

From: S M
To: John (Skip) C. Randolph; Gail Coniglio; Paul Castro; Wayne Bergman
Cc: Laura Groves van Onna; Kirk Blouin; Legal: Town Attorney; Kelly Churney; Margaret Zeidman; Julie Araskog; Lew Crampton; Bobbie Lindsay; Gail Coniglio; cc: edward.cooney@gmail.com; BENE SILVIN; Bradley Falco; Pat Gayle-Gordon; Patricia Strayer; Craig Hauschild; Human Resources: Jay Bootheshwar; Steven Stern; Anne Fairfax; annegm44@gmail.com; brittainbarnes@gmail.com; Jackie Albarran; kim@kimcoleman.com; pat@skarchitect.com; tim@fernandowongold.com; ssolite@aol.com; timanannon@outback.com; mziska@floridawells.com
Subject: Re: 70 Middle Road: a) Request to DELAY Variance Request Z-19-00236 until tentative MAY 2021 date , b) My response to Skip Randolph letter dated 9/17/20
Date: Tuesday, October 06, 2020 9:21:17 AM
Attachments: Declaration-of-Continuing-State-of-Emergency.pdf
covid19reopen.com covid-19-risk-index.pdf
70 Middle Road_Variance Request Z-19-00236_Deferral.eml.msg
70 Middle Road_Variance Request Z-19-00236_Deferral of October 14th 2020 date.eml.msg

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

To: Skip Randolph and Gail Coniglio (and Town Council Members)
From: Jennifer Naegele
cc: Town Officials , Landmark Members and All

Re: 70 Middle Road: a) Request to DELAY Variance Request Z-19-00236 until tentative MAY 2021 date
b) My response to Skip Randolph letter dated 9/17/20

Att: Skip Randolph, Gail Coniglio (Town Council Members) 10/6/20

Please include this email REQUESTING a DELAY for Variance Request Z-19-00236 and INCLUDE said correspondence as part of the record--- at the October 14th, 2020 Town Council Meeting.

I have also INCLUDED a copy of my ORIGINAL letter sent --REQUESTING a DELAY -- dated 9/16/20 (attached and below) .

Please see my comments below highlighted in response to your letter dated September 17th, 2020 (attached and below) :

70 Middle Road: Variance Request Z-19-00236: Deferral

Randolph, John C.

Thu, Sep 17, 4:02 PM

to me, Paul, Wayne



Dear Ms. Naegele,

I am responding to your email of September 16, 2020 in order that you not have unwarranted expectations in regard to your request for additional deferral of consideration of your variance request (Z-19-00236).

Your last request for deferral was granted without discussion at the September meeting and the matter was deferred to the October meeting of the Town Council. It was necessary to defer the application to a time certain in order that the matter not have to be re-advertised.

Skip and Gail,

1) First , how thoughtful that you have considered my "unwarranted expectations" regarding my Variance Request. In any event, I have NO issue with my "non-urgent" Variance Request being "re-advertised"- when the time is appropriate.

2) I believe I could schedule my "non-urgent" Variance Request to be heard in MAY 2021.

3) This will also give the TPB adequate time to PREPARE and ACTUALLY MAIL out the "NOTICES"--both REGULAR MAIL and CERTIFIED-- to neighbors (which had previously resulted in an INCOMPETENT epic failure --regarding my 1st Landmark Approval being REVERSED in January 2020; causing me unnecessary duplicate charges in excess of \$84,000).

4) In addition, I paid an application fee of approximately \$4,600 to the TPB; I had to go through Landmarks TWICE. I request that my Variance Request Z-19-00236 be DELAYED.

In your recent email you have requested that your variance request be delayed until further notice. Unfortunately, that is not an option. The Town code provides at Section 134-172(f) that "In no case shall a deferral exceed six months." Deferring this matter for an unspecified period of time may exceed that six month period.

