

Roderic M. Oneglia • PHA • Kirkland House • 101 Worth Avenue • Palm Beach, FL 33480  
RodOneglia2aol.com

May 6, 2021

Mayor Danielle H. Moore  
Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480

TOWN OF PALM BEACH

MAY 17 2021

Town Manager's Office

REF: Proposed Renovations to 125 Worth Avenue

Dear Mayor Moore,

I am the owner of, and reside in, Penthouse A, Kirkland House, 101 Worth Avenue, Palm Beach. I have been a Palm Beach owner/resident and tax payer for many years.

I have previously written to the former Mayor, members of the Town Council and to members of ARCOM to express my opposition to the Application by 125 Worth Avenue Partners, LLC (The Frisbie Group) requesting approval for proposed changes to the building at 125 Worth Avenue, a building which directly abuts Kirkland House. You may refer to my previous letters dated December 3, 2019 and November 19, 2020 (copies attached).

Though the Town Council and ARCOM have held several meetings both publicly and on Zoom since 2019 regarding the 125 Worth Avenue Partners' proposed development, the Frisbie Group has provided little more than lip service to our continual requests as abutting property owners for fully-detailed plans and specifications regarding the project. In fact, to date, **NO complete and comprehensive plans have ever been provided to any abutting property owners or to Town agencies for review!** All we have been given are incomplete drafts, sketches and drivel.

The following concerns remain, among many others, and require explicit answers before this project should even be considered for approval by Town agencies:

One: The current building at 125 Worth Avenue exists in its present state solely because the Town has already issued numerous prior variances to previous owners of this commercial property. The Frisbie Group now requests multiple, additional variances to accommodate residential AND commercial use. When does this stop? Let's be clear. To accomplish what is proposed, The Frisbie Group now requests additional variances to height, to footprint, to use, to scale, including changes to public areas such as sidewalks etc. as part of their re-structuring. At what point do continual variances make zoning regulations a mere laughing-stock? Variances are intended to be used for "**hardship**". They are not intended to be granted simply because a developer seeks to maximize size or change use as a means to



increase profit or to allow the developer to pay for the work to be done! Yet **The original Frisbie Application to ARCOM dated November 8, 2019 actually says this!** I quote from Page 15, Item 7:

**“The granting of the variance** would allow the property owner (The Frisbie Group) to construct four residential dwelling units on the existing fourth level of this building. The construction of those units **would make it financially feasible for the applicant to undertake a major renovation of this entire building and site** which would be of great benefit to the Town, especially to the east end of Worth Avenue...”

Apart from the misstatement that mentions an “existing fourth level”, (this level merely houses mechanical equipment), a variance should not be granted simply because a developer finds it “convenient” for him or herself financially! Zoning regulations are, in fact, **laws, and laws are meant to be complied with.** How many other commercial developers with properties abutting **residential** areas will be next to seek variances solely for the sake of maximizing profit if this project is approved? How will continued infraction of zoning laws change the character of Palm Beach?

Second: The residents of Kirkland House maintain a beautiful property and contribute significant tax revenue to The Town of Palm Beach. **We have a right to know exactly what 125 Worth Avenue will look like, how it will be used and how it will affect our property prior to agreeing to its re-structuring.** I have been told that it is the Frisbie Group’s modus operandi to say that they “merely want to revamp or beautify old structures for the benefit of all”, that they “want to bring new life to the east end of Worth Avenue”. These statements imply they are sacred defenders of town life rather than developers working for profit. Their argument is clever though, for who, in fact, can argue against beautification? These lines were stated at our first meeting with Rob Frisbie held at Kirkland House. Mr. Frisbie noted (and I paraphrase) that his group would not proceed unless we were happy with their plans, that his group wanted to be “good neighbors”. If so, is it too much to ask that they show us, and the Town, actual, “fully-detailed” plans and let us voice our opinions after proper review. We cannot properly view plans on “Zoom”! And no government agencies should give approval to a project without demanding that those same **“fully-detailed” plans** be submitted to them and presented at a **public meeting.** Simple platitudes or promises from a developer should not suffice when considering a project that seeks to combine residential with existing commercial use with potential negative impacts on abutting residential buildings.

