TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE - SUBJECT TO REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

WEDNESDAY, MAY 15, 2013

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VI. APPROVAL OF AGENDA

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Landmarks Preservation Commission's Decision Regarding COA#003-2013 (Bethesda-By-The-Sea Episcopal Church) by Peter S. Broberg, Esq. Page 7
[John Page, Director of Planning, Zoning and Building]
Deferred from the March 13, 2013, Town Council Meeting.

2. Appeal of Architectural Commission's Decision Regarding A-011-2013 (231 Kenlyn Road) by Robert Andrew Roddy. Page 54
[John Page, Director of Planning, Zoning and Building]

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 1045 South Ocean Boulevard Per Letter Dated April 19, 2013, from Jeffrey D. Brasseur and Dan Borislow. Page 67

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

None

2. New Business

a. **SITE PLAN REVIEW #5-2013** The application of Peter W. May and Leni May; relative to property commonly known as **310 Atlantic Avenue #1**; described as lengthy legal description on file; located in the R-D (1) Zoning District. The applicant is requesting Site Plan modification approval for the installation of four awnings totaling 425.5 square feet on the ground floor and balcony of a dwelling unit on a multi-family property. The proposed awnings are as follows: a. First Floor North 15 feet x 8 feet 7 inches; b. First Floor Center 8 feet x 8 feet 7 inches; c. First Floor South 14 feet x 8 feet 7 inches; and, d. Second Floor South 18 feet x 6 feet. [Attorney: M. Timothy Hanlon]

b. **SITE PLAN REVIEW #6-2013** The application of 106 Hammon Avenue, LLC (John J. Cafaro, Member); relative to property commonly known as **106 Hammon Avenue**; described as The West 80 feet of Lot 1, Block 2, of VILLA MARINE, according to the Plat thereof, as recorded in Plat Book 2, Page 98, Public Records of Palm Beach County,

Florida; located in the R-C Zoning District. The applicant is requesting Site Plan modification to permit a renovation of the existing apartment building as follows: Reduce the number of residential units from 11 to 6; lower the floor level of the units on the first floor by 22 inches; eliminate the existing southern steps and landing on the east side of the building so that the door will be at ground level; eliminate the existing south door, steps and landing on the west side of the building; replace the existing window unit air conditioners with quieter, more efficient units to be placed on the roof behind the existing mechanical room to be shielded from the neighbors by new wing walls; minor exterior window changes to be submitted to Architectural Commission for approval. There will be no change to the height or overall height of the building.
[Attorney: M. Timothy Hanlon]

c. **SPECIAL EXCEPTION #8-2013 WITH SITE PLAN REVIEW** The application of Alex Gilmurray, as Chief Financial Officer of Breakers Palm Beach, Inc.; relative to property commonly known as **1 South County Road**; described as lengthy legal description on file; located in the PUD-A Zoning District. The applicant is requesting approval for some physical improvements to the pool areas in the southeast portion of the hotel property. These improvements will include: the conversion of the previously-constructed pavilion on the beach bungalow area to a gazebo bar with 38 seats. No structural changes are being made to the pavilion. The proposed bar will serve hotel members and guests only; replacement of existing kiddie pool on the west side of the south pool deck with a landscape feature; replacement of concrete pavement with pavers set in sand and addition of new Jacuzzi on east side of south pool desk; enclosure of approximately 635 square feet (A/C space) on the east side of the spa and courtyard renovation including new paving in spa area; renovations in the spa lap pool area including enlargement of the existing jacuzzi and a new shade pergola structure immediate north of the lap pool.
[Attorney: James M Crowley]

d. **VARIANCE #18-2013** The application of Ramsey and Suzanne Frank; relative to property commonly known as **485 South County Road**; described as Lot 86, SINGER ADDITION TO THE TOWN OF PALM BEACH, according to the Plat thereof as recorded in Plat Book 8,

Page 81, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting approval for a variance to construct a 385.5 square foot second story addition to expand the master bedroom with a proposed 10 foot side yard setback on the south of the house in lieu of the 15 foot minimum required. [Attorney: Maura A. Ziska]

e. **VARIANCE #19-2013** The application of John and Hinda Snyder; relative to property commonly known as **130 Cocoanut Row**; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to construct a 406 square foot one story addition to expand the family room on the north side of the existing residence with a proposed 6.68 foot street side yard setback in lieu of the 25 foot minimum required and a 164 square foot second story addition on the south side of the house with a 4.72 foot side yard setback in lieu of the 15 foot minimum required.
[Attorney: Maura A. Ziska]
Request for Deferral to the July 10, 2013, Town Council Meeting Per Letter Dated April 29, 2013, from Maura A. Ziska.

Page 79

f. **VARIANCE #20-2013** The application of Stephen and Muffie Murray; relative to property commonly known as **302 Caribbean Road**; described as East 77 feet of Lot 89 and all of Lots 90, 91, and 92, according to the Plat thereof as recorded in the Plat Book 18, Page 5, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is requesting a variance to construct a bay window addition onto the north side of the house that require the following variances: a front yard setback of 26.5 feet in lieu of the 35 foot minimum required for a lot that has a depth in excess of 150 feet in the R-B Zoning District; a bay window with a length of 12 feet in lieu of the 10 foot maximum allowed; a bay window that is 66% of the total dimension along the building wall from which it projects in lieu of the 25% maximum allowed. A request for a variance is also being requested to extend the existing garage to the south 31.66 feet and add a new second story above the garage which will total 1,195 square feet with a proposed street side yard setback of 33.24 feet in lieu of the 35 foot minimum required for a lot that has a width in excess of 125 feet. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: The proposed variances will

not cause negative architectural impacts to the subject property. Carried 7-0]

D. Other

None

VIII. ANY OTHER MATTERS

IX. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Audio (Live and Archived)." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Town Council Meeting on: May 15, 2013

Section of Agenda

Appeals

Agenda Title

Appeal of Landmarks Preservation Commission's Decision Regarding COA#003-2013 (Bethesda-By-The-Sea Episcopal Church) by Peter S. Broberg, Esq.
Deferred from the March 13, 2013, Town Council Meeting

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated April 25, 2013 from John S. Page
- Letter Dated February 22, 2013 from Peter S. Broberg
- Presentation Materials to Landmarks Preservation Commission
- E-Mail from John Lindgren Dated February 12, 2013
- Landmarks Preservation Commission Minutes Dated January 16, 2013 and February 20, 2013
- Petition Dated March 6, 2013, Objecting To Proposed Alterations
- Various Letters of Objection
- Letter Dated April 15, 2013, from La Neil Gregory
- Letter Dated April 16, 2013, from Nancy Murdock
- Letter Dated April 22, 2013, from Samuel W. Meek, Jr.
- Letter Dated April 22, 2013, from David Grenfell Cluett, Jr.
- Palm Beach Daily News article dated March 11, 2013

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 15, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Planning, Zoning & Building Director

Re: Landmarks Preservation Commission Appeal: Peter Broberg, Esq.
Tea House / Bethesda-By-The-Sea Episcopal Church

Date: April 25, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the appeal filed by attorney Peter Broberg, objecting to the Landmarks Preservation Commission's decision to deny a Certificate of Appropriateness application from Bethesda-By-The-Sea Episcopal Church to renovate the "Tea House" by enclosing the structure and making related site improvements.

GENERAL INFORMATION

Bethesda-By-The-Sea Episcopal Church is a local landmark. Exterior changes to structures on the grounds require approval from the Landmarks Preservation Commission. An existing, open-air Tea House, built around 1931, occupies the Cluett Gardens east of the Church itself. Certificate of Appropriateness application #003-2013 was heard by the Commission in both January and February this year. As originally submitted, a new moveable glass wall system was intended to enclose the tea house, and the revised structure was to be air conditioned and improved with a handicap ramp. Commissioners expressed concerns about the visual changes presented in January. The application was deferred for a month with the proviso that the applicant explores other solutions for the site, including placing the ramp to the rear of the structure.

The applicant returned to the Commission in February with revised plans. The moveable glass wall system was replaced with thin-lite French doors that fold back against themselves and tuck behind columns. The railings on the ramp were simplified, but its location to the front of the tea house remained unchanged. Those persons speaking in favor of the application included Peter Broberg (attorney for the applicant), Greg Lewis (design team member), Father Harlan (Church Rector), and Page Lee Hufty (parishioner). It was stressed that meeting space at the church is in great demand and that many groups utilize the church for meetings. Enclosing the Tea House would allow for greater building utilization. The only person present to speak in opposition to

the request was Sharyn Baldry (Lake Worth). She felt that the architectural changes would adversely affect the property. Five attached pieces of communication were read into the record, all objecting to the enclosure (Ann Blades, Sharyn Baldry, Nancy Murdock, Miryana Millo and Jane Caruso).

Commissioners Strawbridge, Feldkamp, Albarran, Diver and Fairfax, collectively, expressed a number of concerns. It was noted that the inspiration for the Tea House likely came from the Orient, and that its open relationship with nature was intentional and should not be changed. There was concern that the very narrow depth of the Tea House would be complicated by the folding doors and that reasonable use of the building as revised would prove difficult. Comments were also expressed that the proposed changes simply adversely affect the existing architecture.

Emily Stillings, historic preservation consultant to the Town, commented that the new proposal is a better solution than the original proposal and that the proposed French doors could always be removed at a future date. She noted that the request is somewhat similar to loggias that have been authorized for enclosure by the Commission in years past.

Following deliberation, it was moved by Feldkamp and seconded by Fairfax to deny COA application #003-2012. The motion carried five/two (Feldkamp, Fairfax, Diver, Strawbridge, Albarran) voted affirmatively to deny; Cooney and Murphy voted against the motion).

SPECIAL CONSIDERATIONS (if applicable)

- The unenclosed Tea House measures approximately 14' in depth (the area to be enclosed) by 70' in length.

- Chapter 54 of the Palm Beach Code of Ordinance, Section 54-41, allows "the applicant or any interested party" to file an appeal to the town council within ten days of the Commission action. The appeal was filed in timely fashion.

- The Town Council, on January 9, 2013, approved a Special Exception with Site Plan Review Modification authorizing the structure to be enclosed. Despite that approval, local Code still requires that the Landmarks Preservation Commission specifically approve any COA application before changes can occur.

Attachments Broberg Appeal Submittal
LPC Presentation from February
Letters of Opposition
LPC Minutes of February 20, 2013

cc: Peter Broberg, Attorney
Landmarks Preservation Commissioners
Murphy & Stillings

COE BROBERG & AUSTIN LLP
ATTORNEYS AND COUNSELORS
223 PERUVIAN AVENUE
PALM BEACH, FLORIDA 33480

PETER S. BROBERG
KEITH C. AUSTIN, JR.

TELEPHONE (561) 655-5166
FACSIMILE (561) 655-0055

CHARLES FRANCIS COE
(1890-1956)
GUSTAVE T. BROBERG, JR.
(1920-2001)

February 22, 2013

Susan A. Owens,MMC, Town Clerk
Town of Palm Beach
360 South County Road, 2nd Floor
Palm Beach, FL 33480

Re: Certificate of Appropriateness #003-2013

Dear Ms. Owens:

Permit this letter to serve as Bethesda-By-The-Sea Church's (the "Church") appeal pursuant to Sec. 54-41, Code of Ordinances, Town of Palm Beach, Florida, of the Landmark's Preservation Commission's ("LPC") denial of the above-referenced application heard at the meeting dated February 20, 2013.

By way of background, the Rector and Vestry of the Church recognized the need for more meeting space and decided to pursue the enclosing and air conditioning of the "Tea House" in the Cluett Gardens. To accomplish this, a removable wall system was proposed. The LPC did not like the presentation made to it on behalf of the Church at it's January 16, 2013 meeting and deferred the project to their February 20, 2013 meeting. At that meeting a french door system was presented and the LPC voted to deny the project.

Mr. Feldkamp made the motion to deny the project because the "project as presented affects the historical value of the property negatively"; whatever that means. The vote to deny was 5-2.

There was testimony that the LPC's prior consultant, Jane Day, thought the project was meritorious and the Town's new consultant, Emily Stillings, visited the site and testified that there is ample precedent in Town for enclosing open landmarked loggias. So where is the clear and consistent decision making?

Mr. Strawbridge argued the "Tea House" emanated from Chinese/Japanese origins and should be used for meditative purposes and therefore left unenclosed. LPC's job is not to dictate how the "Tea House" is used. However, a book entitled "Historic Landscapes of Florida" compiled by University of Miami School of Architecture states the [Church's] "Tea Garden is a place of interaction and socializing . . . is a place for conversation and refreshment . . . in a Normandy style building . . . and the area reminds us that a memorial need not be only for solemn reflection and melancholy."