5) Skip, as you know section 134-172 is not applicable in this unique case for multiple reasons:

a) Palm Beach county has been under "State of Emergency Orders" since March 2020 and continues as such to present date. (Enclosed)

b) Even President Donald J. Trump--the President of the United States of America-- was diagnosed with the deadly COVID virus; proving that nobody is immune to said disease.

c) Whereby, I am not going to put myself at risk--for my "non-urgent" "Variance Request--that I am NOT insisting be heard NOW.; when a "Variance Request" is not a LIFE or DEATH "emergency" matter (which apparently you seem to think it is?). Said "non-urgent" Variance Request items include: 1) a 7 foot laundry room extension 2) a 6 foot roof extension--on an existing flat roof and , 3) a generator?

Skip... SERIOUSLY?

d) The "6 month rule" you cite is NOT applicable in these circumstances; not only due to the global COVID pandemic but, also due to the FACT that I have been assisting Steve Stern--without compensation-- for the last 5 months. To date, I have expended numerous hours assisting Steve Stern in his endeavors regarding the Underground Utilities Project (which has prevented me from addressing my own "non-urgent" Variance Request issues).

6) Skip, we both know that your directives i.e "Ordering" me to "Appear" without the following below advantages are meant to manipulate and obtain a forced Utilities Easement for the TPB.

7) Whereby, I reiterate the following: I am unable to participate in the October 14, 2020 Town Council meeting for multiple reasons to include the following:

A) Not being able to obtain a "Variance attorney" at this time due to the global COVID pandemic. For reasons known to YOU, I am unable to use Maura Ziska who makes the bulk of the presentations to the TPB.

B) Not being able to arrange Expert witnesses (due to the global COVID pandemic). I need to obtain rebuttal witnesses to "prove hardship" and "livability" of the Landmark house due to the following:

- 1) Due to YOUR openly coaching Town Council members--- that they can just opt to "DENY" the Variance Request for "Lack of hardship / SPITE".
- 2) Frank Lynch has threatened my Variance Request-- to rehabilitate and modernize the historic Landmark House-- by stating the following on July 13th, 2020:

1) From: Francis Lynch <flynch@sniffenlaw.com>
Sent: Monday, July 13, 2020 12:43 PM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownofPalmBeach.com>; Lew Crampton <lcrampton@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownofPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Steven Stern <ssstern@TownofPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: RE: Variance Application # Z-19-00236 / 70 Middle Road

In the event there is any confusion as to my clients' position in this, please be advised that the Glazers are withdrawing their letter of support for this application and request that the Applicant prove her hardship as to the variances requested.

Thank you.
Frank Lynch
Francis X. J. Lynch, Esquire

605 North Olive Avenue, 2nd Floor
West Palm Beach, Florida 33401
T (561) 721-4000 / F (561) 721-4001 / D (561) 721-4004
E-mail: flynch@sniffenlaw.com

- 3) My un-willingness to be in ENCLOSED SPACES with "silent COVID carriers" ---for a "non-urgent" Variance Request --- either with a "Zoom technician" or at a Town Council meeting. (Enclosed. 90% of Americans are at RISK!)

<https://www.dailymail.co.uk/health/article-8765809/CDC-director-says-90-susceptible-COVID-19-vaccine-predicted-spring-2021.html>

8) YOUR "ordering" me to risk my health and well-being just demonstrates harassment; to which I have been subjected to since February 9th, 2019; to include: what I believe--- AND HAVE SHOWN ---was the improper REVERSAL of my 1st Landmark approval held on January 22, 2020.

You state in your email that you will delay your request until the "Covid Catastrophe" is behind us. Unfortunately, none of us know when that might be. You also indicate you will not present your variance request until your "1st Landmark Approval is Reinstated." That is not a legitimate reason for deferral. As I stated to you in previous correspondence, there was nothing inappropriate in regard to the deferral by the Landmarks Preservation Commission, and, if there was, you certainly had an opportunity to appeal that action within 30 days of that action having been taken. You did not file an appeal. Therefore, that action is concluded.

9) This action is most definitely NOT concluded.

10) Despite my being in Brazil during the 1st Landmark hearing, I was available 24/7 to Maura Ziska by email, phone, text etc.

11) As previously stated to YOU, Maura Ziska NEVER EVER communicated to me ANY information--- leading up to the Landmark Fraud (to include any back-room discussions with Kelly Churney taking place which would/did dramatically affect the outcome of my case); costing me in excess of \$84,000 in duplicate costs ---to obtain a 2nd Landmark approval.

