

**TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING
DEPARTMENT**

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, NOVEMBER 20, 2019.**

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Chairman Cooney called the meeting to order at 9:30 a.m.

II. ROLL CALL

Edward Austin Cooney, Chairman	PRESENT
Richard Rene Silvin, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Patrick Segraves, Member	PRESENT
John T. Gannon, Member	ABSENT (excused)
Kim Coleman, Member	PRESENT
Sue Patterson, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Marcia M. Cini, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT

Please note: Ms. Metzger voted in Mr. Gannon's absence.

Staff Members present were:

John Lindgren, Planning Administrator
Kelly Churney, Secretary to the Landmarks Preservation Commission
Emily Stillings, Preservation Consultant for the Town of Palm Beach
Janet Murphy, Preservation Consultant for the Town of Palm Beach

III. PLEDGE OF ALLEGIANCE

Chairman Cooney led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES OF THE OCTOBER 18, 2019 MEETING

Motion made by Mr. Silvin and seconded by Ms. Albarran to approve the minutes of the October 18, 2019 meeting. Motion carried unanimously.

V. APPROVAL OF THE AGENDA

Mr. Lindgren stated that the Town received a deferral request for COA-027-2019 150 Australian Avenue to the December 18, 2019 meeting.

Motion made by Mr. Silvin and seconded by Ms. Albarran to approve the agenda as amended. Motion carried unanimously.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

VII. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes):

Mr. Silvin spoke about some of the events that had occurred after the last meeting relating to historic districts and landmark designations. He passed out two relevant letters to the Commissioners that were published in the Palm Beach Daily News.

Ms. Coleman expressed concern for the overflowing dumpsters at Royal Poinciana Plaza, where the garbage was overflowing into the lake. Mr. Lindgren stated he would reach out to Code Enforcement as well as Alex Patterson.

Mr. Cooney stated he thought that the Landmarks program has long been underfunded.

VIII. DESIGNATION HEARINGS

Item 1: 2275 South Ocean Boulevard (The Reef).

Owner: Multiple Owners (See Designation Report for Complete List of Owners)

Call for disclosure of ex parte communication: Disclosure by Mr. Cooney.

Janet Murphy, MurphyStillings, LLC, introduced some of the residents of The Reef in attendance and thanked them for attending.

Ms. Murphy testified to the architecture and history for this Modern style condominium. Ms. Murphy pointed out the design features of this building. Ms. Murphy testified that the building met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction or use of indigenous materials or craftsmanship; and

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Mr. Cooney asked for confirmation on proof of publication. Ms. Churney provided confirmation.

Motion made by Ms. Albarran and second by Mr. Silvin to make the designation report for 2275 South Ocean Boulevard part of the record. Motion carried unanimously.

Mr. Cooney called for any public comment on the designation.

Bram Majtlis, resident and President of the Condominium Board of The Reef, spoke favorably about the condominium and thanked Janet Murphy, Emily Stillings and Ted Cooney for educating them on the importance of landmarking.

Aimee Sunny, Director of Education of the Preservation Foundation of Palm Beach, offered her support for the designation.

Mr. Silvin was in support of the designation.

Mr. Cooney spoke of his visit to the property and spoke favorably for working with the residents.

Motion made by Mr. Silvin and second by Ms. Patterson to recommend 2275 South Ocean Boulevard to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161. Motion carried unanimously.

Item 2: 334 Australian Avenue

Owner: Craig Tessler, as Trustee of the Sandy Bottoms Trust

Call for disclosure of ex parte communication: Disclosure by several members.

Please note: Mr. Segraves declared a conflict of interest for the project and recused himself from the dais. Ms. Cini voted in his absence.

Janet Murphy, MurphyStillings, LLC, thanked the owners of the property for offering their home for landmarking.

Ms. Murphy testified to the architecture and history for this unique Frame Vernacular style home. Ms. Murphy pointed out the design features of this building. Ms. Murphy testified that the building met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction of use of indigenous materials or craftsmanship; and

Mr. Cooney asked for confirmation on proof of publication. Ms. Churney provided confirmation.

