

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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, JANUARY 22, 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 9:31 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, Assistant 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 DECEMBER 18, 2019 MEETING

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

V. APPROVAL OF THE AGENDA

Mr. Cooney stated that the Town received one year deferral requests for both designation hearings at 127 Kings Avenue and 137 Kings Avenue. Mr. Cooney

confirmed with staff that both owners waived their rights to a decision within 30 days after a public 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 stated that the loss of Josh Martin as the Director of Planning, Zoning and Building was a huge loss for the Town. The Commission agreed and discussed the departure of Mr. Martin.

Mr. Silvin inquired about the one year deferral for the designations.

Lucinda Stonestrom, 137 Kings Road, stated that there were some renovations that were being completed at her home and requested the time to finish the renovations before the home was considered for landmark status.

Mr. Silvin asked Ms. Stonestrom to attend meetings prior to her designation hearing to witness how the Commission works with applicants on their requests for renovation and restoration.

VIII. DESIGNATION HEARINGS

Item 1: 127 Kings Road

Owner: James and Angie McNamara

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

Item 2: 137 Kings Road

Owner: Eric and Lucinda Stonestrom

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

IX. PUBLIC HEARINGS

1. Application for Certificate of Appropriateness #002-2020

Address: 70 Middle Road

Owner/Applicant: Jennifer Naegele

Professional: Jacqueline Albarran/SKA Architect + Planner

Project Description: Restoration of existing Landmarked structure. Replace existing windows and doors with wood impact. Enclosure of existing cypress

loggia and vaulted loggia with French doors to match existing. Small one story extension for use as a laundry room. Addition of a small covered terrace on an existing flat roof non-original structure. New pool, patios, walkways, and driveway improvement.

ZONING INFORMATION: The applicant is undertaking a renovation of a 3 story landmarked residence located In the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested:

- 1) 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required.
- 2) 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed.
- 3) 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed.
- 4) 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition.
- 5) 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required.

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

Please note: Jacqueline Albarran declared a conflict of interest as she is the architect for the project and recused herself from the dais.

Maura Ziska, Attorney for the owner, explained the requested variances and advocated for a positive recommendation to the Town Council. Ms. Ziska also stated that she reached out to the neighbor who wrote a letter of objection and discussed the proposed changes with her.

Ms. Albarran presented the conditions of the home and the renovations and restorations proposed. Ms. Albarran answered questions about the drawings from the Commission members during her presentation.

Mr. Silvin asked that the property owner take steps to clean and maintain the pool. Ms. Albarran agreed to make sure this was done. Mr. Segraves recommended draining the pool since the plan was for it to be demolished.

Mr. Segraves suggested looking at the surround on the front door and researching it if was cast stone. Ms. Albarran agreed to the suggestion.

Mr. Silvin questioned if the arches were overdone in the home. Ms. Albarran reviewed the additions in her plan. Mr. Segraves stated he was fine with the changes.

Mr. Segraves suggested recessing the generator underneath the first floor in the proposed location. Ms. Albarran stated she would research the possibility and thought it was a good suggestion.

Mr. Cooney expressed a concern for the proposal to enclose both of the open air loggias and thought it was a departure from the historical home. Ms. Albarran said the enclosed loggias were important to the owner. Mr. Cooney stated he could compromise and support enclosing the loggia on the south but added enclosing both open air loggias was detrimental to the historic character of the home. A discussion ensued about enclosing the loggia spaces.

Jorge Sanchez, SMI Landscape Architecture, stated that the existing vegetation would remain at this time and the current proposal was for new hardscape only.

Claudia Visconti, SMI Architecture, presented the proposed changes to the hardscape and stated they would return to present the formal landscape at a later date.

Mr. Cooney inquired about the location of the pool in relation to the loggia. Ms. Visconti explained the design.

Mr. Silvin expressed concern for the proposed wall and inquired about the height. Ms. Visconti stated the wall would be 3 feet tall with a hedge in front of the wall. Some of the Commissioners thought enclosing the front of the home with a wall would be a mistake.

Mr. Cooney requested the professionals fix the curb cuts when the apron was removed from Via Marina. Ms. Visconti agreed.

Ms. Patterson was in favor of the horseshoe driveway and liked the openness of the home.

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

Mr. Cooney asked if the enclosed loggias were the reason for any of the variances. The professionals responded and stated the CCR variance was partially caused by the enclosures.

Mr. Silvin inquired if the variance requests would change if the generator was placed under the home. Ms. Albarran stated that if they were able to make the plan work, they would withdraw the variance at the time they make the requests to the Town Council.

Motion made by Mr. Silvin and seconded by Ms. Coleman that implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Motion carried 6-1, with Mr. Cooney opposed.

Mr. Cooney noted that Ms. Metzger was voting in the absence of Ms. Albarran.

A discussion ensued about strongly encouraging the professional to determine if it would be possible to place the generator under the home. Ms. Albarran agreed.

A second motion made by Mr. Silvin and seconded by Ms. Coleman to approve the project as presented.

A discussion ensued about the proper motion. Mr. Sanchez formally withdrew the site wall proposed on the east elevation, from the application.

The initial motion was withdrawn by Mr. Silvin. Ms. Colman agreed to withdraw her second to the motion.

A second motion made by Mr. Silvin and seconded by Ms. Coleman to approve the project as presented with the exception of the site wall on the east side, which was withdrawn from the application by Mr. Sanchez and that consideration be given to enclosing only one loggia. Motion carried 6-1, with Mr. Cooney opposed.

X. DISCUSSION ITEM

1. Historic Building Ordinances – Wayne Bergman

Mr. Bergman provided an overview on the two ordinances that he and Mr. Martin had been working on to proposed to the Town Council. The purpose of the ordinances would be to expand the historic preservation program. He further explained the initiative to preserve older homes.

Mr. Segraves expressed concern that owners may not want to landmark their home if they could take advantage of this incentive. He also recommended that if the concept was approved, it should be a major project by the Commission and also noticed to the neighbors. A discussion ensued on this topic.

Mr. Cooney stated he initially was concerned for this proposal due to the fact that one of the major incentives to landmark a home in Palm Beach was the FEMA exemption. However, he indicated that he was warming up to the idea. He believed that a dialogue needed to occur with the Town Council for other incentives to entice owners to landmark their home.

Messrs. Gannon and Silvin agreed with Mr. Cooney.

A further discussion ensued.

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

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

XII. ADJOURNMENT

A motion made by Mr. Gannon and seconded by Mr. Segraves to adjourn the meeting at 11:34 a.m. Motion carried unanimously.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, February 19, 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", written in a cursive style.

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 Albarran, Jaqueline	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 ☒ TOWN ☐ OTHER LOCAL AGENCY
CITY Palm Beach	COUNTY Palm Beach
NAME OF POLITICAL SUBDIVISION Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED January 22, 2020	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE

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 January 22, 20 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:

Certificate of Appropriateness 002-2020

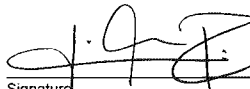
70 Middle Road

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

1/22/20

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.