RECEIVED

2013 FEB 22 15:37 TWN CLERK

In reality, the "Tea House" is only a small part of the landmarked Church and grounds. All that is known about it is it was built around 1931; but who designed and built it is officially unknown. Historical value? However, though I have not seen it in print, I have been told that E. B. Walton may have been the designer and builder.

LPC's decision to deny the "Tea House" enclosure effectively precludes the Church from using this space for most of the year because it is not ventilated and is hot. Further, by not allowing wheelchair access, LPC is standing in the way of the mission of the Church which is being open and accommodating to all.

Accordingly, the Church is appealing to the Town Council of the Town of Palm Beach to reverse the decision of the LPC and approve the presentation as made on February 20, 2013. Please note, the Town Council has already approved the modification of the site plan at it's meeting held on January 9, 2013 (see Special Exception #4-2013 with Site Plan Review Modification).

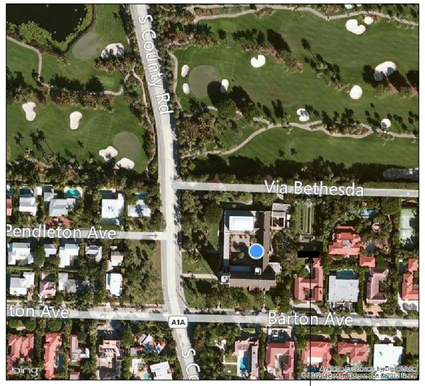
Thank you in advance for your consideration. Attached are the minutes of the January LPC and Town Council meetings for your review. The written minutes of the February 20, 2013 LPC meeting are not yet available; however, the audio recording of that meeting is available on the Town of Palm Beach website.

Sincerely,

Peter S. Broberg

PSB/amm
cc: Mayor and Town Council

psb1/P:\BETHESDA\Chancellor\Tea House\Zoning Application re Renvoations\APPEAL of LANDMARKS DENIAL\LT Town Clerk appeal of Landmarks denial of application.wpd



LOCATION OF RENOVATION

LOCATION MAP

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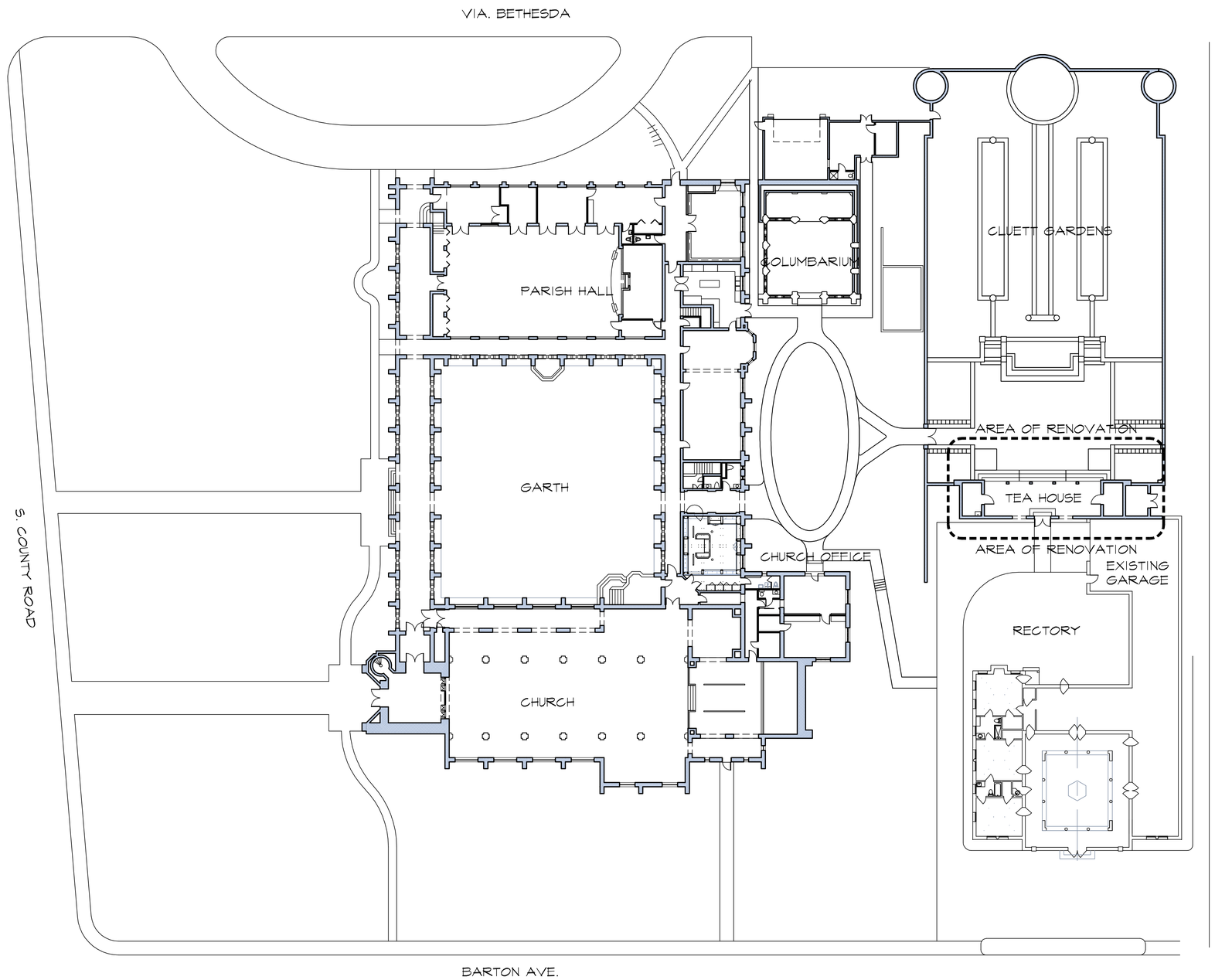

OVERALL CAMPUS PLAN

SCALE: 1" = 20'-0"

N

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RENOVATIONS TO THE TEA HOUSE
BETHESDA BY THE SEA EPISCOPAL CHURCH
PALM BEACH, FLORIDA
NO. SE4-2013 WITH SITE PLAN REVIEW

Consultant:

Sheet Title :
SITE PLAN

Scale : As Noted

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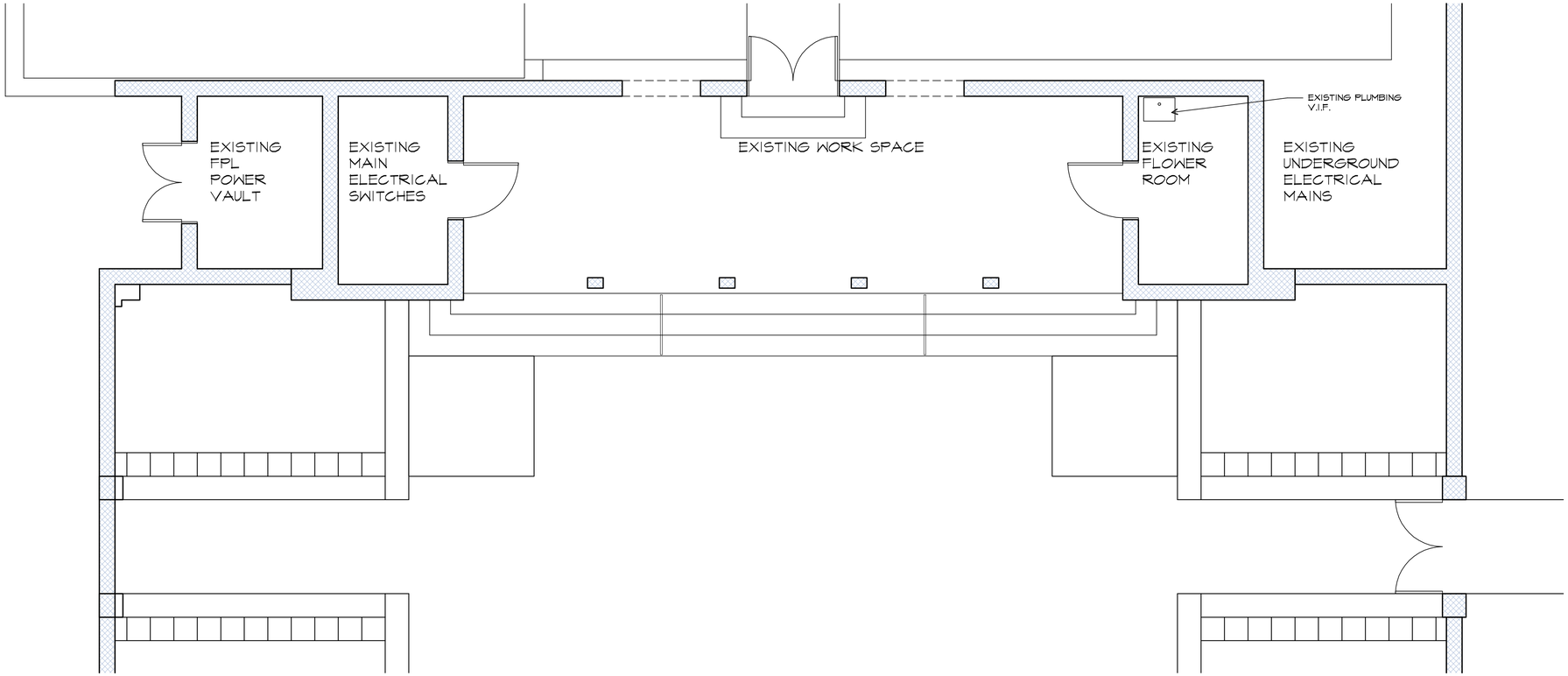
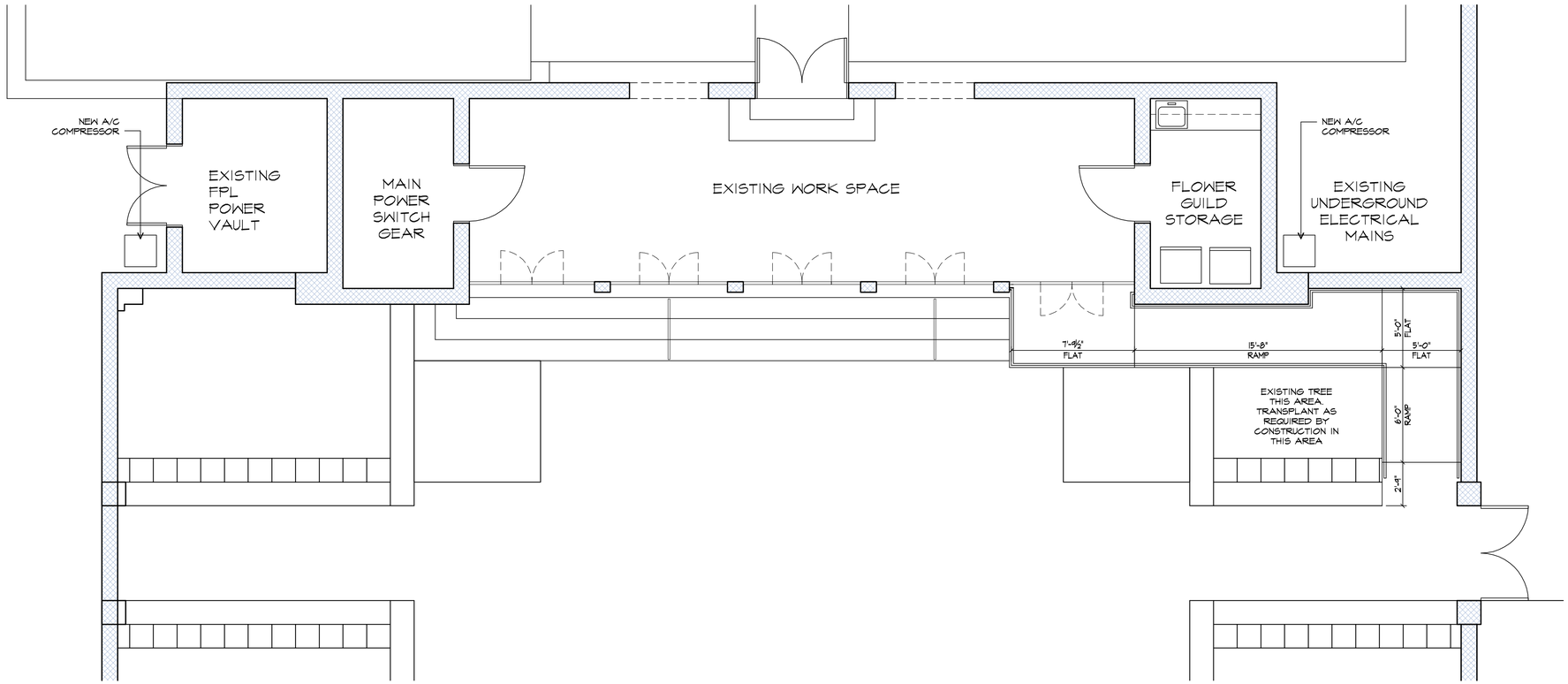
ASP-1