12) Never at any time did Maura Ziska (or Kelly Churney) discuss with me (Jackie Albarran, Jorge Sanchez Or Claudia Visconti) if it was acceptable to reverse and invalidate my 1st original Landmark approval --without JUST CAUSE and WITHOUT any actual investigation (I.E. REVIEWING THE AUDIO RECORDING OF THE 1/22/20 LANDMARK HEARING); DENYING me of my "due process" and SABOTAGING my 1st Landmark approval.

13) ATT: GAIL CONIGLIO: Nor, did I RECEIVE ANY OFFICIAL NOTIFICATION from the TPB (as in the FORM OF "MEETING MINUTES") regarding said back-room discussions resulting in a NEGATIVE DECISION affecting ME --i.e. the Landmark Reversal.

14) ATT: GAIL CONIGLIO: Didn't KELLY CHURNEY (in the LANDMARKS department) have an obligation to NOTIFY ME --- in WRITING -- SENT CERTIFIED MAIL--- regarding this important DEVELOPMENT concerning the \$4,600 I paid to the TPB --- for my Landmark Application to be heard/ REVERSED/ DELAYED ?

15) Maura Ziska took NO action to "APPEAL" the erroneous decision of the neighbors supposedly NOT being "Noticed" --despite SHE herself having ADDRESSED the Ellen Cunningham Letter at the 1st Landmark Meeting (PROVING that the neighbors HAD been "Noticed"; which directly contradicts the TPB's INACCURATE claim that the neighbors had NOT been "Noticed").

16) ATT: GAIL CONIGLIO: HOW is that after my PAYING \$4,600 to the TPB for my Landmark Application ---2 MONTHS PRIOR to my Landmark Application being heard on January 22, 2020 --- that NOBODY seems to know ---IF the "Notices" were sent out ?---OR, IF the "Notices" were NOT SENT OUT? --- for an IMPORTANT LANDMARK HEARING?

17) ATT: GAIL CONIGLIO: WHY does the TPB HAVE NO "UNIFORM POLICY" -- with respect to MAILING OUT "OFFICIAL NOTICES" -- either CERTIFIED or REGULAR MAIL-- for an IMPORTANT LANDMARK HEARING? PLEASE EXPLAIN and CLARIFY.

18) Did Maura Ziska and Kelly Churney think Santa Clause was going to make certain that the "TPB OFFICIAL NOTICES" would be "chimney delivered" to the

neighbors for an IMPORTANT Landmark Hearing?

19) If those "Official Notices" needed to be sent out CERTIFIED (rather than just REGULAR MAIL—the way they WERE SENT OUT to my NEIGHBORS -- to which the Ellen Cunningham Letter PROVES "NOTICE") --- Maura Ziska and Kelly Churney HAD 2 MONTHS -- LEAD TIME --TO GET THOSE "OFFICIAL NOTICES"-- CERTIFIED or REGULAR MAIL -- sent out.

20) ATT: GAIL CONIGLIO: The complete and utter INCOMPETENCE of the TPB's non-regulated and corrupt "SYSTEM" regarding "Notices" being sent out for an IMPORTANT LANDMARK HEARING --set in motion AND guaranteed the Landmark Fraud; which in REALITY did NOT deny my "neighbors" "due process" (as Kelly Churney stated"), but in REALITY DENIED MY "due process".

21) Despite that, upon discovery of the ERROR regarding the Reversal of my 1st Landmark Approval, I immediately provided PROOF to YOU --along with the transcript and audio recordings of the 1st Landmark meeting held on January 22, 2020; pointing out that a GRAVE ERROR had been made by the TPB-- resulting in the Landmark Fraud.

22) I requested to YOU that my 1st Landmark Approval be re-instated. My numerous requests were ignored.