Motion made by Ms. Albarran and second by Mr. Silvin to make the designation report for 334 Australian Avenue part of the record. Motion carried unanimously.

Mr. Silvin stated he was thrilled that the owners offered this home for designation and that one of the original homes in this area would be preserved.

Mr. Cooney called for any public comment on the designation. There were no comments heard at this time.

Motion made by Mr. Silvin and second by Ms. Coleman to recommend 334 Australian Avenue to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161. Motion carried 6-1, with Ms. Cini opposed.

IX. PUBLIC HEARINGS

1. Application for Certificate of Appropriateness #031-2019

LPC TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Address: 334 Australian Avenue

Owner/Applicant: Craig Tessler, as Trustee of the Sandy Bottoms Trust

Professional: SKA Architects + Planners, Inc. (Pat Segraves)

Project Description: Interior demolition of existing landmark property. A proposed 1,250 square-foot second floor addition in keeping with the current style. Raising finished floor of the house from 3.62 feet NAVD to 5.5 feet NAVD. New windows, doors, and covering of back porch as well as reconstruction of front porch. Final landscape and hardscape included.

VARIANCE INFORMATION: 1) Section 134-949(b): Request a variance to demolish and rebuild a nonconforming proposed landmark house where demolition will exceed 50% cubic footage on a nonconforming lot which is 50 feet in width in lieu of the 75-foot width minimum required and a lot area of 6,250 square feet in lieu of the 10,000 square feet minimum required by Code. 2) Section 50-114: Request to develop the property in excess of 50% of its current value, including the raising of the entire house, such that the entire house will have an elevation of 5.50 feet NAVD in lieu of the minimum 7.0 feet NAVD required by Code. 3) Section 134-948(5)a: Request to replace the existing porch with a front yard setback of 16 feet and add a second story with a front yard setback of 24.33 feet in lieu of the 25-foot minimum required in the R-C Zoning District. 4) Section 134-948(6)a: Request to replace the existing pool with a new pool of the same size with a west side yard setback of 8.6 feet in lieu of the 10-foot minimum required in the R-C Zoning District. 5) Section 134-948(6)a: Request to add a covered patio to the rear of the house with a west side yard setback of 2.5 feet in lieu of the 10-foot minimum required in the R-C Zoning District. 6) Section 134-948(6)a: Request to add a covered patio to the rear of the house with an east side yard setback of 4.4 feet in lieu of the 10-foot minimum required in the R-C Zoning District. 7) Section 134-948(9)a: Request to rebuild a nonconforming landmarked house with lot coverage of 41% in lieu of the 30% maximum allowed in the R-C Zoning District. 8) Section 134-948(11)a: Request to rebuild a nonconforming landmarked house with landscaped open space of 42% in lieu of the 45% required in the R-C Zoning District.

Call for disclosure of ex parte communication: Disclosure by Ms. Albarran and Mr. Wong.

Please note: Mr. Segraves declared a conflict of interest for the project and recused himself from the dais. Ms. Cini voted in his absence.

Daniel Clavijo, SKA Architect + Planner, presented the proposed modifications to the residence.

Mr. Cooney asked Mr. Clavijo to speak to the structural changes that would need to occur with the proposed second floor addition. Mr. Clavijo explained the plans for the addition.

Mr. Clavijo explained the materials removal plan as well as the plans for the second floor addition.

Ms. Albarran was in favor of the changes.

Mr. Cooney expressed concern for the structural changes.

Mr. Silvin inquired about the proposed variances.

David Klein, attorney for the owners, explained the variances requested and advocated for a positive recommendation to the Town Council.

Mr. Wong inquired about the screening proposed for the air conditioning units. Mr. Clavijo explained the proposed locations for the air conditioning units. Mr. Wong thought the roof would be the best place for the units and urged the professional to think about screening for the units.

Keith Williams, Nievera Williams Design, discussed the proposed locations of the maintenance equipment. He then presented the proposed landscape and hardscape plans for the residence. He presented alternate renderings on the overhead projector.