EXISTING TEA HOUSE PLAN

SCALE: 1/4" = 1'-0"



PROPOSED TEA HOUSE PLAN

SCALE: 1/4" = 1'-0"

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RENOVATIONS TO THE TEA HOUSE
BETHESDA BY THE SEA EPISCOPAL CHURCH
PALM BEACH, FLORIDA
NO. SE4-2013 WITH SITE PLAN REVIEW

Consultant:

Sheet Title :
FLOOR PLANS

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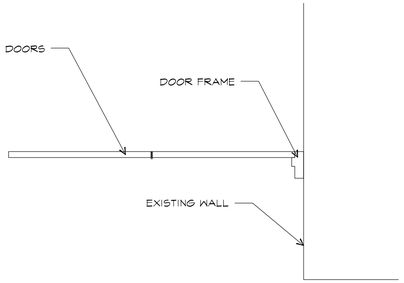
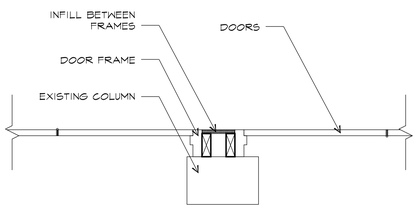


6 A-2 DOORS AT WALL
SCALE: 1" = 1'-0"



5 A-2 DOORS AT COLUMN
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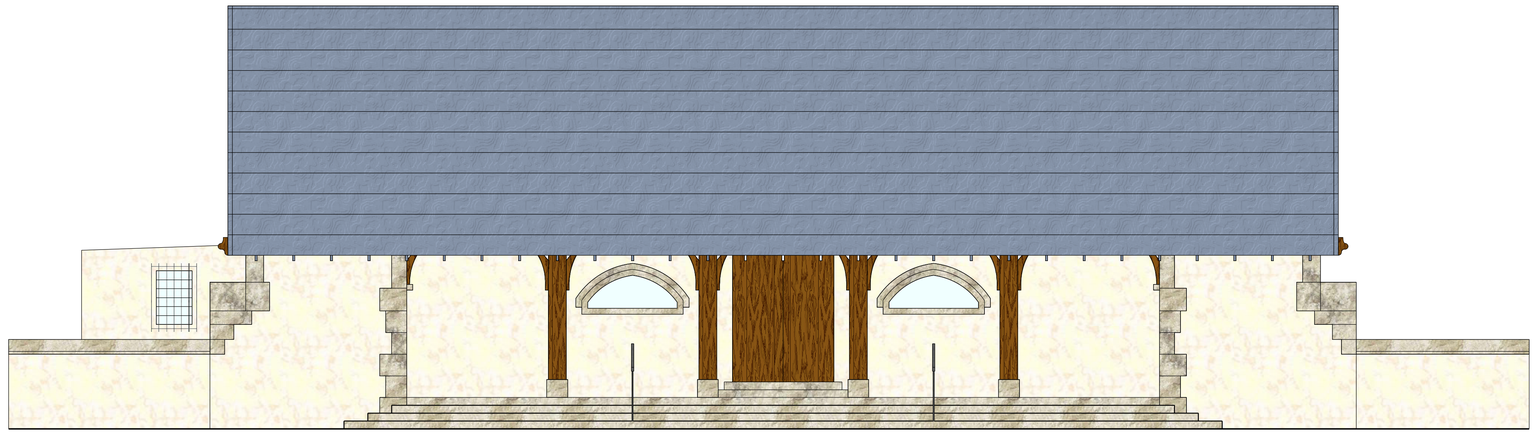
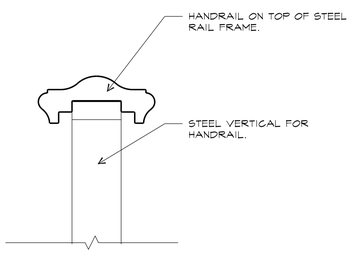


EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"



4 A-2 HANDRAIL PROFILE
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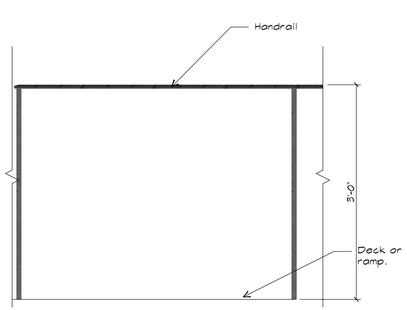
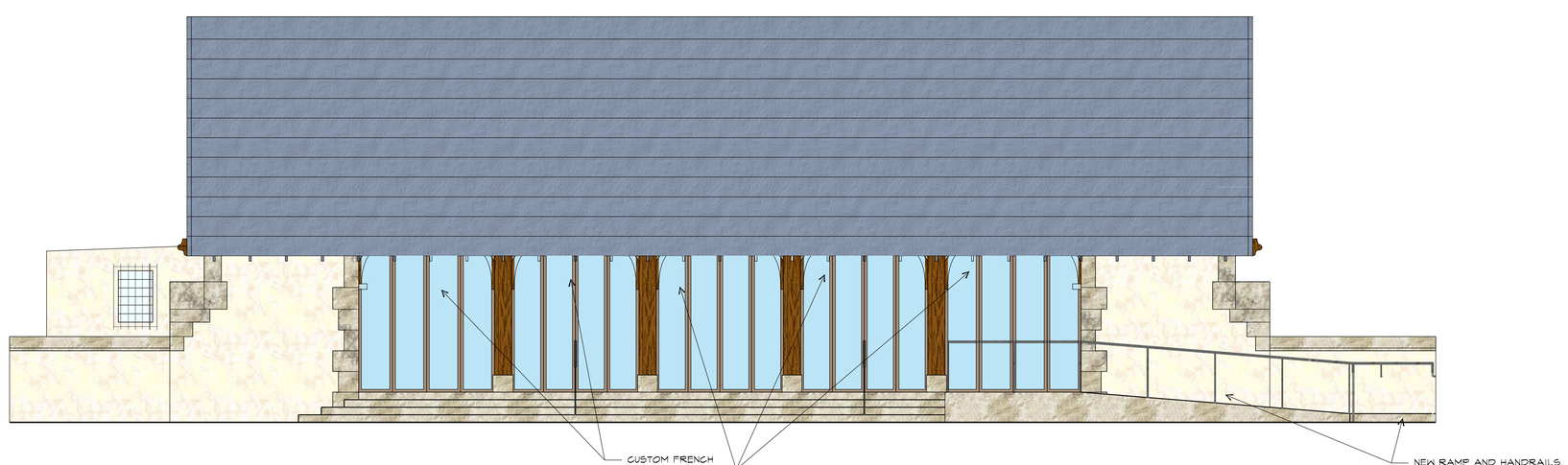


3 A-2 RAILING AT RAMP
SCALE: 1" = 1'-0"



PROPOSED FRONT ELEVATION - CUSTOM DOORS (CLOSED)
SCALE: 1/4" = 1'-0"

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RENOVATIONS TO THE TEA HOUSE
BETHESDA BY THE SEA EPISCOPAL CHURCH
PALM BEACH, FLORIDA
NO. SE4-2013 WITH SITE PLAN REVIEW

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FRONT ELEVATIONS

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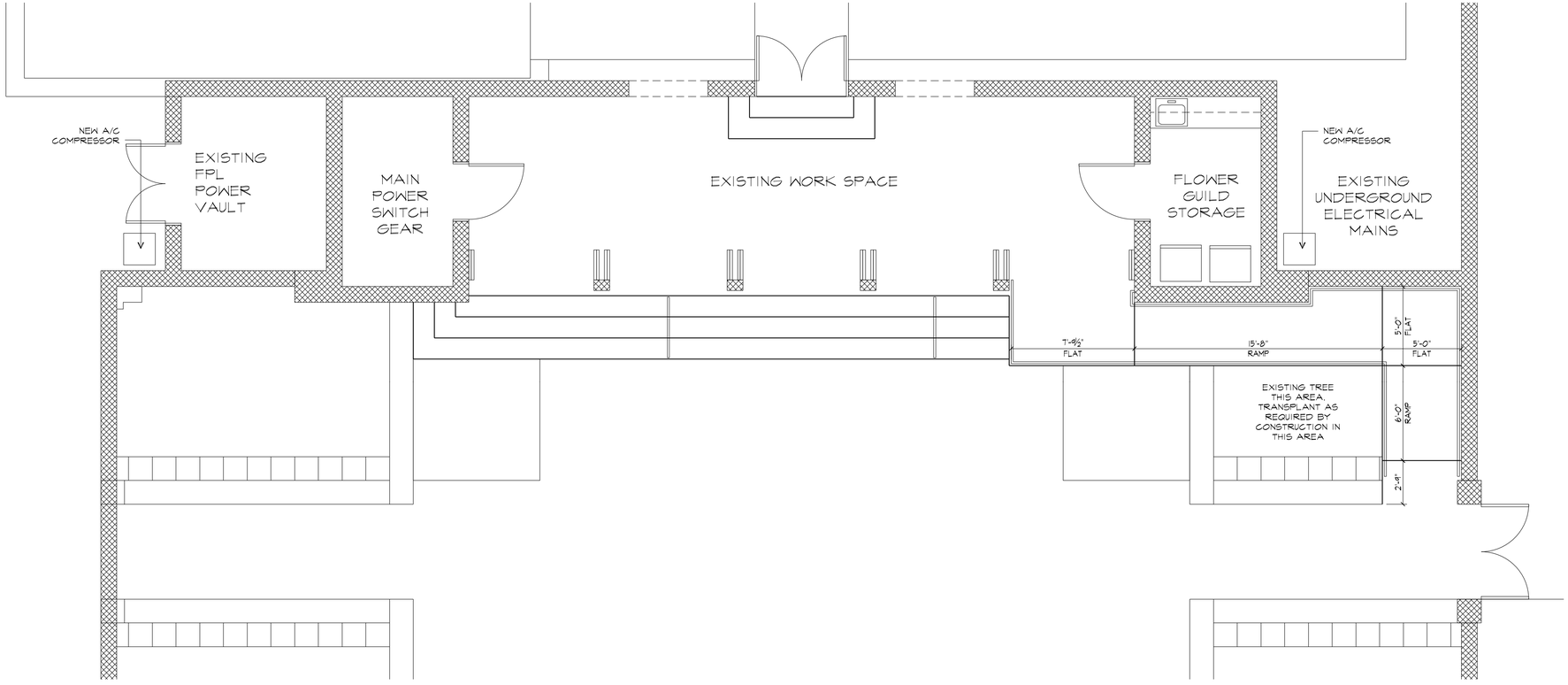
PROPOSED FRONT ELEVATION - CUSTOM DOORS - OPENED

SCALE: 1/4" = 1'-0"



PROPOSED FLOOR PLAN - CUSTOM DOORS - OPEN

SCALE: 1/4" = 1'-0"

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RENOVATIONS TO THE TEA HOUSE
BETHESDA BY THE SEA EPISCOPAL CHURCH
PALM BEACH, FLORIDA
NO. SE4-2013 WITH SITE PLAN REVIEW

Consultant:

Sheet Title :
PLAN AND FRONT ELEVATION - DOORS OPENED

Scale : As Noted

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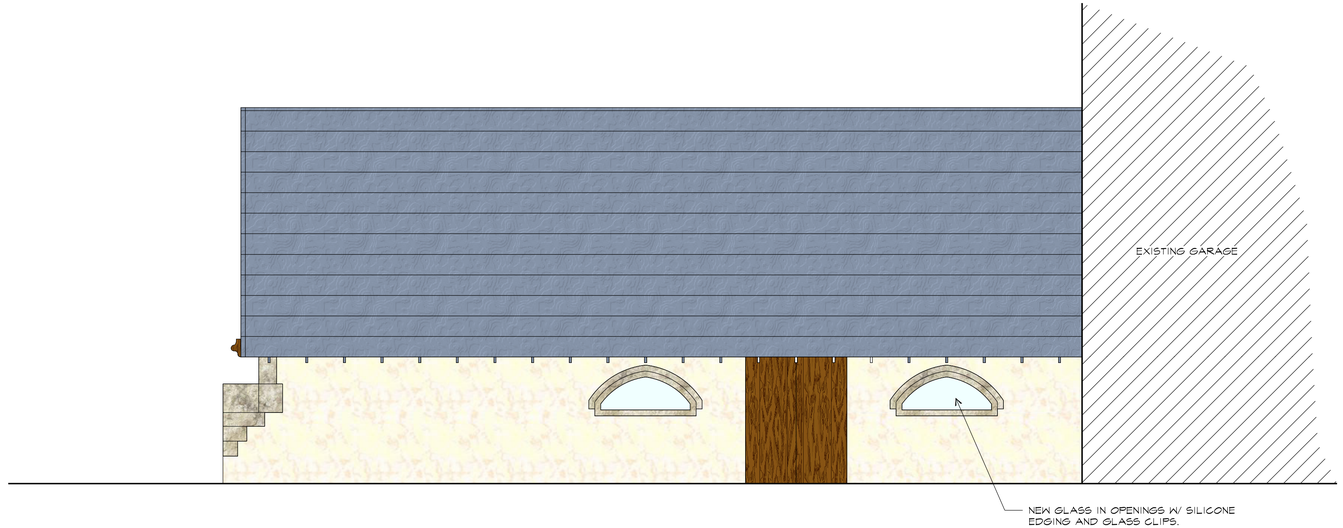