You also mention the Covid pandemic as a reason for requesting a deferral to an unspecified date. Indeed, these are unprecedented times and no one would want to put you in a position of feeling threatened by this Corona Virus. Indeed, staff has already accommodated you in this regard by waiving the provision in the Town code which requires you to appear at the Town Council meeting at the time the item appears on the agenda to explain or justify your request, which the Town Council may approve or deny. The Council granted your last request for deferral. The code further provides that a third request for deferral shall be denied, unless the applicant can demonstrate to the Town Council that a compelling reason exists to grant the deferral.

23) Skip... It is NOT imperative that my "non-urgent" Variance Request is heard NOW --during the global COVID pandemic!

24) My cousin is an emergency room doctor who works with COVID patients. 2 of my family members have caught COVID.

25) Your threats to site every "Florida statute" or "Special TPB Ordinances" really does not phase me. I have a right to a maintain my health and well-being during the global COVID pandemic. I reiterate again-- MY NEED to DELAY my "non- urgent" Variance Request.

26) This entire experience has been traumatizing for me. If required, I will provide a Doctor's note--to support my NEED to DELAY my Variance Request Z-19-00236.

In your recent email you have enumerated your reasons for your requesting a deferral. In the event you do not wish to appear either in person or remotely at the October Town Council meeting the Council will rely on your email presentation. Be advised, however, of your right to appear in person or through a representative to make your case. Be advised further, however, that there will be no automatic deferral of this matter. The request will be discussed by the Mayor and Town Council which may grant a request for deferral to a date certain or deny the request taking into consideration, however, that provision of the code which provides that in no case shall a deferral exceed six months. In the event the request is denied, the Council will entertain and act upon the application for variance.

27) Skip, as you know section 134-172 is not applicable in this unique case for the above listed AND multiple other reasons (previously detailed in numerous other emails).

28) Therefore--barring no other complications-- I could tentatively schedule my Variance Request (Z-19-00236) to be heard in MAY 2021.

29) This will also give the TPB adequate time to PREPARE and ACTUALLY MAIL out the "NOTICES" --both REGULAR MAIL and CERTIFIED--to neighbors (which had previously resulted in INCOMPETENT epic failure --regarding my 1st Landmark Approval being REVERSED in January 2020; causing me unnecessary duplicate charges in excess of \$84,000).

Finally, please be advised, in the event you do not wish to proceed with your application for the reasons stated in your recent email or for whatever other reason, you have the right to withdraw the application. In the event of withdrawal, when you are ready to proceed, you may file a new application.

30) The LANDMARK FRAUD has denied me of my DUE PROCESS: to include damages in excess of \$84,000 in duplicate unnecessary expenses to obtain a 2nd LANDMARK APPROVAL.

31) I have paid application fees of approximately \$4,600 to the TPB; I had to go through Landmarks TWICE. I request that my Variance Request Z-19-00236 be DELAYED.

Thank you

P.S. If my circumstances improve, I will email a schedule change request to the TPB.

Jennifer Naegel

Thank you.

John C. Randolph

jrandolph@jonesfoster.com

EMAIL SENT TO SKIP RANDOLPH, TOWN COUNCIL MEMBERS AND ALL regrading VARIANCE REQUEST Z-19-00236 DELAY (SENT ORIGINALLY ON 9/16/20)

Re: 70 Middle Road: Variance Request Z-19-00236: Deferral of October 14th, 2020 date--- to future date not yet determined

S M <2ordernow@gmail.com>

Wed, Sep 16, 8:55 AM

to John, Paul, Wayne, Bradley, Gail, Margaret, Lew, jaraskog, blindsay, RENE, edward.cooney@gmail.com, Laura, Kelly, hr@townofpalmbeach.c

To: Skip Randolph, Gail Coniglio, Wayne Bergman, Margaret Zeidman, Lew Crampton, Julie Araskog, Bobbie Lindsay, Rene Silvin, Ted Cooney, Paul Castro, Brad Falco,
cc: Landmark Chairman (Past and Present), Town Officials

From: Jennifer Naegele 9/16/20

Dear Skip, Paul Gail Coniglio, Wayne, Margaret, Lew, Julie, Bobbie, Gail Coniglio, Rene Silvin, Ted Cooney, Paul, Brad and Town Officials

