



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION MEETING HELD ON WEDNESDAY, JUNE 19, 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 9:33 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 (unexcused)
Kim Coleman, Member	PRESENT
Sue Patterson, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Marcia M. Cini, Alternate Member	ABSENT (excused)
Fernando Wong, Alternate Member	PRESENT

Please note: Ms. Metzger voted in the absence of Mr. Gannon.

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 MAY 22, 2019 MEETING

Motion made by Ms. Albarran and seconded by Mr. Silvin to approve the minutes of the May 22, 2019 meeting. Motion carried unanimously.

V. APPROVAL OF THE AGENDA

Motion made by Mr. Silvin and seconded by Ms. Albarran to approve the agenda as presented. 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 welcomed Fernando Wong to the Landmarks Preservation Commission.

Mr. Silvin inquired about excused absences, specifically related to travel delays. Mr. Lindgren discussed the reasons stated in the Code that would excuse a Commissioner from a meeting. Mr. Lindgren stated that the Town Council had the ability to excuse a Commissioner as well.

Mr. Lindgren stated that Mr. Segraves declared a conflict for the Certificate of Appropriateness 212 Seaspray Avenue at the May 22, 2019 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Lindgren stated that Ms. Albarran declared a conflict for the Certificate of Appropriateness for 25 Middle Road at the May 22, 2019 meeting and had correctly completed the 8B form in accordance with State Law.

VIII. INFORMAL REVIEW

1. Bradley Park Hotel – Courtyard Awning

James Crowley, attorney for the owners, indicated that he presented an application to the Town Council for Site Plan Review. He stated that the Town Council asked for the Landmarks Preservation Commission's recommendation for the proposed awning in the courtyard.

Ned Grace, owner, presented the proposed awning in the courtyard space that would cover the bar space. Mr. Grace also reviewed a few cleanup items that they would be presenting at the July meeting.

Mr. Segraves inquired if the awning would be cantilevered. Mr. Grace confirmed it would be cantilevered.

Ms. Albarran inquired about the proposed hedge. Mr. Grace responded.

Ms. Coleman asked about the potential removal of the front entrance awning. Mr. Grace responded. Ms. Coleman asked about the renovation of the west side of the building. Mr. Grace responded.

Mr. Segraves urged Mr. Grace to continue pursuing the renovation for the west side.

Ms. Coleman expressed concern for the location of the valet. Mr. Grace explained the plans for the valet.

Mr. Silvin complimented the tidiness of the construction site.

Ms. Metzger asked about the tax abatement. Mr. Grace described the tax credit that they were seeking for this project.

Motion made by Ms. Albarran and seconded by Mr. Silvin to recommend to the Town Council that the proposed awning should be installed as presented. Motion carried unanimously.

IX. PUBLIC HEARINGS

1. Application for Certificate of Appropriateness #019-2019

Address: 244 Nightingale Trail

Owner/Applicant: 244 Nightingale LLC

Professional: McAlpine

Project Description: This property was previously approved under case number COA-006-2019 and zoning case number Z-18-00168. Was granted FEMA site elevation variance. In original, approved presentation: Additions and renovations to the property located at 244 Nightingale Trail. All additions to occur on south side of the property, away from the street. New construction to match detailing & finished of existing structure. Hardscape & landscape changes on all sides of the property. Paint entire structure white (incl. stone). Interior demolition and renovation of both floors. All electrical, lighting, cabinetry, plumbing fixtures, appliances and HVAC equipment to be removed and replaced. Changes: all new windows in arrangements, as shown, with black frames. New entry door, sidelites and transoms to meet code requirements.

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

Gene Pandula, architect for the project, explained the architectural modifications proposed for the residence.

Mr. Segraves asked if they would consider using steel windows. Mr. Pandula responded.

Mr. Silvin asked about the material proposed for the garage door. Mr. Pandula responded.

Mr. Cooney asked about the rationale for the order of the second floor windows. Mr. Pandula further explained the design to the Commission.