EXISTING REAR ELEVATION

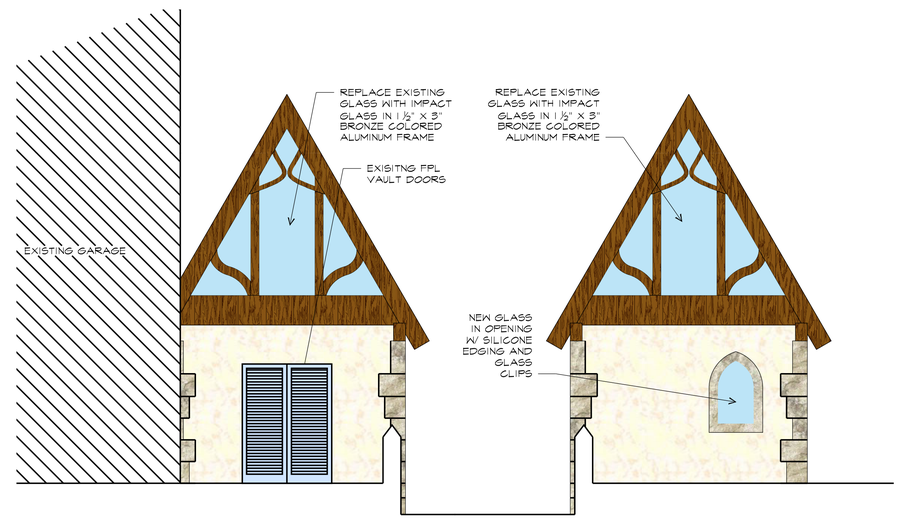
SCALE: 1/4" = 1'-0"

EXISTING WALL AT GARAGE - REAR

SCALE: N.T.S.

EXISTING GABLE - EAST WALL

SCALE: N.T.S.



EAST SIDE ELEVATION

SCALE: 1/4" = 1'-0"

WEST SIDE ELEVATION

SCALE: 1/4" = 1'-0"

EXISTING WALL - REAR

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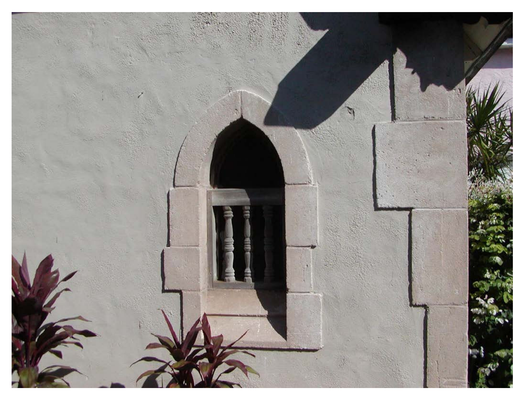

EXISTING WINDOW - EAST WALL

SCALE: N.T.S.

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Suite 100
West Palm Beach, Fl. 33405
Voice: 561 / 833-2268
Fax: 561 / 833-1963
Email: haplewis@bellsouth.net

RENOVATIONS TO THE TEA HOUSE
BETHESDA BY THE SEA EPISCOPAL CHURCH
PALM BEACH, FLORIDA
NO. SE4-2013 WITH SITE PLAN REVIEW

Consultant:

Sheet Title :
ELEVATIONS

Scale : As Noted

Revisions :

Comm:	Date :
----	3/27/07
Drawn : jcl	Checked : hll

Sheet No.

A-4

EXISTNG TEA HOUSE
SCALE: N.T.S.

EXISTNG TEA HOUSE
SCALE: N.T.S.

EXISTNG TEA HOUSE
SCALE: N.T.S.

EXISTNG GATE
SCALE: N.T.S.

EXISTNG GATE
SCALE: N.T.S.

EXISTNG GATE
SCALE: N.T.S.

EXISTING RAIL - TEA HOUSE
SCALE: N.T.S.

EXISTNG TEA HOUSE
SCALE: N.T.S.

EXISTING RAIL - KOI POND
SCALE: N.T.S.

Lewis + Associates
Howarth Lewis Jr. FAIA
AR 0003184
AA 0002250
Architectural + Planning

225 Southern Boulevard
Suite 100
West Palm Beach, Fl. 33405
Voice: 561 / 833-2268
Fax: 561 / 833-1963
Email: haplewis@bellsouth.net

RENOVATIONS TO THE TEA HOUSE
BETHESDA BY THE SEA EPISCOPAL CHURCH
PALM BEACH, FLORIDA
NO. SE4-2013 WITH SITE PLAN REVIEW

Consultant:

Sheet Title :
PHOTOGRAPHS AND DETAILS

Scale : As Noted

Revisions :

Comm.	Date :
----	3/27/07
Drawn : jcl	Checked : hll

Sheet No.

A-5

Fw: Bethesda teahouse
John Lindgren to: John Page, Cindy Delp 02/12/2013 10:49 AM

fyi below

John Lindgren, AICP
Planning Administrator
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
phone: 561.227-6414
fax: 561.835-4638
e-mail: jlindgren@townofpalmbeach.com

----- Forwarded by John Lindgren/PalmBeach on 02/12/2013 10:47 AM -----

From: johnblades@comcast.net
To: "edward cooney" <edward.cooney@gmail.com>
Cc: aives@palmbeachpreservation.org, council@townofpalmbeach.com
Sent: Friday, February 8, 2013 11:22:13 AM
Subject: Bethesda teahouse

Dear Mr Cooney et al:

I have been a member of Bethesda-by-the-Sea for over 30 years. I have just heard of the plan to enclose the teahouse for air conditioning purposes. Why? What is the need? Can the delicate structure sustain the weight of impact glass? By how many would this be used? Cost? I am very much OPPOSED and think it frivolous and unnecessary. Where would the A/C unit go? Noise from same? The Cluett Garden is now a tranquil space of beauty. Does everything have to be "updated"?!?

I thank you for your kind consideration.

Yours truly, Ann Blades (Mrs John W)
402 Seabreeze Avenue
Palm Beach 33480
655-6982

LANDMARKS PRESERVATION COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 S COUNTY ROAD, PALM BEACH

WEDNESDAY, JANUARY 16, 2013, 9:30 a.m.

Please be advised that in keeping with a recent 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 or may obtain an audio recording (CD) of the meeting by contacting Cynthia M. Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER: (9:33:07 a.m.)
Chairman Cooney called the meeting to order at 9:33 a.m.

II. ROLL CALL: (9:33:17 a.m.)

Edward Austin Cooney, Chairman	PRESENT
William P. Feldkamp, Vice Chairman	PRESENT
Dudley L. Moore, Jr., Member	PRESENT
Jacqueline Albarran, Member	PRESENT
William J. Strawbridge Jr., Member	PRESENT
Leslie Diver, Member	PRESENT
Elizabeth S. Murphy, Member	PRESENT
Jorge Sanchez, Alternate Member	PRESENT
Elizabeth Marshall, Alternate Member	PRESENT
Anne Fairfax, Alternate Member	PRESENT

Staff members present: John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, John C. Randolph, Town Attorney, Emily Stillings and Janet Murphy, Staff Historic Preservation Consultants, and Cynthia Delp, Secretary to the Landmarks Preservation Commission.

III. APPROVAL OF THE MINUTES OF THE DECEMBER 19, 2012 MEETING: (9:33:40 a.m.)
MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. MOORE, AND CARRIED UNANIMOUSLY.

IV. APPROVAL OF THE AGENDA: (9:33:50 a.m.)
MOTION BY MR. FELDKAMP FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MS. DIVER, AND CARRIED UNANIMOUSLY.

Under commission comments, it was recommended that the gate height be decreased and the fountain pool be increased.

MOTION BY MR. SANCHEZ TO ACCEPT COA-002-2013 AS PRESENTED, WITH A LOWER GATE AND THE OPTION FOR A LARGER POND (SIZE OF POND TO BE AT THE DISCRETION OF THE LANDSCAPE ARCHITECT AND THE OWNER.)
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #003-2013 (formerly CoA#038-2012)
Rehabilitation
Owner/Applicant: Bethesda-By-The-Sea Episcopal Church
Address: 141 South County Road
Architect: Lewis & Associates
Project Description: Renovation of the "Tea House" by enclosing it with a new moveable glass wall system; installation of fixed glass in south arched openings and gable ends; installation of air conditioning; installation of new handicap ramp; other associated changes as presented

Please note that this project had originally been on the November 2012 agenda, but the project was not heard at that time because it had been determined that Town Council approvals were necessary. At that time, the project was deferred from the November 2012 meeting to the January LPC meeting.

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

Ms. Marshall declared a conflict of interest with regard to this project and stated her reasons for same.

ARCHITECTURAL PRESENTATION BY: Hap Lewis, Lewis & Associates
ATTORNEY PRESENT: Peter Broberg for the applicant
OTHERS WHO TESTIFIED: Lory Volk

Mr. Broberg indicated that the Town Council approved the site plan review for this project. He turned the presentation over to Mr. Lewis. Both Mr. Lewis and Mr. Broberg explained that the church needs to utilize this space for various recurring needs, but the space is so hot that it is often rendered unusable. As such, the project would enclose the space with a moveable wall, Nana system, air condition the space, and include other changes as listed above.

Under commission comments, it was noted that only one elevation of the tea house was submitted; details of the installation were missing; and there was no information relative to the other openings on other facades. Of unanimous greater concern, however, was the general concept of the enclosure of the tea house. Commission members asked the applicant to seek other design alternatives to accomplish a cooled tea house, and to also include a relocated proposed ramp.

Lory Volk, member of Bethesda-By-The Sea Church, encouraged the LPC to work with this applicant to allow this landmarked structure to continue to flourish for existing uses and potential

uses. She maintained that the Nana wall system could easily be removed at some point in the future.

MOTION BY MR. STRAWBRIDGE TO DEFER THE PROJECT WITH THE PROVISO THAT THE APPLICANT COMES BACK AND EXPLORES OTHER SOLUTIONS FOR THIS SPACE INCLUDING PLACING THE RAMP AT THE REAR, AND SOME INVISIBLE WAY OF COOLING THE SPACE, EITHER WITH AIR CONDITIONING FROM THE TOP OR ROLL DOWN SCREEN, OR SOMETHING, SO WHEN YOU WALK IN THERE, AND YOU WALK AROUND, YOU CANNOT SEE THE SOLUTION THAT YOU WILL IMPLEMENT WHEN YOU NEED TO...IN OTHER WORDS, YOU DON'T HAVE TO LOOK AT NANA DOORS HIDING BEHIND THE CORNER.
MOTION SECONDED BY MR. SANCHEZ.
MOTION CARRIED UNANIMOUSLY.

There was some discussion relative to this project having been already approved by the Town Council prior to this LPC hearing. Staff responded that this was a site plan review, not the typical variance(s) review which would trigger a "combo" project review. Some members stated their desire to have more projects reviewed by the LPC first, prior to them moving on to the Town Council, even though they may not meet the criteria to be deemed a "combo" project.

E. Application for Certificate of Appropriateness #004-2013
Reconstruction
Owner: Sterling Palm Beach LLC/Sidney Spiegel, Trustee
Applicant: Sterling Palm Beach LLC
Address: 340 Royal Poinciana Way, Ste. 329
Architect: Glidden Spina & Partners
Project Description: Request approval for reconstruction which is further described as: Create a new entry with access from covered walkway that faces the interior courtyard. Replace existing storefront opening that consists of 3 fixed glass panels with single entry door at center and one fixed panel on both sides. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Keith Spina, Glidden Spina & Partners
OTHERS WHO TESTIFIED: Lory Volk, John L. Volk Foundation, Anita Seltzer, 44 Cocoanut Row

Mr. Spina, in light of the discussion held earlier in the previous item for the Royal Poinciana Plaza and with a desire to establish consistency at the Plaza, was prepared with a new sketch to be applicable for this Certificate of Appropriateness request, and one which should be substituted for the plans which had been submitted for this project. That new sketch was displayed on the Elmo projector for view by all. The commission was pleased with the sketched plan, and asked that the sketch be dimensioned.