Third: As I said in my previous letters, I have spent my working career as an attorney and a real estate developer practicing in the construction business and I would never have thought of proceeding with a project of this nature (a project which may have a significant, negative impact on surrounding **residential** properties) without



presenting fully-detailed plans to the surrounding **residential** property owners and to the Town agencies in which the project will sit so that all neighbors and commission members could have the opportunity for proper review and comment.

Fourth: There still remain many questions about this project. Among them:

Will there be a restaurant in the building? (I am opposed to one.) Yet, if proposed, where would it be located? And does a restaurant require a Special Exception? Its own variance? Does a restaurant require additional parking on site?

How, and where, will the building's garbage be stored and collected? (All one has to do is to walk past the dumpsters that sit in the alley to the north side of The Colony Hotel on South County Road to realize how their visible presence and stench negatively impact a commercial area. Imagine the same occurring next to a **prime residential building** directly abutting 125 Worth Avenue as Kirkland House does.

Further, I don't believe anyone reading this letter would want a restaurant or other out-buildings abutting his or her own homes.) What about noise? What about outdoor dining and music? What about revelers singing "Happy Birthday" off key after a few pops? (This is not a laughing matter. In one single evening I witnessed three different birthday celebrations at neighboring tables on the porch at Henry's Restaurant just below the condos in the new Frisbie development on Royal Poinciana.)

What about the removal of side-walks and parking on Worth Avenue, which are currently in short supply to begin with? There has been a discussion that the Frisbie plan requires "valet parking". How will this affect the Worth Avenue street scape, traffic flow and the driveway entrance to Kirkland House? One only has to look to the west end of Worth Avenue to see the chaos currently caused by valet parking servicing Bice, Pizza al Fresco and Bilboquet.

Sidewalk dining? Will it be granted by variance? (Hopefully this will pass with COVID.) But should it not, will Palm Beach allow it?

Further, none of the Frisbie plans to date address the construction process itself. How long will construction take? How many heavy vehicles will arrive at the site on a daily basis? How and where will they be accommodated? Will they approach the site along Royal Palm Way, South Ocean Boulevard and Worth Avenue, already congested routes? Will the noise of construction disturb all surrounding residential buildings (The 400 Building, 100 Worth Avenue) and private homes along Peruvian Avenue abutting the property)? The Neighborhood Alliance of Palm Beach, Inc. estimates the project could take two and one-half years to complete with a total of 30,000 truck trips occurring during that time!

These are but a **sample** of questions that remain unanswered.

As I stated previously, this project requires the Town Council and ARCOM to consider what it wishes Palm Beach to be. Existentially. Serious thought should be given to this question.

Do we want nightlife in residential areas? Do we want additional noise? Additional traffic flow? All in residential zones?

Many of us came to Palm Beach precisely because it is **NOT** Miami Beach or Fort Lauderdale.

Perhaps if the Frisbies are enamored with high-life and noise, they should move their development business to one of those cities. In fact, just contemplate the word "**cities**"! Palm Beach is in fact "The **TOWN** of Palm Beach" The difference between the words "city" and "town" speak volumes! I ask you to consider it.

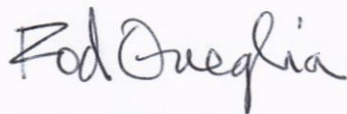
The east end of Worth Avenue is fine as it is. Quiet. Liveable. As one resident of Winthrop House, 100 Worth Avenue, said at our first meeting with the Frisbies: "If you want life and restaurants on the east side, why the hell did you tear down Charley's Crab?"

