

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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, FEBRUARY 19, 2020.**

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 9:41 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	PRESENT
Kim Coleman, Member	PRESENT
Sue Patterson, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Marcia M. Cini, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Acting Director of Planning, Zoning and Building
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 JANUARY 22, 2020 MEETING

Motion made by Mr. Silvin and seconded by Mr. Gannon to approve the minutes of the January 22, 2020 meeting. Motion carried unanimously.

V. APPROVAL OF THE AGENDA

Ms. Stillings stated that the Town received two deferral requests for the following designation hearings: 261 Sanford Avenue to the March 18, 2020 meeting, and 255 Seaspray Avenue to the April 22, 2020 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):

John David Corey at 426 Australian Avenue and Ethel Steindl at 315 S. Lake Drive, with the Friends of Lakeside Park, expressed concerns for the Town Docks project. Mr. Corey thought the land fell under the jurisdiction of Landmarks Preservation Commission and therefore the project should have been reviewed by them. Mr. Corey asked the Commission whether they felt a COA was required for the proposed changes.

Mr. Cooney stated he raised the issue with Town Staff when the project was reviewed by ARCOM. He stated he was informed the legal description did not include all of Lakeside Park, which was the reason staff sent the project to ARCOM.

Danielle Moore thanked Ted Cooney for his service and his leadership on the Landmarks Preservation Commission.

Mr. Silvin questioned the deferral of 70 Middle Road at Town Council. Mr. Cooney informed the Commission that there was an issue with the notice to the neighbors so the project was deferred. Mr. Silvin stated his concern with the project was the condition and state of the pool. Ms. Albarran responded. Mr. Silvin implored Ms. Albarran to drain the pool and add chlorine to the remaining water. Ms. Albarran agreed.

Ms. Coleman expressed concern and frustration about the open dumpsters at Royal Poinciana Plaza. She witnessed garbage overflowing into the lake and cars pulling up and dumping their garbage. Mr. Cooney stated he would call the Plaza's management to follow up on the issue.

Mr. Segraves expressed concern for the Town Docks parking lot and questioned whether the parking layout had been given proper thought and planning.

VIII. INFORMAL PRESENTATION

1. 800 S. County Rd – Jacqueline Albarran

Please note: Jacqueline Albarran declared a conflict of interest for the project and left the dais.

Ms. Albarran introduced the owner of the property.

Ann Des Ruisseaux, Owner, spoke about her plan to restore the home, which included raising the home. She requested the removal of a wall and a fountain

to allow the contractor to gain access to explore the viability and methods of raising the home.

Mr. Silvin stated the owner was a friend and added he assisted her in exploring the historical aspects of the home.

Mr. Segraves asked how much the home would be raised. Ms. Des Ruisseaux replied to the allowable level in which it would not require a variance. She stated that she would like to reach out to other experts on their recommendations so that the house would not need to be raised twice.

Mr. Segraves requested conceptual drawings and asked to see the landscape and hardscape plans along with the plans to raise the home. Ms. Des Ruisseaux asked the Commission to allow staff to approve the request for the removal of the wall and fountain to begin the exploratory stages of the project.

Mr. Cooney expressed concern for the request of a staff approval to raise the home. He thought the request was beyond the scope of a staff approval and thought the Commission should see the full plans before a decision was given.

Ms. Des Ruisseaux revised her request to allow staff to approve the removal of specific site walls and fountains that were not original to the home so that her team could begin exploration and preparation of raising the home. She spoke about saving and retaining landscape on her site.

Jamison Browning spoke about his experience in raising homes. Mr. Cooney asked about the work Mr. Brown would need to do for this exploration. Mr. Browning explained the excavation process for the exploration. Mr. Browning stated he would restore most items removed to the original condition.

Mr. Bergman stated he was glad to hear that the staff approval request was only for the exploration. He was in favor of raising the home, but wanted most of the changes to be reviewed by the Development Review Committee as well as receiving a full COA for the work. He also thought other approvals, such as DEP and Army Corp of Engineers, may be needed to approve the project.

Mr. Browning stated his work would take one week.

Mr. Segraves agreed and stated he would like to see the full plans before the house was raised.

Mr. Silvin asked about Mr. Browning's work on Island Drive.

Mr. Gannon celebrated the willingness of Ms. Des Ruisseaux to take on the project and thought the end result would be wonderful.

