



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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, SEPTEMBER 18, 2024.**

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

Chair Patterson called the meeting to order at 9:30 a.m.

II. ROLL CALL

Sue Patterson, Chair	PRESENT
Brittain Damgard, Vice Chair	PRESENT
Jacqueline Albarran, Member	PRESENT
Anne Fairfax, Member	PRESENT (Arrived at 9:33 a.m.)
Julie Herzig Desnick, Member	PRESENT
Alexander Hufty Griswold, Member	PRESENT
Alexander Ives, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Catherine Brooker, Alternate Member	PRESENT

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Abraham Fogel, Design and Preservation Planner
Kelly Churney, Acting Town Clerk
Assistant Town Attorney Lainey Francisco

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Minutes of the Landmarks Preservation Commission Meeting of August 21, 2024

A motion was made by Mr. Ives and seconded by Ms. Damgard to approve the minutes of the August 21, 2024, meeting as presented. The motion was carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

A motion was made by Mr. Ives and seconded by Ms. Damgard to approve the agenda as presented. The motion was carried unanimously, 7-0.

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

Ms. Churney swore in all those intending to speak and continued to do so throughout the meeting, as necessary.

VII. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS

Ms. Damgard raised the issue of the real estate professionals' lack of enthusiasm for advocating landmarked homes in the Town. She wondered if the Preservation Foundation could assist them with some education.

VIII. COMMENTS OF THE PLANNING, ZONING AND BUILDING STAFF

A. Administrative Review Monthly Update

Ms. Mittner stated that staff had reviewed 21 administrative applications within the last month.

B. HB 423 Update

Ms. Mittner provided a quick review of HB 423 to the Commissioners before the landmarking season began.

Mr. Ives wondered if any future owner objected to the landmark status of a home that was landmarked after January 1, 2022, would that owner have grounds to demolish the home? Ms. Mittner said she would defer the question to the Town Attorney, but she believed the provision only applied to the property owner when the home was landmarked. Assistant Town Attorney Francisco stated that Ms. Mittner was correct.

IX. COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)

There were no comments at this time.

X. PROJECT REVIEW

A. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

No old business items were discussed.

B. CERTIFICATES OF APPROPRIATENESS - NEW BUSINESS

1. **COA-24-0014 (ZON-24-0041) 860 S OCEAN BLVD (COMBO)** The applicant, John J. Cafaro Family Trust (John J. Cafaro, Trustee), has filed an application requesting a Certificate of Appropriateness for the review and approval of one-story additions requiring variances to exceed maximum building height and maximum overall building height, a new pool, and hardscape and landscape modifications. This is a combination project that shall also be reviewed by the Town

Council as it pertains to zoning relief/approval.

Mr. Fogel provided staff comments for this project.

Several members disclosed ex-parte communications.

Attorney M. Timothy Hanlon provided an overview of the project, discussed the variances requested and advocated for a positive recommendation to the Town Council. Jackie Albarran of SKA Architect + Planner made the architectural presentation for the landmarked residence. Dustin Mizell and Grace Walton of Environment Design Group presented the landscape and hardscape plans for the site. Mr. Hanlon acknowledged the team's efforts to bring the project together.

Ms. Patterson called for public comment.

Aimee Sunny of the Preservation Foundation of Palm Beach discussed the many iterations of the design, how it changed to meet the owners' goals, and how it respected the site. She thought the project embodied the best preservation practices. She noted that how the home had been broken up helped with its massing. She encouraged the commission to support the variances.

Ms. Damgard thought it was a treat to see the home. She asked about the material for the service driveway. Mr. Mizell responded and stated it would be a stabilized lawn.

Mr. Ives thought the landscaping design was superb. He thought granting variances for landmarked homes differed slightly from a non-landmarked home. However, he wondered if the home could be reduced slightly in height to eliminate the variance. He expressed concern for increasing the overall size of landmarked homes but acknowledged that homes should evolve. He stated that the proposed project would increase the existing home by 60%. He wondered if it could be slightly reduced in size. Ms. Albarran responded and explained the reason for the design.