**PLEASE DO NOT PASS THIS PROPOSAL WITHOUT REQUIRING THAT FULLY-DEVELOPED PLANS BE MADE AVAILABLE TO ALL FOR REVIEW AND THAT THE FRISBIE GROUP PROVIDE COMPREHENSIVE ANSWERS TO ALL QUESTIONS THAT REMAIN.** Furthermore, this proposal should be presented by the Frisbie Group in public, Town Meeting format to allow for questions, comments and rebuttal, not simply in Zoom format.

Also note that NAPB (the Neighborhood Alliance of Palm Beach, Inc.) has many concerns about this project. (See their letter of December 18, 2019, copy attached). I am not the only person concerned.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rod Oneglia". The signature is fluid and cursive, with the first name "Rod" and last name "Oneglia" clearly distinguishable.

Roderic M. Oneglia



Roderic M. Oneglia  
Penthouse A  
Kirkland House  
101 Worth Avenue  
Palm Beach, FL 33480

December 3, 2019

Mayor Gail L. Coniglio  
Town Council  
Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480

Reference: Zoning Application No. Z-19-00232  
Architectural Review Commission Application N. B-074-2019

Project Address: 125 Worth Avenue  
Applications filed by: 125 Worth Partners LLC

Dear Mayor Coniglio:

I am the owner of, and reside in Penthouse A, Kirkland House, 101 Worth Avenue, Palm Beach. I have been a Palm Beach owner/resident for many years.

I am writing concerning the 125 Worth Partners LLC Application to the Town Council (Zoning Case Number Z-19-00232 scheduled to be considered by the Town Council on January 15, 2020) and their Application for ARCOM review and approval (Application Number B-074-2019 to be considered by ARCOM at its December 13, 2019 meeting).

Both applications request changes to zoning requirements concerning many aspects of the existing building at 125 Worth Avenue, changes from gross expansion of the building footprint to building height increases. Changes in **use** are also being applied for.

My property in Kirkland House, 101 Worth Avenue directly abuts the property of 125 Worth Avenue and I am requesting that both the ARCOM and Town Council hearings regarding the 125 Worth Partners LLC applications be postponed until clear plans of the proposed changes applied for and clarifications to mis-information in the current Applications are provided. I also request that both any zoning and architectural changes currently requested in those Applications be rejected until this is done.

My reasons for this request are as follows:

1. To date, copies of submitted Applications provided to me contain only one, 8" x 10" sketch of the proposed 125 Worth Avenue building facade. **No complete and comprehensive plans have ever been provided to any abutting property owners**



for serious review. (For the record, I have been a long-time owner of a successful Building/Development company and would have been ashamed to submit such incomplete plans or applications to any government agency for review.)

2. It is clear that 125 Worth Partners LLC has attempted to ram these Applications through Town agencies. They have given only "last minute" notice to affected parties and have scheduled Town meetings during the holidays when many property owners who are directly affected may be away from Palm Beach and unable to attend Town hearings. In this regard I would like to make it abundantly clear that we, the affected parties, pay significant property taxes to the Town of Palm Beach for our residential properties. We beautifully maintain them and we do not want to see them devalued by a "**commercial**" property or the unfettered enlargement of that property. As members of ARCOM or the Town Council I believe you would feel the same if these changes were proposed to a property directly abutting your personal homes. You would want the opportunity to comment, in public.
3. The Applications for zoning and architectural changes show a gross enlargement of the building at 125 Worth Avenue which will bring the walls of 125 Worth virtually to the lot line of Kirkland House affecting setbacks and with no clear description as to what will be built or landscaped. The 8" x 10" sketch provided merely shows a Graumans Chinese Theatre-Temple-looking structure far more suitable for Los Angeles than the Mizner beauty and simplicity of Worth Avenue. This expansion, called the "new entrance to 125 Worth Avenue", comes directly to the boundary of Kirkland House and, to accommodate the addition, the Application requests changes to the width of Worth Avenue sidewalks (that they be made narrower) as the enlarged building will encroach on the north sidewalk of Worth. The applicants also request that parking spaces (already in short supply along Worth Avenue) be removed to accommodate this new building size. Space is also requested for valet parking. At Kirkland House we need to know if backed-up valet traffic will affect our driveway entrances if these changes are granted by the Town.
4. The proposed final height of the building following renovation is not clear from the Applications and, prior to Town Council and ARCOM approvals should be made **absolutely clear**.