Lory Volk, John L. Volk Foundation, stated that she was "shocked" to see another "on the fly" drawing being acceptable to the commission, and encouraged adherence to procedure. Commission members offered comments to explain and justify their determinations in regard to this project and other projects today. Anita Seltzer expressed concerns in concert with those of

VIII. PUBLIC HEARINGS: (10:23:08 a.m.)

A. Application for Certificate of Appropriateness #003-2013 (formerly CoA#038-2012) Rehabilitation
Owner/Applicant: Bethesda-By-The-Sea Episcopal Church
Address: 141 South County Road
Architect: Lewis & Associates
Project Description: Renovation of the "Tea House" by enclosing it with a new moveable glass wall system; installation of fixed glass in south arched openings and gable ends; installation of air conditioning; installation of new handicap ramp; other associated changes as presented

Please note that this project had originally been on the November 2012 agenda, but the project was not heard at that time because it had been determined that Town Council approvals were necessary. At that time, the project was deferred from the November 2012 meeting to the January LPC meeting. At the January meeting, a motion carried to defer the project with the proviso that the applicant comes back and explores other solutions for this space including placing the ramp at the rear, and some invisible way of cooling the space, either with air conditioning from the top or roll down screen, or something, so when you walk in there, and you walk around, you cannot see the solution that you will implement when you need to...in other words, you don't have to look at nana doors hiding behind the corner.

Call for disclosure of ex parte communication: Disclosures by several members

Let the record show that Ms. Marshall recused herself as she had previously declared a voting conflict for this project. Ms. Fairfax will be a voting member for review of this project.

ARCHITECTURAL PRESENTATION BY: Greg Lewis, Conkling & Lewis
ATTORNEY PRESENT: Peter S. Broberg, Attorney for the applicant
OTHERS WHO TESTIFIED: Reverend James R. Harlan, Rector, Page Lee Hufty, 340 Island Road, and Sharon Baldry, Lake Worth.

Mr. Broberg stated that the applicant listened to the concerns of the LPC as expressed last month and has revised the plans in response to those comments. He stressed the fact that meeting space at the church is in great demand as many groups utilize the church for meetings. Greg Lewis, instead of the original nana wall system, presented thin-lite French doors which fold back against themselves and tuck behind columns. The railings on the ADA ramp have been simplified. Mr. Feldkamp took issue to the ramp being referred to as the "ADA" ramp, and questioned Mr. Lewis in that regard. He responded that the ramp is not an ADA requirement, but the church has always, during renovations, made church property as accessible as possible. Rector Harlan stated that there is a church mandate to follow ADA requirements whenever possible as a moral and ethical obligation. Continuing with the presentation, Mr. Lewis stated that the doors hang on a very thin metal frame, (sample shown). Mrs. Albarran noted that the floor plan was not drawn correctly to accommodate the folding of the doors as presented.

Mr. Strawbridge stressed the importance of protecting the unobstructed relationship of the tea house with nature, and advocated for an "invisible" solution. Rector Harlan again stressed the need for more meeting space which is both habitable and accessible.

Mr. Lindgren read five (5) pieces of correspondence into the record, all objecting to the enclosure of the tea house: E-mail from Ann Blades, letter from Ms. Baldry, letter from Ms. Murdock, letter from Ms. Millo, and letter from Ms. Caruso.

Page Lee Hufty, 340 Island Road, stated that she is a long-time resident and member of the church's congregation, and fully supports the proposal to enclose the tea house.

Mr. Cooney was pleased with the change to bi-fold French doors, recognized the need for the ramp, and was also pleased with the simplified ramp handrail. He inquired as to whether this change could be undone. Mr. Lewis testified that there will be no track on the floor and the doors could easily be removed in the future if necessary. He added that the air conditioning will be placed on both sides of the tea house, in the work areas, with no exposed ductwork in the vaulted ceilings.

Other commission comments: Sympathize with the needs of the church, but this is not the space to be enclosed; by enclosing the space, the assembly space will be almost unusable unless the doors are closed; we have a mandate to protect historic properties; there is opposition to the project as evidenced by the letters read into the record; a great mistake; roll down screens and a metal removable ramp would be better; could not vote for it as is; what you are proposing negatively impacts the property; look for a less drastic solution; there are ways of doing it without enclosing it; these doors will be very visible; it will totally change this beautiful historic structure; measured change is a good thing; supports the ramp; explore more solutions for climate control; overall in support of the project; and, look for an invisible solution with a temporary ramp.

Mr. Broberg attempted to diminish the importance five (5) letters of objection when there are 900 families who are members of the church. In addition, the Rector and the church board unanimously support the project.

Sharon Baldry offered her comments in opposition to the proposal.

Emily Stillings, Staff Historic Preservation Consultant, commented that the new proposal is a better solution and can be removed in the future. It is also similar to other loggias which have been approved for enclosure by the LPC.

MOTION BY MR. FELDKAMP THAT THE LPC RECOMMEND TO THE TOWN COUNCIL THAT THE APPLICATION BE DENIED.
MOTION SECONDED BY MS. FAIRFAX.
Mr. Lindgren noted that no recommendation to the Town Council is necessary.
MOTION AMENDED BY MR. FELDKAMP RECOMMENDING DENIAL BECAUSE THE PROJECT, AS PRESENTED, WOULD AFFECT THE HISTORICAL VALUE OF THE PROPERTY NEGATIVELY.
MS. FAIRFAX SECONDED THE AMENDED MOTION.
MOTION CARRIED 5-2, WITH MR. COONEY AND MS. MURPHY OPPOSED.

Let the record show that there was a short recess at 11:17 a.m. The meeting resumed at 11:24 a.m.

PETITION

March 6, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

Matter: **Proposed alterations to Bethesda-By-The-Sea Tea House**

The following people object to the proposal by BBTS to alter the Tea House by installing a glass enclosure, ramp, air conditioning and refitting the turret with commercial refrigerators to house flowers.

1	2	
C. J. Crewe	S Baldry	
169 Atlantic Blvd. Apt. 103/4	1733 3rd Ave., N. Apt. 15	
Atlantis, FL 33462 561 965.6920	Lake Worth, FL 33460	
	561 582.7531	

PETITION

March 6, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

Matter: **Proposed alterations to Bethesda-By-The-Sea Tea House**

The following people object to the proposal by BBTS to alter the Tea House by installing a glass enclosure, ramp, air conditioning and refitting the turret with commercial refrigerators to house flowers.

92009

MINA HESTER	2154 CORTE CIPRO	LA COSTA, CA.

RECEIVED

2013 APR 26 14:22 TOWN CLERK

PETITION

March 6, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

Matter: **Proposed alterations to Bethesda-By-The-Sea Tea House**

The following people object to the proposal by BBTS to alter the Tea House by installing a glass enclosure, ramp, air conditioning and refitting the turret with commercial refrigerators to house flowers.

1 Marcia Conway	350 So. County Rd. Palm Beach, Fl	cell # 805-231-4788

RECEIVED

2013 APR 26 14:08 TWN CLERK

PETITION

March 6, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

Matter: **Proposed alterations to Bethesda-By-The-Sea Tea House**

The following people object to the proposal by BBTS to alter the Tea House by installing a glass enclosure, ramp, air conditioning and refitting the turret with commercial refrigerators to house flowers.

1	Carrie A. Blaffer		
2	Speedy Smith		
3	Daphne Spear		
4	[illegible]		
5	JP Vandenkoed		
6	[illegible]		
7	Diana Delema		
8	[illegible]		

RECEIVED
2013 SPR 06 24:02 TW CLERK

PETITION

MATTER: ***BETHESDA-BY-THE-SEA proposed alterations to the Tea House***

The following people object to converting the Cluett Gardens Tea House by installing glass (tinted) doors, air conditioning, access ramp (16' x 6'), and commercial refrigerators for use as a storage facility and work area primarily for the Flower Guild.

	NAME	ADDRESS	PHONE
1	Lauriel Gregory	5295 Hagler #20G WPB 33401	407.619.7520
2	Carlie Kanaty	309 BARTON Ave. P.B. 33480	561-832-5887

RECEIVED

PETITION

March 6, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

Matter: **Proposed alterations to Bethesda-By-The-Sea Tea House**

The following people object to the proposal by BBTS to alter the Tea House by installing a glass enclosure, ramp, air conditioning and refitting the turret with commercial refrigerators to house flowers.

1	Sarge Ben Smith	1172 N. Lake Way	Palm Beach
2	Sandra Papas	100 Lakeshore Dr. #1565 NPB	NPB
3	Patricia Warren	1050 Gator Ln WPB 33409	WPB.
4	Frances H. Sewell	Washington Rd.	WPB
5	Margaret BDmm	211 Kas Lin Rd	PB
6	Phyllis Goodner	134 Beverly Rd	West Palm Beach
7	Lucia Berthez	2216 Eden Rd	PB
8	Jane Varuso	1801 S. Flagler	WPB
9	Sally Bruder	117 Beverly Rd.	WPB

RECEIVED

2013 APR 26 14:22 TOWN CLERK

PETITION

March 6, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

Matter: **Proposed alterations to Bethesda-By-The-Sea Tea House**

The following people object to the proposal by BBTS to alter the Tea House by installing a glass enclosure, ramp, air conditioning and refitting the turret with commercial refrigerators to house flowers.

1	Carole B. Williams	2638 Crabapple Cir	Boynton Bch - 33436 - 561-732-4219
2	Judi Castellucci	2505 So. Ocean Blvd	401-286-4731
3	Otto Kraly	— " —	561 543-0541
4	Howard A. Sayer	246 Fairview Rd.	561 844 8079
5	[illegible]	1094 Via Verde W	561-370-4141
6	Kay Gregory	7516 W. Lake Dr	561 304 1586
7	GRADY SMITH	340 S OCEAN	561 659 3230
8	SONIA RIGESE	340 S OCEAN	" "
9	Kiryana Mill	2565 S. Ocean #218	310-871 9639

RECEIVED

2013 APR 26 14:22 TWN CLERK

PETITION

March 6, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

Matter: **Proposed alterations to Bethesda-By-The-Sea Tea House**

The following people object to the proposal by BBTS to alter the Tea House by installing a glass enclosure, ramp, air conditioning and refitting the turret with commercial refrigerators to house flowers.

my grandmother Started Sunday School at Bethesda Winefred Clarke, Anthony

1	Lucy Anthony	PO. Box 885	Palm Beach, FLA 33480
2	William P. Vandal	217 W. Inselid.	Palm Beach
3	Katherine Martin	1501 S Flagler Dr	W.P.B – 33401
4	Jane Baker	235 Coconut Row	Palm Beach
5	[illegible]	64 Via Mizner	"
6	Christy Foster	64 Via Mizner	P.B
7	INDIA FOSTER	345 Pendleton	P.B
8	Racel [illegible]	216 Garden Rd	PB

RECEIVED

2013 APR 25 14:22 TWN CLERK

PETITION

March 6, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

TOWN OF PALM BEACH
MAR 26 2013
Town Manager's Office

Matter: **Proposed alterations to Bethesda-By-The-Sea Tea House**

The following people object to the proposal by BBTS to alter the Tea House by installing a glass enclosure, ramp, air conditioning and refitting the turret with commercial refrigerators to house flowers.

Barbara V May	315 Solaire Dr. Palm Beach, FL	561 655-2219
Alice Z. Pannill (Kit)	4 South Lake Trail	561 833-2835
Kate Khosrowani	100 Sunrise Avenue	561 452 5883
Ellen Graham	248 Bahama Lane	561 842-8514
Wm. J. Pannill	4 South Lake Trail	833-2835
Margarita Vicente	1769 Forest Ave WPB	(561) 662 9478.
Renee Henderson	3765 Victoria Dr WPB	(561) 252-6924

Sharyn Baldry
1733 3rd Ave., N., Apt. 15, Lake Worth, FL 33460
e-mail: sharynb15@comcast.net phone: 561 582.7531

April 24, 2013

Ms Susan A. Owens, MMC, Town Clerk
Town of Palm Beach
360 S. County Road, 2nd Floor
Palm Beach, FL 33480

Dear Ms Owens,

RE: **Cluett Memorial Gardens & Tea House, BBTS proposed renovations**

I enclose items as follows to be read into the record regarding the above-captioned topic:

Petition signed by 40 local persons who object to any changes,
An original letter written by Anne Sory Keresey,
Copies of letters written by: David Cluett, Miryana Millo, Nancy Murdock, and myself previously submitted and
Copy of letter originally signed by Mrs. Helen Cluett, but withdrawn by grandson, David.

