was authorized to and did listen to and transcribe the foregoing proceedings and that the transcript is a true and complete record to the best of my ability.

Dated this 3rd day of May, 2022.



LOUANNE RAWLS, #J8203609



LOUANNE RAWLS
Commission # GG 265854
Expires January 25, 2023
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