125 Worth Partners LLC seeks to add a fourth floor consisting of exclusive residences. The continual mention of high-end condominiums appears to be an attempt to disguise the fact that an additional floor must be built above the condominium floor to house mechanical systems which will be displaced by the addition of the new condominiums. The applications, in fact, continually request a variance for an additional 12 foot + height increase for this. Any sentient person understands that this really increases the building height to five stories. **(Four (4) stories are stated on the front page of the ARCOM application, an obvious falsity!** Complete and detailed plans for this height increase should be provided to ARCOM, the Town Council and ALL abutting property owners prior to review and approval. I believe we ALL have selected Palm



Beach precisely because it is not a high-rise cluster like Fort Lauderdale, Miami or Hollywood. We pay very high taxes precisely because Palm Beach is unlike those cities. Further, the additional height severely hampers the westerly views of the owners of homes in Kirkland House and other residential buildings within the area of notice.

5. There has been talk of a restaurant going into 125 Worth Avenue **yet absolutely no details have been provided** as to the location. Rumors circulate that it is to be a roof-top restaurant with outdoor dining. This is absolutely unacceptable. Complete information should be provided as to the exact location of any restaurant proposed for the building, its hours of operation, its noise levels, the effects of light on surrounding properties, its locations for refuse containment etc. And, if a restaurant is proposed for any lower level of the building, there should be **absolutely no outside space or terrace dining allowed**. You wouldn't want to see or hear any of the attendant restaurant clatter from your houses or terraces. We don't either.
6. In sum, the Applications presented to ARCOM and the Town Council are almost amateurish in the paltry amount of coherent information they supply. 125 Worth Partners LLC proposes a **gross enlargement of a commercial structure** in an area surrounded by, indeed abutted by, residential properties, both private homes as well as condominiums. Yet they provide absolutely no detail as to how they will protect the views or quality of those abutting properties. To date, they have provided us with only one 8" x 10" sketch of one facade of a grossly enlarged building that looks like a stage set for a middle school musical theater production of The King And I.

As Palm Beach residents as well as ARCOM and City Council members, I'm sure you would have significant reservations about a developer attempting to ram through these variance requests (with their attendant misstatements and lack of adequate information) if you were in our shoes and this proposed project directly abutted your private homes.

Please postpone voting on these Applications until further information is provided and surrounding property owners are given full opportunity to comment. Thank you. Your consideration will be greatly appreciated.

Roderic M. Oneglia

Roderic M. Oneglia  
Penthouse A  
Kirkland House  
101 Worth Avenue  
Palm Beach, FL 33480

November 19, 2020

ARCOM MEMBERS

Michael B. Small  
Robert N. Garrison  
Maisie Grace  
John David Corey  
Katherine Caitlin  
Michael Small  
Alexander Ives  
Betsy Shiverick  
Dan Floersheimer  
Jeffrey W. Smith  
Ted Cooney

ARCHITECTURAL REVIEW COMMISSION

Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480

To The Members of the Town of Palm Beach Architectural Commission:

I am the owner of, and reside in, Penthouse A, Kirkland House, 101 Worth Avenue, Palm Beach. I have been a resident of Palm Beach for many years.

I am writing regarding the proposed renovation of 125 Worth Avenue by 125 Worth Partners LLC (the Frisbie family et al.) and their "virtual" presentation to ARCOM and the Palm Beach Town Council regarding the project proposed for this Friday, November 20, 2020.