Thank you for your attention to these submissions with respect to the upcoming May meeting of Town Council to discuss the appeal of Father Harlan on behalf of Bethesda-By-The-Sea and the Cluett Memorial Gardens matter.

Yours truly,

Sharyn Baldry

Sharyn Baldry
Encl.

MRS. ANNE S. KERESEY
145 PERUVIAN AVENUE, #302
PALM BEACH, FLORIDA 33480

April 18, 2013

Dear Mr. Lindgren,

Although Father James Harlan is Bethesda by-the-Sea Church's Minister, that does not suggest in any way that the 900 plus in our congregation is behind him and his vestry in agreeing to the proposed transformation of the Cluett Memorial Garden's Teahouse to become an air conditioned building.

Some see a big necessity for this space to be air conditioned for meetings and I assume other small events. Surely there are other alternatives to provide meeting spaces. I suggest a thoughtful timing and scheduling to accomodate Church meetings and perhaps, if necessary, limit town meetings to other areas — out-reach for our Church can go just so far —

We have lived happily for many decades without the necessity of having to glass in and air condition the teahouse which is such a charming and natural addition to our lovely Cluett Memorial Gardens and for which the building was originally built and intended.

I was born and lived here off and on all my life and being in the vestry for years and in charge of the interior and exterior of the Grounds, I know every inch of the Church. Therefore, I feel sure the space problem can be solved without the Teahouse alteration, expense, and on-going air condition electrical bills.

Very truly yours, Anne Keresey

To Whom It May Concern:

In the interest of going on record regarding the proposed changes to the Tea House in the Cluett Memorial Gardens, I have been encouraged to reflect on the issue from the perspective of the Cluett Family. I am happy to speak for myself, and pass along the opinion of my Grandmother, Mrs. Willam Cluett.

The Cluett gardens were dedicated January 22, 1931, the same day the new church of Bethesda by the sea was consecrated. Miss Nellie A. CLuett, the daughter of Mr. George Bywater Cluett, and Amanda R. Cluett, game the gardens in the memory of her parents.[1] The Cluett family had been involved in the evolution of the Church since its earliest inception, on Lake Worth. Their contributions include among many things, the Bells, given by the family in 1927 in memory of the Rev. Joseph N Mulford and Mary Cluett Mulford, the founders of the first of Bethesda-by-the-sea beginning in 1889. [2]

My Grandmother, Mrs. William Cluett, and her late husband, were tirelessly involved in the continuation of the Cluett Family's tradition of involvement and giving to the church. Mrs. Cluett, soon to celebrate her 94th birthday has expressed to me that she is not pleased with the idea of altering the Tea House in any way that alters the exact intent of the original Architecture. She expressed that she thinks it should not be altered in any way that changes its appearance and its original purpose.

My personal thought is that a memorial in the churchyard is no less sacred, than ones you would find in any place where we honor the sprit of departed loved ones. We visit the columbarium to remember my grandfather, who we all dearly loved and often visit the gardens, where our forbears have passed to us as children the stories of their lives and deeds. Friends and family have told us stories across the years of the solace and peace they have found in the Gardens. It's purpose, as a place of quiet reflection, has been hitherto protected, and respected.

I recall being told by former clergy that the Gardens themselves were never used (or to be used) for any social or other large gathering out of respect for the place and sensitivity of the plantings themselves. (Slim Aarons photo shoot to the contrary!)

Regardless, It is reassuring that time has not diminished the beauty of the place, thanks to the evident care of the grounds staff... It seems that so much of what is familiar in our world is changed, removed, remodeled, re-purposed. In such a world, is nice to visit a place you may assume will remain unchanged forever as we can imagine forever.

David Grenfell Cluett Jr.

[1] History of the Episcopal Church of Bethesda-By-The- Sea 1889-1989, Katheryn E. Hall, M.A.

[2] Palm Beach Daily news "Bells of Bethesda" Sept 21 1992, Ann Stoddard Crook

XFINITY Connect

sharynb16@comcast.ne

+ Font Size -

Re: updated - Cluett Gardens proposed alterations

From : David Cluett <dgcjr@me.com> Tue, Apr 23, 2013 12:38 PM

Subject : Re: updated - Cluett Gardens proposed alterations

To : sharynb15@comcast.net

Mailed corrected and signed letter yesterday..Good luck!!!

Sent from my iPad

On Apr 22, 2013, at 11:24 AM, sharynb15@comcast.net wrote:

> That's just great, David. THX again.
>
> ----- Original Message -----
> From: David Cluett <dgcjr@mac.com>
> To: sharynb15@comcast.net
> Sent: Mon, 22 Apr 2013 15:21:01 -0000 (UTC)
> Subject: Re: updated - Cluett Gardens proposed alterations
>
> Id be happy to sign and send- i note some typos which need correcting anyway..
>
> Sent from iPhone
>
> On Apr 22, 2013, at 11:09 AM, sharynb15@comcast.net wrote:
>
>> David,
>> I just spent some time and have been able to convert your letter to a form that my computer can read, after all.
>> It is just the sort of history of the Memorial Gardens and BBTS which hopefully will be positive in persuading the Town Council to vote against any changes, I'm sure. It is an excellent plea to maintain the status quo.
>> I have printed it and will submit it to the Town Council on your behalf, altho' I think your signature on the letter should you mail it directly would be that much more effective and legal.
>> Thanks for taking the time and your co-operation, altho' it is still a disappointment that Mrs. Wm. Cluett's letter will not be submitted.
>> Sharyn
>>
>> ----- Original Message -----
>> From: David <dgcjr@mac.com>
>> To: sharynb15@comcast.net
>> Sent: Thu, 18 Apr 2013 18:31:16 -0000 (UTC)
>> Subject: Re: Cluett Gardens proposed alterations
>>
>> Sharyn-
>>
>> I am attaching a letter from myself, reflecting on the issue of the Tea House, including my recollection of my conversation with Helen on the issue...
>>
>> My Grandmother is of course, elderly and perhaps not up to considering all the issues that are part of this debate...She is, however, conservative and devoutly respectful of tradition. I am certain that if this issue were presented to her 20 years ago, she would be in lockstep with those of you who are opposed to any changes to these proposed changes.

I otherwise speak for myself and do not know the feelings of others of the Cluett family, who in any case may not be familiar with the issue as they live all around the planet these days... Helen and her Late Husband, my grandfather William, were lifetime residents of Palm Beach and very involved in the church, and civic affairs in general... as you know...

I hope my contribution can lend some perspective to the issue...

All the Best, Dave Cluett

March 4, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning, Zoning & Building Dept.
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Dear Sirs,

RE: **Cluett Gardens Tea House, BBTS proposed enclosure**

Bethesda-By-The-Sea enjoys historic heritage and significance that Palm Beach is proud of and the Tea House with its beautiful garden and coy pond is its inseparable addition.

Everyday our gardens attract many visitors who come and admire it. It is recommended as a 'must see' in every Palm Beach travel guide, travel magazine and on local websites. For those of us who belong to the Church, as well as for many Palm Beachers, the Tea House and Gardens represent a place where one can spend some quiet time meditating and praying and enjoying the beauty of the serene natural setting that gives us an incredible feeling of enjoyment and peace.

Perfect harmony of our Gardens was achieved by a great architect and given to us through the generosity of *Mrs. Helen Cluett, who objects* to the changes along with me and others. We fear that this harmony will be lost forever if we do not resist the temptation to change it. This small intimate world consisting of garden, pond and Tea House quietly exist in the backyard of our wonderfully elegant church greatly complimenting the architecture of BBTS.

Surely the need for more meeting space can be met elsewhere on the grounds, without destroying the existing *uniqueness* of the Tea House. To air condition it would only be necessary during the 'off season', during which time one would think there is little need for additional meeting space as a large portion of the congregation is out-of-town and the demand for space is at its lowest.

So, in my modest opinion, I think that the Tea House deserves to stay intact for the future generations who will come and enjoy it. If Europeans didn't respect their own historic heritage there would be no reason to travel to Europe, so let us show a little respect for our own local heritage, we don't have much of it, therefore it is worth fighting for the spaces we do have. Let us leave it as it is for future generations.

Sincerely,

Copy

Miryana Millo

Nancy Murdock
243 Brazilian Ave., Palm Beach, FL 33480

March 4, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department, Town Hall
360 S. County Road
Palm Beach, FL 33480

Dear Mr. Lindgren,

RE: **Conversion of Cluett Gardens Tea House, BBTS**

I have been an active member of BBTS since 1971 enjoying many programs of the Church and the Cluett Gardens in particular where I have been leader of the Ceramics Outreach Program for many years.

There is an expensive proposal being considered to convert the Tea House to a meeting space and a place for the Flower Guild to prepare and store flowers. It would require installation of a large commercial cooler, in place of the existing ceramics kiln, in order to accomplish this. This seems very impractical since the flowers would have to be carried a considerable distance, *outside* in all weathers. A ramp of 6' x 15'8" is now proposed to conduct the flowers, more than people, to the storage area. Much has been said about mold and mildew ruining the current air conditioned space used for this purpose. How is that going to change in the Tea House?

Many of the congregation, who have been kept in the dark, shared their dismay with me in learning of proposed changes to the Tea House, including Mrs. Cluett. All the diverse visitors who come to tour the grounds or have their (wedding) pictures taken or whose children stop to feed the Coy will be negatively impacted by these changes. We feel these revisions will utterly destroy the integrity of the Gardens. Being able to hold teas, conduct classes, and meetings out-of-doors in a sheltered area is unique not only to this space but all of Palm Beach. Installing dark glass doors and air conditioning require changes which would destroy the fundamental open air concept of the Tea House. The need for additional space is seasonal and the impact of the changes would not only be very costly in terms of dollars (roughly $200,000.00) but in terms of goodwill for generations to come.

There is validity in the true historic value of these premises. Something new always brings foreseen as well as unforeseen consequences which can't always be calculated in advance. Our feeling is that irreparable damage to the look and feel of the Tea House and Gardens will be done should your proposal be adopted and we ask that you abandon your current plans and look elsewhere to make amendments. A much more practical solution may be to convert the stage area in the Parish Hall.

Very truly yours,

copy

per Nancy Murdock

Nancy Murdock

RECEIVED

Sharyn Baldry
1733 3rd Ave., N., Apt. 15, Lake Worth, FL 33460
e-mail: sharynb15@comcast.net phone: 561 582.7531

March 4, 2013

Mayor and Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

Dear Mr. Lindgren,

RE: **Cluett Gardens Tea House, BBTS proposed renovations**

I am writing to protest the proposed alterations converting the existing space of Tea House in the Cleutt Gardens at Bethesda-By-The-Sea Church grounds, which is currently used for many purposes, not the least of which is for the Parish Potters group who meet weekly in season for half day workshops. If the changes occur the ceramics group will have their kiln replaced by large commercial refrigerators for housing flowers, therefore eliminating the functioning of this longstanding popular program.

Enclosing the Tea House with sliding glass doors (tinted) and air-conditioning the space would destroy the ambiance and historic heritage of the Gardens significantly. The great pleasure of the Tea House is the very fact that it is outside, sheltered by a roof, but still outside with an unobstructed view of the extensive Gardens and the Coy Pond. It is believed that if additional meeting space, or a place for the Woman's Guild to arrange flowers is necessary, it could be found elsewhere, such as the stage area in the Parish Hall, and not disrupt the very popular and *unique* Gardens. Bear in mind that the population of the Church varies dramatically by season and that air-conditioning and enclosing of this space would only be necessary in the 'off season' when it is too hot to sit outside in comfort. But, by virtue of the fact that it is off-season, the congregation would be so dramatically reduced that there wouldn't be a requirement for this additional meeting room. This meeting space is only 8' wide and that would be compromised by the glass doors when standing open.

The proposed disabled ramp, 6' x 15'8", is overkill and an eyesore. It is not required by code nor by law and is only needed to transport the huge quantities of flowers in and out of the renovated flower guild storage area of the Tea House for which these changes are designed.

I feel that the proposal would utterly ruin the integrity of the Tea House and I speak with the experience of having worked as an interior designer who understands their impact.

Sincerely

Sharyn Baldry

copy

Helen Cluett
Lourdes-Noreen McKeen, PH
311 S. Flagler Dr., West Palm Beach, FL 33401

March 6, 2013

Mayor & Town Council
c/o Mr. John Lindgren
Planning Department
360 S. County Road
Palm Beach, FL 33480

Dear Mr. Lindgren,

Bethesda-By-The-Sea has was erected in 1925. My gift of the Tea House, Gardens and Coy Pond has been enjoyed by countless numbers of people over the years who come to the Church seeking spiritual inspiration or uplifting. The Gardens fulfill that purpose quite adequately, I believe.