- 1) I read from the 9/9/20 meeting minutes that my Variance Request Z-19-00236 was deferred to the October 14th, 2020 date (despite my NOT having requested said date --due to the global COVID pandemic). Thank you for the consideration regardless.
- 2) Due to the global COVID pandemic and my lack of real time tech-knowledge, I will be providing my explanation in WRITING regarding my request to DELAY my Variance Request Z-19-00236 for the following reasons:
- 3) I will be unable to participate in a virtual ZOOM meeting ON OCTOBER 14th, 2020; I am extremely un- skilled in real time tech-knowledge (and, as previously stated, I am preserving the record with my written response); to include requesting that my DUE PROCESS RIGHTS are NOT FURTHER DENIED or VIOLATED.)
- 4) Due to the global COVID pandemic, I do not feel comfortable allowing a "ZOOM TECHNICIAN" into my home for a "Zoom tutorial" -- being 18 inches apart from said "Zoom technician/ SILENT COVID CARRIER" (for fear of infection)!!
- 5) Nor, am I willing to risk being exposed to the deadly COVID virus by being in ENCLOSED SPACES with possible COVID infected persons / "SILENT COVID CARRIERS".
- 6) According to an email-alert sent out by the TPB regarding the "COVID 19-RISK INDEX": the following RISK factors should be avoided/ considered BEFORE exposing oneself to the deadly COVID virus (See TPB email-alert dated 9/14/20 enclosed). As paraphrased it is imperative to beware of the following:
 - a) Enclosed Spaces
 - b) Duration of Interaction
 - c) Crowds (Density of People + Challenges for "Social Distancing"
 - d) Forceful exhalation (Sneezing, Yelling, Singing and Coughing)
- 7) Therefore, "Sustaining Life" is my only priority at this moment in time.
- 8) Also, due to the global COVID pandemic, I am unable to obtain legal representation at this time. I will need to interview lawyers in person (so MY DUE PROCESS is NOT DENIED; as it has been on previous occasions by the TPB).
- 9) I am unwilling to risk catching the deadly COVID virus-- to obtain legal representation --- for my Variance Request Z-19-00236 (since my Variance Request has already been delayed because of the LANDMARK FRAUD since JANUARY 22ND, 2020.) The LANDMARK FRAUD had denied me of my DUE PROCESS: to include damages in excess of \$84,000.
- 10) I will also need to obtain and interview "Expert Witnesses" to "Prove Hardship" and support my desire to "Improve Livability" of the LANDMARKED HOUSE.
- 11) Skip Randolph has already spoken in "Code" during the Town Council Meeting on June 10th, 2020 -- that Town Council Members can opt to DENY my Variance Request for "Lack of Hardship/ Spite" -- if so desired.
- 12) Therefore, I will need time to find qualified rebuttal witnesses to discredit said individuals who require me to "PROVE hardship" and my desire to "Improve Livability" of the LANDMARKED HOUSE.
- 13) Multiple hours of analysis and study will be required to prepare for said laborious endeavor before Variance Request Z-19-00236 is heard before the Town Council (so MY DUE PROCESS is NOT DENIED--AGAIN).
- 14) Therefore, since my Project has already been delayed since my 1st Landmark Approval was ILLEGALLY REVERSED AND SABOTAGED--on January 22, 2020, I will delay my Variance Request --until the "COVID CATASTROPHE" is behind us (or until at which time I feel capable to schedule Variance Request Z-19-00236 before the Town Council).
- 15) My due process has already been denied with my 1st Landmark Approval being illegally REVERSED (1/22/20); orchestrated for the sole purpose to manipulate and illegally obtain a "FORCED UTILITIES EASEMENT ACCEPTANCE" --at the 2nd Landmark Meeting (5/28/20).
- 16) Therefore, due to the ongoing global COVID pandemic, I request that my "due process" is NOT DENIED again -- and that my Variance Request is delayed until FURTHER NOTICE.
- 17) I will also continue to REQUEST that my 1st LANDMARK APPROVAL is REINSTATED before my VARIANCE REQUEST Z-19-00236 is heard before the Town Council (so MY DUE PROCESS is NOT DENIED AGAIN).

Thank you for your assistance.

Jennifer Naegele