Ms. Patterson agreed with Mr. Ives' general comments about increasing landmarked properties. However, she thought the details were significant, and the additions to this property were in the rear. Ms. Albarran stated that a large amount of the space added was in the basement.

Ms. Damgard thought Mr. Ives had a good point. However, she added that the homes should be considered case-by-case. She was happy that the addition was on the rear of the property.

Ms. Herzig-Desnick thought the detailing was beautiful. However, she expressed concern about the pavilion, which closed the space. Therefore, she recommended a pergola rather than a pavilion. Ms.

Albarran stated that the owner had a pergola and could not use the space.

A motion was made by Ms. Fairfax and seconded by Ms. Damgard to approve the project as presented. The motion was carried 6-1, with Mr. Ives dissenting.

A motion was carried by Ms. Fairfax and seconded by Ms. Damgard that implementation of the proposed variances will not cause a negative architectural impact on the subject landmarked property. The motion was carried unanimously, 7-0.

C. HISTORICALLY SIGNIFICANT BUILDINGS - OLD BUSINESS

1. **HSB-24-0005 (ZON-24-0035) 854 SOUTH COUNTY ROAD (COMBO)**. The applicant, Dustin Mizell with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval of a guest house, gazebo, driveway, as well as hardscape and landscape modifications, including a variance to allow an additional guest house. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. This item has been deferred to the October 16, 2024, meeting.

Clerk's Note: This item was deferred to the meeting on October 16, 2024, at Item V. Approval of the Agenda.

D. HISTORICALLY SIGNIFICANT BUILDINGS - NEW BUSINESS

No old business items were discussed.

XI. UNSCHEDULED ITEMS (3 MINUTE LIMIT, PLEASE)

Ms. Churney stated that at the August 21, 2024, meeting, Jacqueline Albarran declared a conflict for the project at 70 Middle Road and correctly filed the proper forms required by the state.

Ms. Fairfax acknowledged the significant project presented and wished that the existing and proposed colored drawings. She thought it would be easier to see the difference in the plans. She also wondered if a model should be required for large projects.

Ms. Patterson hoped that once the project began at 860 S. Ocean Blvd., the owners would remove the extraneous items around the front door. She thought it detracted from the beauty of the home.

The commission acknowledged that a virtual model of the project would be acceptable.

Ms. Fairfax stated that she had been approached by someone on the board at the Palm Beach Hotel who said they would like to paint the building. She asked that they be assisted in moving the project for review. Ms. Mittner stated that the staff had discussed the issue with the Chair, and the commission would see the proposal in October. Assistant Town Attorney Francisco cautioned the commissioners from speaking about the project and providing opinions on the issue until it is formally before them.

XII. **NEXT MEETING DATE:** Wednesday, October 16, 2024

XIII. **ADJOURNMENT**

A motion was made by Mr. Ives and seconded by Mr. Griswold to adjourn the meeting at 10:25 a.m. The motion was carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, October 16, 2024, at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sue Patterson", with a long horizontal flourish extending to the right.

Sue Patterson, Chair
LANDMARKS PRESERVATION COMMISSION

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME Albarran, Jacqueline	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission
MAILING ADDRESS 324 Royal Palm Way, #227	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY COUNTY Palm Beach Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED September 18, 2024	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, Jacqueline Albarran, hereby disclose that on September 18, 20 24 :

(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:

COA-24-0014 (ZON-24-0041)

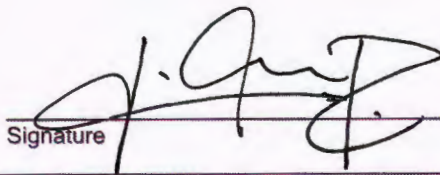
860 S Ocean Blvd (COMBO)

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.

Date Filed

9/18/24

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.