The intention was never for one specific group to benefit from my donation, rather that all people benefit equally. To now change that and purpose it for the use of the flower guild by installing sliding glass doors and an access ramp to convey flowers into an air-conditioned, refrigerated space completely defeats my concept. The proposed changes will alter the Tea House in an unsightly and incongruous manner.

I ask that my intentions be respected and that the Tea House remain in tact as originally built. Please exercise your authority to preserve the Cluett Gardens as they are in perpetuity.

Thank you in advance for your consider

Yours very truly,

Helen Cluett

Mrs Cluett in fact signed this letter but David Cluett took it and wrote under his signature.

J Baldry

BBTS Cluett Gardens planned renovation
Sharyn Baldry
to:
aives, cdelp, edward.cooney, Nancy murdock
02/14/2013 11:57 AM
Hide Details
From: "Sharyn Baldry" <sharynb15@comcast.net>
To: <aives@palmbeachpreservation.org>, <cdelp@townofpalmbeach.com>, <edward.cooney@gmail.com>, "Nancy murdock" <nankaylee@mac.com>,

1 Attachment

CluettGardensMiryana.rtf.wps

Attached for your consideration is an letter of objection written by Miryana Millo and sent from the computer of Sharyn Baldry, who typed this for me. I hope you will attend the meeting at 09:30, Wednesday, February 20th at Town Hall, to lend moral support to the people who object to the proposed changes. If we are to have a positive impact stopping the proposal, we must have as much support as possible. Thanks in advance.

for Miryana Millo

February 14, 2013

Planning, Zoning & Building Dept.
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Attn: *CINDY DELP*

Dear Sirs,

RE: **Cluett Gardens Tea House, BBTS proposed enclosure**

Bethesda-By-The-Sea enjoys historic heritage and significance that Palm Beach is proud of and the Tea House with its beautiful garden and coy pond is its inseparable addition.

Everyday our gardens attract many visitors who come and admire it. It is recommended as a 'must see' in every Palm Beach travel guide, travel magazine and on local websites. For those of us who belong to the Church, as well as for many Palm Beachers, the Tea House and Gardens represent a place where one can spend some quiet time meditating and praying and enjoying the beauty of the serene natural setting that gives us an incredible feeling of enjoyment and peace.

Perfect harmony of our Gardens was achieved by a great architect and given to us through the generosity of *Mrs. Helen Cluett, who objects* to the changes along with me and others. We fear that this harmony will be lost forever if we do not resist the temptation to change it. This small intimate world consisting of garden, pond and Tea House quietly exist in the backyard of our wonderfully elegant church greatly complimenting the architecture of BBTS.

Surely the need for more meeting space can be met elsewhere on the grounds, without destroying the existing *uniqueness* of the Tea House. To air condition it would only be necessary during the 'off season', during which time one would think there is little need for additional meeting space as a large portion of the congregation is out-of-town and the demand for space is at its lowest.

So, in my modest opinion, I think that the Tea House deserves to stay intact for the future generations who will come and enjoy it. If Europeans didn't respect their own historic heritage there would be no reason to travel to Europe, so let us show a little respect for our own local heritage, we don't have much of it, therefore it is worth fighting for the spaces we do have. Let us leave it as it is for future generations.

Sincerely,

Miryana Millo
Cc: Nancy Murdock, Leader of BBTS Outreach program, nankaylee@mac.com,
Kaki Holt, Palm Beach Post, fax: 832.7521, Ted Cooney, Chair, Landmarks Preservation Commission, Edward.cooney@gmail.com, Alex Ives, Director of the Preservation Foundation, aives@palmbeachpreservation.org

RECEIVED
FEB 12 2013
TOWN OF PALM BEACH
PZB DEPT

Nancy Murdock
243 Brazilian Ave., Palm Beach, FL 33480

February 8, 2013

Planning, Zoning and Building Dept.
Town Hall
360 S. County Road
Palm Beach, FL 33480

Attn: Cindy

Dear Sirs,

RE: **Conversion of Cluett Gardens Tea House, BBTS**

I have been an active member of BBTS since 1971 enjoying many programs of the Church and the Cluett Gardens in particular where I have been leader of the Ceramics Outreach Program for many years.

There is an expensive proposal being considered to convert the Tea House to a meeting space and a place for the Flower Guild to prepare and store flowers. It would require installation of a large commercial cooler, in place of the existing ceramics kiln, in order to accomplish this. This seems very impractical since the flowers would have to be carried a considerable distance, *outside* in all weathers, and up and down several stairs, to reach the Church. Much has been said about mold and mildew ruining the current air conditioned space used for this purpose. How is that going to change in the Tea House?

Many of the congregation shared their dismay with me in learning of proposed changes to the Tea House. All the diverse visitors who come to tour the grounds or have their (wedding) pictures taken or whose children stop to feed the Coy will be negatively impacted by these changes. We feel these revisions will utterly destroy the integrity of the Gardens. Being able to hold teas, conduct classes, and meetings out-of-doors in a sheltered area is unique not only to this space but all of Palm Beach. Installing glass doors and air conditioning require changes which would destroy the fundamental open air concept of the Tea House. The need for additional space is seasonal and the impact of the changes would not only be very costly in terms of dollars but in terms of goodwill for generations to come.

There is validity in the true historic value of these premises. Something new always brings foreseen as well as unforeseen consequences which can't always be calculated in advance. Our feeling is that irreparable damage to the look and feel of the Tea House and Gardens will be done should your proposal be adopted and we ask that you abandon your current plans and look elsewhere to make amendments. A much more practical solution may be to convert the stage area in the Parish Hall.

Very truly yours,

Nancy Murdock

Nancy Murdock

e-mailed to members & staff 2/12/13

Sharyn Baldry
1733 3rd Ave., N., Apt. 15, Lake Worth, FL 33460
e-mail: sharynb15@comcast.net phone: 561 582.7531

February 7, 2013

Planning Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480

RECEIVED
FEB 11 2013
TOWN OF PALM BEACH
PZB DEPT

Attn: **Cindy**

Dear Sirs,

RE: **Cluett Gardens Tea House, BBTS proposed renovations**

I am writing to protest the proposed alterations to the Tea House in the Cleutt Gardens at Bethesda-By-The-Sea Church grounds.

Enclosing the Tea House with sliding glass doors and air-conditioning the space would destroy the ambiance and historic heritage of the Gardens significantly. The great pleasure of the Tea House is the very fact that it is outside, sheltered by a roof, but still outside with an unobstructed view of the extensive Gardens and the Coy Pond. It is believed that if additional meeting space, or a place for the Woman's Guild to arrange flowers is necessary, it could be found elsewhere and not disrupt the very popular and *unique* Gardens. Bear in mind that the population of the Church varies dramatically by season and that air conditioning and enclosing of this space would only be necessary in the 'off season' when it is too hot to sit outside in comfort. But, by virtue of the fact that it is off-season, the congregation would be so dramatically reduced that there wouldn't be a requirement for this additional meeting room.

I feel that the proposed changes would utterly ruin the integrity of the Tea House and I speak with the experience of having worked as an interior designer who understands their impact.

Sincerely,

Sharyn Baldry

Sharyn Baldry

Cc: Nancy Murdock, 243 Brazilian Ave., Palm Beach, FL 33480 fax: 561 832.3636 phone: 346.3888

Planning, Building and Zoning Department
Town of Palm Beach

As a parishner of Bethesda-by-the-Sea for many years, I am concerned about the request to enclose the Cluett Gardens Tea House with glass doors. It seems that glass doors would affect the aesthetic beauty of the Tea House set in the beautiful gardens. The gardens and the Tea House were gifts of the Cluett family many years ago. If the Cluetts had intended for the Tea House to be enclosed, they would have done so. Their generosity should be respected.

The Tea House is a wonderful place to meditate and pray and enjoy the beauty of the surroundings and to hear the sounds of nature.

It is a part of the history of our community. Please let this building remain as it was intended to be.

Respectfully, Jane Carrico

RECEIVED
APR 17 2013
TOWN OF PALM BEACH
PZB DEPT

La Neil Gregory
529 S. Flagler Drive #20G
West Palm Beach FL 33401
Cell 407 619 7520 lngregory@aol.com

April 15, 2013

Mr. John Lindgren
Palm Beach Town Council
360 South County Road
Palm Beach FL 33480

Dear Mr. Lindgren,

As a visitor to Palm Beach for many years, one of the highlights of my visits were always the services at Bethesda, and the beauty of the church's campus.

I moved to Palm Beach County three years ago, and now am a regular attendee for several of the activities at the church.

I was astonished to learn that several members of the church (without congregation approval), had requested permission from the Landmarks Preservation Commission to enclose and air condition the Tea House.

The Tea House was constructed as a place of peace and meditation, overlooking the wonderful Cluett Memorial Garden.

The funds that are being project for this project will be much better utilized in maintaining the existing building and Garden.

With this proposal, I can't imagine a greater desecration from the original Tea House concept.

Please deny permission to this appeal.

Sincerely,

La Neil Gregory

Nancy Murdock
243 Brazilian Ave., Palm Beach, Fl 33480
e-mail nankaylee@mac.com 561 346.3888

RECEIVED
APR 16 2013
TOWN OF PALM BEACH
PZB DEPT

April 16, 2013

Mr. John Lindgren
Palm Beach Town Council
360 S. County Road
Palm Beach, Fl 33480

Dear Mr. Lindgren,

RE: **Bethesda-By-The-Sea - CLUETT MEMORIAL GARDENS and TEA HOUSE proposed modifications**

I have been a member of Bethesda-By-The-Sea since the '70's and a very active participant in a number of areas of the church for example, as chair/teacher of the outreach program "**Parish Potters".** There are a number of enthusiastic and talented people who enjoy this activity immensely. For many years I have paid for maintenance of the kiln, attending "kiln furniture", supplies, and the electricity the kiln uses.

The thought of glass-enclosing the landmark Cluett Memorial Gardens & Tea House, adding a 16'x6' ramp, air conditioning it and installing commercial refrigerators is unconscionable and violates the intention and design of the space and it is an unnecessary expense of approximately $300,000.00.

If there is a need for more meeting space there are other solutions. A survey conducted by several members reveals that the existing meeting rooms are invariably vacant 85% of the time and recommend programming meetings at alternate times to avoid congestion. Half of the year a large proportion of the congregation are at their alternate residences making additional space requirements unnecessary.

A front-page article published in the *Shiny Sheet* March 11, 2013 was the first occasion that many church members became aware of the impending changes. Several architects who are members of BBTS and other leading citizens have sent letters/e-mail to the Town Council and are signing a petition objecting to making any alterations whatsoever to the Cluett Memorial Gardens & Tea House. Mrs. Cluett and her grandson, David Cluett, have written objecting to having their donation to the Church destroyed.

I am appealing to you to exercise your authority to vote down the proposed changes to the Cluett Memorial Gardens & Tea House. Instead of destroying this treasured landmark let us save it in perpetuity for the benefit of all.

Yours very truly,

Nancy Murdock

Nancy Murdock

SAMUEL W. MEEK, JR.
255 Ridgeview Drive
Palm Beach, FL 33480

April 22, 2013

Mr. John Lindgren
Town Council
360 South County Road
Palm Beach, FL 33480

Dear Mr. Lindgren,

I am writing to protest the proposed transformation of the Bethesda Church Teahouse into an air-conditioned building. I have been a member and vestry man of Bethesda for over forty years.

We have several large air-conditioned rooms in the Bethesda complex for serving tea or having meetings. This change is unnecessary and destroys the beauty of the Cluett Gardens, next to which the Tea House is an architectural entity.

Yours truly,

Samuel W. Meek, Je.

cc: Mrs. Anne Keresey

RECEIVED
APR 29 2013
TOWN OF PALM BEACH
PZB DEPT

David Grenfell Cluett, Jr.
137 Round Hill Road
Greenwich, Ct. 06831

Mr. John Lindgren, Town Council
360 S. County Rd.,
Palm Beach, FL 33482.

April 22, 2013

To Whom it may concern:

In the interest of going on record regarding the proposed changes to the Tea House in the Cluett Memorial Gardens, I have been encouraged to reflect on the issue from the perspective of the Cluett Family. I am happy to speak for myself, and pass along the opinion of my Grandmother, Mrs. Willam Cluett.