I wish to note my objection to this virtual meeting presentation and ask that the application not be considered until **in-person public hearings** may be held for this project post-COVID.

I wrote to all members of the Town Council and ARCOM on December 3, 2019 (you may refer to my letter) when 125 Worth Partners LLC first attempted to "ram" this development plan through the those Town agencies without first providing proper notice or comprehensive plans to abutting property owners for their review and comment. This would have been a violation of proper legal procedure.



Now, one year later, I have still not been given either proper notice of this hearing or comprehensive plans of the project as an abutting property owner. This does not allow me my opportunity for review or comment, a violation of proper legal protocol.

I am a lawyer and a real estate developer and would not think of trying to proceed with a project of this nature (a project which may have a potentially negative impact on surrounding properties) without allowing the Owners of those properties the opportunity for proper review and comment.

The existing 125 Worth Avenue building currently exists and operates **solely** because it has already received numerous and significant variances to Town planning and zoning regulations. As an abutting property owner I am entitled to know what further variances regarding such things as building height, footprint, setbacks, parking, mechanical equipment placement, garbage storage areas and **use of space** etc will be needed and which are being requested of your agencies prior to approval.

I believe I can say with absolute certainty that not one member of ARCOM or the Palm Beach Town Council or Mayor Coniglio herself would not demand such information (and the right to comment on the same) if a development group were proposing changes to a property abutting their own homes.

I, and all Kirkland House owners, pay significant taxes to the Town of Palm Beach. I fully expect Town agencies to provide and follow proper legal protocol.

PLEASE POSTPONE THIS 'VIRTUAL' MEETING AND DEMAND THAT THE DEVELOPERS PROVIDE COMPREHENSIVE DRAWINGS AND PLANS FOR THEIR BUILDING FOR MY, AND OTHER AFFECTED PROPERTY OWNERS', REVIEW. AND PLEASE HOLD ANY FUTURE MEETINGS AS A **PUBLIC** MEETING ONCE THE NATIONAL TRAGEDY OF COVID HAS SUBSIDED. (This was promised by 125 Worth Partners LLC and the Town more than one year ago but remains a promise unfulfilled.)

Thank you for your consideration.

Roderic M. Oneglia



## NAPB

Neighborhood Alliance of Palm Beach, Inc.  
P.O. Box 2174  
Palm Beach, Florida 33480  
info@napb33480.org.

December 18, 2019  
Re: 125 Worth Avenue

Dear Mr. Oneglia:

As a result of a public records request to the Town, we read the excellent letter you wrote that enumerated your concerns about 125 Worth Avenue including height increases and intensified development on Worth Avenue and whether ARCOM should consider a project application that makes a non-conforming building even more non-conforming.

To preserve the history and architectural character of Worth Avenue while still allowing property modifications, previous Town Councils imposed zoning limitations on redevelopment in the Commercial-Worth Avenue District (C-WA) including height, mass, scale and building length coupled with compliance within the 1990 *Worth Avenue Design Guidelines*.

Flash forward: 125 Worth Avenue, built in the early 1970's prior to the adoption of certain zoning limitations and the *Design Guidelines*, was recently purchased by 125 Worth Avenue Partners, LLC. (The Frisbie Group) In September, 2019, they filed a Planning & Zoning Commission request for a Comprehensive Text Plan Amendment to allow the Town to approve a habitable fourth story on the 100 block of Worth Avenue. The application stated, "Town staff is preparing revisions to the *Worth Avenue Design Guidelines* to permit additional height allowances in the East End Development Area based on the character of the surrounding area and the need for development and revitalization at the east end of Worth Avenue". The *Guidelines* were revised including the elimination of the 150 foot building length limitation but never presented to the Council (and the public) for approval because the Comp Plan request was withdrawn.