Ms. Coleman inquired about the access to the rear screened porch. Mr. Clavijo explained the design.

Mr. Cooney called for public comments. There were no comments heard at this time.

Mr. Wong requested that the applicant pursue moving the air conditioning equipment to the roof and to make sure the equipment would be screened. He also thought that Mr. Williams should have flexibility to move the pool equipment where he thought it was most appropriate.

Motion made by Ms. Albarran and seconded by Mr. Silvin that implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Motion carried unanimously.

A second motion made by Ms. Albarran and seconded by Mr. Silvin to approve the project as presented with the recommendation that the professional move the air conditioning units to the roof with screening added. Motion carried unanimously.

2. Application for Certificate of Appropriateness #027-2019
Address: 150 Australian Avenue
Owner/Applicant: Retriever Asset Holding Corp.
Professional: Environment Design Group
Project Description: Demolition of two structures on the property. The apartment building and small cottage will be demolished. The third structure (cottage in NE corner) will remain.

Please Note: The project was deferred at the Approval of the Agenda, Item V.

X. INFORMAL PRESENTATION

1. 130 Barton Avenue – selective demolition.

Jaime Torres, Fairfax, Sammons & Partners, presented the proposed demolition of a portion of the home, which was originally the service wing. Mr. Torres reminded the Commission that this was a tax abatement project.

Mr. Cooney discussed his visit to the site and the items that were being restored with the renovation. Mr. Cooney thought the proposed demolition was a reasonable request.

Ms. Metzger and Mr. Cooney discussed how the main rooms were being renovated and restored nicely.

Mr. Silvin stated he was happy that the new owners wanted to restore the home.

Mr. Torres stated that the landscape plan would soon be submitted to the Commission. He also discussed the timing of the demolition.

Mr. Lindgren discussed the demolition season for whole structures, but added that partial demolitions did not have any time constraints.

Mr. Cooney confirmed that the Commission, as a whole, was in favor of this request.

XI. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING, ZONING & BUILDING DEPARTMENT DIRECTOR.

Mr. Lindgren stated that Ms. Albarran declared a conflict for the Certificate of Appropriateness for 271 El Vedado Road at the October 18, 2019 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Lindgren stated that Mr. Segraves declared a conflict for the Certificate of Appropriateness for 334 Australian Avenue at the October 18, 2019 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Silvin reviewed the Landmark projects presented at a previous Town Council Meeting.

Aimee Sunny, Director of Education of the Preservation Foundation of Palm Beach, encouraged everyone to attend the Historic District Educational Symposium. She also extended an invitation to the Commission to attend the new exhibition called "40 Years Later" at the Preservation Foundation of Palm Beach. Lastly, she discussed the Pan's Garden 25th Anniversary Celebration.

XII. ADJOURNMENT

A motion made by Ms. Albarran and seconded by Mr. Silvin to adjourn the meeting at 10:52 a.m. Motion carried unanimously.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, December 18, 2019 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Rd. Palm Beach.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward A. Cooney", with a long, sweeping horizontal stroke extending to the right.

Edward Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME Segraves, Patrick	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission
MAILING ADDRESS 2500 S Ocean Blvd., #2A1	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ Town OTHER LOCAL AGENCY
CITY COUNTY Palm Beach Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED November 20, 2019	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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, 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. (Continued on page 2)

APPOINTED OFFICERS (continued)

- 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, Patrick Segraues, hereby disclose that on November 20, 2019:

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

- ☒ 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 subsidiary, or sibling 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:

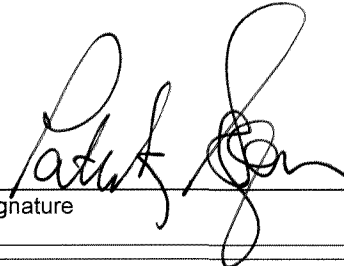
334 Australian Avenue
continuing conflict for both the
Designation and COA-031-2019

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

11.20.19

Date Filed

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.