Mr. Cooney thought the best path forward was to come up with a plan that showed what would be removed for the exploration.

Mr. Segraves inquired about the timeline, specifically when the Commission would see plans. Rafael Portuondo, Portuondo Perotti Architects, stated they would return with plans in a few months.

Ms. Coleman inquired about the walls to be removed.

Mr. Portuondo presented the pictures to show the Commission which wall, fountain and covered loggia that he proposed for removal.

Mr. Cooney suggested that Mr. Portuondo submit a shaded survey to Mr. Bergman of the items proposed for removal for the staff approval.

Mr. Silvin inquired if the neighbors would be protected during the renovations. Mr. Portuondo elaborated on his plan to protect the neighbors.

IX. PUBLIC HEARINGS

1. Application for Certificate of Appropriateness #003-2020
LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 19 Golfview Road
Owner/Applicant: Francesco Galesi, as Trustee of the Francesco Galesi Revocable Trust
Professional: Mark Marsh/Bridges, Marsh & Associates
Project Description: Installation of a 60kw generator in southeast corner of property.

ZONING INFORMATION: Applicant requests a variance to permit installation of a 60kw generator with a street side yard setback of 8.4' in lieu of 35' minimum required.

Call for disclosure of ex parte communication: Disclosure by Ms. Metzger.

M. Timothy Hanlon, attorney for the owner, explained the request for the generator, the zoning requests, and the location for the generator. He advocated for a positive recommendation to the Town Council.

Mr. Marsh further described the location proposed for the generator.

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

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

A second motion made by Mr. Segraves and seconded by Mr. Silvin to approve the project as presented. Motion carried unanimously.

Mr. Marsh thanked Mr. Cooney for his many years of service on the Commission.

X. DESIGNATION HEARINGS

Item 1: 255 Seaspray Avenue

Owner: Julia Hansen

Please Note: The designation hearing was deferred to the April 22, 2020 meeting at the Approval of the Agenda, Item V.

Item 2: 261 Sanford Avenue

Owner: Karen P. Restaino

Please Note: The designation hearing was deferred to the March 18, 2020 meeting at the Approval of the Agenda, Item V.

Item 3: 215 El Bravo Way

Owner: George E. Summers

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

Ms. Murphy testified to the architecture and history for this Howard Major, Monterey 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

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.

Mr. Silvin inquired why the second designation criteria did not apply to this home. Ms. Murphy responded.

Motion made by Mr. Silvin and second by Ms. Coleman to make the designation report for 215 El Bravo Way part of the record. Motion carried unanimously.

Mr. Cooney stated he thought the home was lovely and was glad that it was being landmarked.

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

Motion made by Mr. Silvin and seconded by Ms. Coleman to recommend 215 El Bravo Way 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.

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

Mr. Cooney thanked his fellow Commissioners, along with many other individuals, for their support in his 10 year tenure on the Commission. He added that serving on the Commission was one of the greatest honors of his life.

Mr. Silvin expressed concern for the construction at 130 Barton Avenue and inquired whether the work had been approved by the Landmarks Preservation Commission. Mr. Bergman stated he was made aware of the work and had made arrangements to visit the site. Mr. Bergman added that any work that had not been approved would need to be brought to the Commission for approval.

Ms. Stillings stated that Ms. Albarran declared a conflict for the Certificate of Appropriateness for 70 Middle Road at the January 22, 2020 meeting and had correctly completed the 8B form in accordance with State Law.

At this time, many Commissioners provided well wishes to Mr. Cooney after his ten year tenure on the Landmarks Preservation Commission.

Anne Fairfax, 455 Worth Avenue, spoke highly of Mr. Cooney and wished him well.

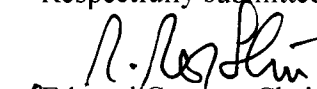
The Commission presented Mr. Cooney with a gift upon his departure.

XII. ADJOURNMENT

A motion made by Mr. Silvin and seconded by Mr. Segraves to adjourn the meeting at 11:01 a.m. Motion carried unanimously.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, March 18, 2020 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Rd. Palm Beach.

Respectfully submitted,


Edward Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

kmc

RENE SILVIN for Edward Cooney

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Albarran, Jacqueline</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>324 Royal Palm Way # 227</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ <i>Town</i> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>February 19, 2020</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		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 February 19, 2020, 20__ :

(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:

Informal Presentation
800 South County Rd

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.

2/19/20

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.