Ms. Albarran was in favor of the proposed changes.

Ms. Patterson agreed that the changes looked cleaner.

Motion made by Mr. Segraves and seconded by Ms. Coleman to approve the project as presented. Motion carried unanimously.

X. DISCUSSION ITEM

1. Discussion of potential properties to consider for Landmark Designation.

Mr. Segraves stated his client had written a request to propose their home at 334 Australian Avenue to be placed under consideration for Landmark Designation. Mr. Segraves read the letter from the owners.

Ms. Murphy presented a short background of the home at 334 Australian Avenue.

A short discussion ensued about placing the home under consideration for Landmark Designation.

Motion made by Ms. Albarran and seconded by Mr. Silvin to place 334 Australian Avenue under consideration for Landmark Designation. Motion carried unanimously.

Ms. Murphy presented the following properties to consider for future landmark designation: 167 Clarendon Drive, 242 Jungle Road, 686 Island Drive, 225 South County Road, 150 Australian Avenue, 232 Cocoanut Road, 400 Seaspray Avenue, 230 Seaspray Avenue, 300 Seabreeze Avenue, 306 Seabreeze Avenue and 300 Clarke Avenue. The consultants answered the Commissioners questions about the homes proposed.

Ms. Coleman discussed a previous home on Via Linda that had been previously proposed to be placed under consideration but was not chosen. Ms. Coleman expressed her concern that now, unfortunately, the home was undergoing renovations.

Ms. Coleman recommended that the Commission consider landmarking the vista in front of the Biltmore Condominiums.

A short discussion ensued about placing homes under consideration for Landmark Designation and the criteria to place a home under consideration.

The Commission decided to consider the proposed homes over the next month. The consensus was that they would hold further discussion at the July meeting.

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

Mr. Silvin reviewed the items relating to Landmarks at the June Town Council meeting.

Mr. Silvin raised an issue relating to the home at 323 Chilean Avenue that could be considered as demolition by neglect. Mr. Silvin presented a history of the home since the initial project was presented to the Commission. He asked staff if the home's history he presented was accurate. Mr. Lindgren responded and clarified a portion of the history that was incorrect.

Mr. Lindgren stated that he thought the current state of the roof was the major issue.

A discussion ensued about the home and the issues at hand.

Ms. Stillings addressed the Commission and informed them of the conversations she has had with the owner of 323 Chilean Avenue. She also discussed the section in the Code that speaks to demolition by neglect.

Mr. Lindgren discussed the actions taken by Code Enforcement.

The Commission was frustrated with the lack of action that had occurred with the home.

Motion made by Mr. Silvin and seconded by Ms. Coleman that the property at 323 Chilean Avenue was determined to be deteriorating by neglect and they require that staff inform the owner of such preliminary findings. The Commission gives the owner 30 days, from the date of notice, in which to commence work to rectify the evidence of neglect. Motion carried unanimously.

Please note: Ms. Albarran declared a conflict of interest and abstained from voting on this decision. Mr. Wong voted in the place of Ms. Albarran.

Mr. Lindgren stated that Josh Martin, Director of Planning, Zoning and Building, would like the Commissioners to tour some of the properties that had recently received approval and are nearing completion. Mr. Lindgren stated that he is currently working to set up the tour and that the tour would begin immediately following the close of the July meeting.

XII. ADJOURNMENT

A motion made by Mr. Silvin and seconded by Ms. Albarran to adjourn the meeting at 11:00 a.m. Motion carried unanimously.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, July 17, 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 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 <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 ☐ COUNTY ☒ <i>Town</i> OTHER LOCAL AGENCY	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
DATE ON WHICH VOTE OCCURRED <i>June 19, 2019</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 June 19, 20 19:

(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:

323 Chilean Ave
Demolition by Neglect-Vote
continuing conflict

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.

June 19, 2019

Date Filed

[Signature]

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.