A review of the Town-required notice you recently received shows that the property owners are now using a different approach to achieve increased development - they're applying directly to ARCOM. The application was scheduled to be heard on December 13<sup>th</sup>. An application for special exceptions, variance requests and site plan review was scheduled to be heard by the Town Council on January 15, 2020.

Due to concerns by neighboring properties, the December 13th ARCOM hearing was deferred until February 26, 2020 pending the outcome of the Frisbie Group and neighboring property owners' discussion.

Like you, we are also concerned about the two applications for several reasons:

- On what basis is a "need for development and revitalization at the east end of Worth Avenue" claimed?
- What short and long-term effects impacting the quality of life for nearby residential neighbors, the entrance to Worth Avenue and commerce along the entire Avenue will this project impose?
- Could approvals also trigger developmental replication of additional residential stories in other commercial districts with proximity to residential properties?

For example, 125 Worth Avenue's rental website describes it as a "three story office and retail building with two levels of garage parking" and "two million dollars of renovations are now complete". The zoning history for previous variance requests also lists the site as a "three level office building with two levels of parking." But the Frisbie applications now repeatedly attest that the building has four stories/four levels.



Mechanical equipment placed on the roof is camouflaged from view by a structure. How can an assertion now be made that a rooftop is actually a floor upon which the owners can add 13 feet in height, (described as a minor increase) so they can build four residential apartments?

A variance requests an increase to this nonconforming building's overall height to 63'4" in lieu of the 53'8" existing and 35' maximum allowed by current code.

If rooftops can be magically transformed into "floors" in order to justify staff's determination that a structure camouflaging equipment can be replaced by four residential apartments, why wouldn't other commercial property owners request similar rooftop alchemy?

The owners want:

- a variance for first floor lot coverage of 71% in lieu of the 57% existing and the 35% maximum allowable.
- a variance for second floor lot coverage of 66% in lieu of the 57% existing and the 35% maximum allowed.
- a variance for lot coverage of 54% on the invented "fourth floor" [the roof?] in lieu of the 20% existing and the 35% maximum allowable.
- an increase in the length of the building to 246 feet in lieu of 209 feet existing and 150 feet maximum allowable.
- The owners want to construct another ground floor building on the property: "A major component of this proposed project is the complete renovation of this building and site. One of the most significant architectural components of this request is a proposed tower element to be constructed on the southeast corner of the property. This element will have a 2 foot front setback . . . as a function of the 'overall aesthetics' ". What is the intended use of this building?
- Increased commercial intensity and adding a residential density element would require 227 parking spaces. The property currently has 167 spaces. A request is being made to reduce that amount by 36 spaces. The owners claim the variances should be granted because they have a legal hardship, "a very large underground parking facility." How is that a hardship?
- If the building length is extended, the setbacks are reduced, a fourth floor of habitable space is added along with greater height and an additional building is constructed, what overall percentage of the property will have been expanded? Is it still eligible for grandfathering?
- Will the project, as claimed, "increase nearby property values because of the aesthetic and functional improvements to the building?"

Because big construction projects can be onerous for neighbors, a construction impact assessment is required by ARCOM. This project is projected to take 30 months- two and one half years. There will be an average of 48 truck trips a day totally 30,000 trips. Trucks will come east over the Royal Palm Bridge to A1A, turn south to Worth Avenue, depart north along County Rd and then head west onto the Bridge. How will this and other construction activity affect the health, safety and welfare of those who live and work near 125 Worth Avenue?

We know 400 Association and Kirkland House have issued a letter of objection through their attorneys, Becker & Poliakoff and the Town has received letters from other attorneys and individuals, including yours.

Thank you for helping us keep Palm Beach the Town we love.

Anne Pepper- (Sec./Treasurer -561-685-2287) - The NAPB Board

A grassroots movement founded in 2009 to inform, educate and engage residents and property owners in neighborhoods from Sloan's Curve to the Palm Beach Inlet about issues affecting their quality of life.

Be Connected-Stay Informed- Get Involved