The Cluett gardens were dedicated January 22, 1931, the same day the new church of Bethesda by the sea was consecrated. Miss Nellie A. Cluett, the daughter of Mr. George Bywater Cluett, and Amanda R. Cluett, gave the gardens in the memory of her parents.[i] The Cluett family had been involved in the evolution of the Church since its earliest inception, on Lake Worth. Their contributions include, the Bells or Chimes, given by the family in 1927 in memory of the Rev. Joseph N. Mulford and Mary Cluett Mulford, the founders of the first of Bethesda-by-the-sea dating to 1889. [ii]

My Grandmother, Mrs. William Cluett, and her late husband, were tirelessly involved in the continuation of the Cluett Family's tradition of involvement and giving to the church. Mrs. Cluett, soon to celebrate her 94th birthday, has expressed to me that she is not pleased with the idea of altering the Tea House in any way that alters the exact intent of the original Architect. She expressed that she thinks it should not be altered in any way that changes its appearance and its original purpose.

My personal thought is that a memorial in the churchyard is no less sacred, than ones you would find in any place where we honor the sprit of departed loved ones. My family visits the columbarium to remember my grandfather, who we all dearly loved and often visit the gardens, where our forbears have passed to us as children the stories of their lives and deeds. Friends and family have told us stories across the years of the solace and peace they have found in the Gardens. It's purpose, as a place of quiet reflection, has been hitherto protected, and respected.

I recall being told by former clergy that the Gardens themselves were never used (or to be used) for any social or other large gathering out of respect for the place and sensitivity of the plantings themselves. (Slim Aarons photo shoot to the contrary!)

Regardless, It is reassuring that time has not diminished the beauty of the place, thanks to the evident care of the grounds staff...

It seems that so much of what is familiar in our world is changed, removed, remodeled and re-purposed. In such a world, it is nice to visit a place you may assume will remain unchanged forever; as we can imagine forever.

Yours respectfully,

David Grenfell Cluett Jr.

---

[i] History of the Episcopal Church of Bethesda-By-The- Sea 1889-1989, Katheryn E. Hall, M.A.
[ii] Palm Beach Daily news "Bells of Bethesda" Sept 21 1992, Ann Stoddard Crook

Tempest in a tea house?

PALM BEACH DAILY NEWS, MARCH 11, 2013

Bethesda takes denial of enclosure plan to council.

By DAVID ROGERS
Daily News Staff Writer

The Episcopal Church of Bethesda-by-the-Sea is appealing a Landmarks Preservation Commission vote denying it permission to enclose and air-condition the tea house in the Cluett Memorial Garden.

The Town Council is expected to hear the church's appeal at its meeting on Wednesday, which begins at 9:30 a.m. in Town Hall.

The church's rector, the Rev. James Harlan, and its chancellor, Peter Broberg, had asked the board for approval to put a set of folding French glass doors on the front of the three-sided structure. Rather than using a door system on tracks, the church, after getting board feedback in January, proposed instead thin folding doors anchored to the walls of the building.

On Feb. 20, the landmarks board voted 5-2 to deny the project. Chairman Ted Cooney and Commissioner Elizabeth Murphy dissented.

Commissioner William Feldkamp, who made the mo-

Please see BETHESDA, Page A3

Landmarks panel rejected a plan to allow folding glass doors to enclose Bethesda's tea house.

Jeffrey Langlois / Daily News

BETHESDA

Rector denies congregation is divided over plan to enclose tea house

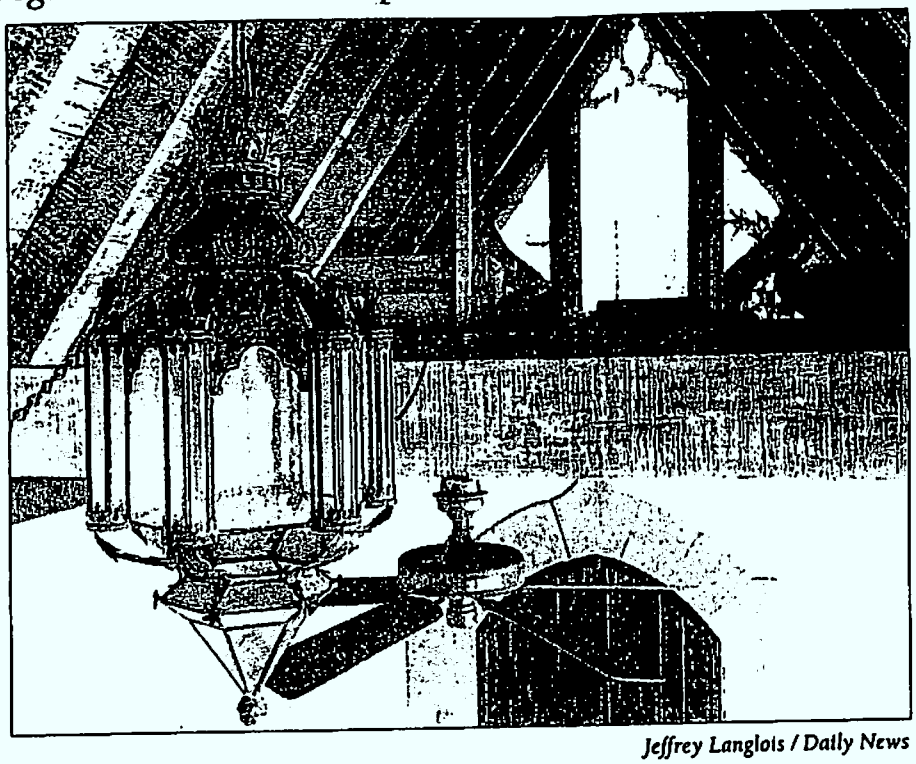
From Page A1

tion to deny, said the revised proposal did not go far enough to make the doors less apparent. Feldkamp also said the proposed change would negatively affect the "historical value" of the structure.

"If they'd like to come back with something that is not so much a cannon trying to kill a flea, I'd be happy to see them back," Feldkamp said.

Commissioner Jacqueline Albarran had suggested the church consider using roll-down shades and paddle fans to keep the space cool without enclosing it.

"To me when they are open, you can see those doors from all over. When they are closed, you can see those doors all over," Albarran said, referencing plan renderings.



Jeffrey Langlois / Daily News

The wooden tea house and fixtures have been open to the elements.

Feldkamp

Harlan

Sharyn Baldry of Lake Worth said the plan would remove the kiln used by a ceramics class. "There are a lot of people who feel as I do that this will be a negative impact on the garden," Baldry said. Ann Blades, a former landmarks board member, has, via email, urged the council to uphold the denial.

Harlan, Bethesda's spiritual leader since June 2011, said the church needs a space where smaller groups can meet for prayer, study and more. Many people do not want to use a space that is not air conditioned, he said.

Harlan said Feldkamp's assertion that the church is divided over enclosing the space is not accurate. "There is a small group that has not looked at the plans, who doesn't really want anything to change," Harlan said.

At February's landmarks meeting, Planning Administrator John Lindgren read a handful of letters from individuals opposing the proposal.

"Mr. Lindgren read four or five letters into the record, and we have 900 families that are members of this church," said Broberg, a town resident and attorney. "We have our rector wanting to do this, we have the vestry — 18 members that are in favor of this unanimously. It's not a divided church, and you can't let the mob rule."

Palm Beacher Page Lee Hufty, a member of the church for decades, said she supports the plan.

"There's a tremendous call for space in the church because of the reinvigoration of the church over the last two years," Hufty said.

On Jan. 9, the council approved a special exception with site plan modification that authorized the tea house to be enclosed. Despite that approval, the town code requires that the landmarks board approve any certificate of appropriateness application before changes can occur.

— drogers@pbdailynews.com

TOWN OF PALM BEACH

Town Council Meeting on: May 15, 2013

Section of Agenda

Appeals

Agenda Title

Appeal of Architectural Commission's Decision Regarding A-011-2013 (231 Kenlyn Road) by Robert Andrew Roddy.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated April 25, 2013 from John S. Page
- E-Mail Dated April 23, 2013 from John Page
- Letter Dated April 5, 2013 from Robert Andrew Roddy
- Application for ARCOM Review
- ARCOM Minutes
- Photograph of 231 Kenlyn Road
- Gago Product Sheet

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 15, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Planning, Zoning & Building Director

Re: ARCOM Appeal: Robert Andrew Roddy
231 Kenlyn Road
A-011-2013 / Change of Roof Material

Date: April 25, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council defer until June 12, 2013, the appeal filed by Robert Andrew Roddy, objecting to the March 27, 2013 ARCOM decision to deny his application for a "change of roofing material." Deferral is requested by the owner.

GENERAL INFORMATION

Mr. Roddy submitted an application (attached) to ARCOM for a change in roofing material at his single family home on Kenlyn Road. The roof is now covered with asphalt shingles in need of repair. Per his application, the project is described as: "Change of roofing material from asphalt shingles to a synthetic coating." His application included specifications for the intended product, "Gacoroof GR1600 Series." Mr. Roddy explained that he would like to remove the shingles and apply the silicone coating directly to the roof sheathing.

ARCOM members expressed their concerns about the appearance of the intended monolithic roof (not appropriate in a residential setting), and questioned its effectiveness in this climate (potential moisture and rot). The request was denied 6-1 (Zukov).

The Building Official has since determined that the proposed silicone coating, when used alone, is not an acceptable roof material. A Code-compliant roofing product must be applied to the roof; the proposed silicone could be applied on top of a Code-compliant roof if approved by ARCOM or by the Town Council on appeal. Mr. Roddy has been informed of this news, is now considering his roof repair options, and has requested that his appeal be deferred until the month of June.

Attachments

cc: Robert Andrew Roddy
ARCOM members
John C. Randolph, Esquire

Re: Pending ARCOM "roof" appeal
Robert
to:
JPage@TownofPalmBeach.com
04/25/2013 02:28 PM
Cc:
"JTaylor@TownofPalmBeach.com"
Hide Details
From: Robert <bobandrew2@comcast.net>
To: "JPage@TownofPalmBeach.com" <JPage@TownofPalmBeach.com>,
Cc: "JTaylor@TownofPalmBeach.com" <JTaylor@TownofPalmBeach.com>

Yes, let's move it to June.

Andrew Roddy

Sent from my iPhone

On Apr 23, 2013, at 2:47 PM, JPage@TownofPalmBeach.com wrote:

Mr. Roddy:

I'm writing out of concern for an upcoming deadline. The ARCOM roof appeal that you filed with this Dept. is scheduled to go to the Town Council for their consideration on May 15. This coming Friday, April 26, is an important deadline for this office. We are responsible for preparing all background material for the May 15 Town Council meeting and submitting it to the Town Manager on that date (just three days from now).

I'm very concerned that your appeal may be a waste of your time, effort and money. Why? As you know, our Building Official Jeff Taylor has reviewed your proposed roofing material (GACO silicone coating) and determined that it alone is not an acceptable finished roof material. In short, an approved roofing system must be applied before coating with your proposed material (something you indicated to ARCOM members that you **were not** intending to do).

I believe you have three options as follows:

1. Proceed forward with the appeal in May (not recommended in my opinion).
2. Send me an email note withdrawing your appeal. If done before this office begins to incur expense by preparing back-up materials relevant to your case for Town Council consideration, I can have your $320 appeal fee returned.
3. Send me an email requesting that your appeal be postponed until the June Town Council meeting so that you can continue to consider your options and future plan. If you select this option, I need a written record (email will suffice) because the Building Code requires that all appeals must be heard in timely fashion following submittal.
4.

Please let me know your intentions in the next 24 hours, or early Thursday morning at the latest. Thank you.

John Page
Director, Planning, Zoning & Building Department
Phone: 561-227-6405
e-mail: jpage@townofpalmbeach.com

RECEIVED
APR - 5 2013
TOWN OF PALM BEACH
PZB DEPT

April 5, 2013

Town Clerk, Town of Palm Beach:

On Wednesday, March 27, the Architectural Commission (ARCOM) heard my case (A-011-2013) regarding the change of materials request for my roof at 231 Kenlyn Road.
They denied my request for a change of materials.
The original material is asphalt shingles, which cannot be accurately repaired and cannot adequately protect my roof and my house in high winds, much less during a hurricane.
The new material would be a highly durable and long lasting white synthetic coating.
This coating would give my roof and my home the protection it requires, there are no other materials that would meet the requirements of my roof and my home.
I do not think ARCOM adequately considered the inherent dangers and subsequent liabilities if I am not allowed to adequately address the needs of my older home, specifically the integrity and structural needs of my home's roof.
If a windstorm should damage my roof, there would be significant damage to my home, as well as potential damage to my neighbor's homes, if my roof should be blown off and onto their homes.
Also, there is a significant danger to my life and to the lives of my neighbors, if my roof should be blown off in a windstorm and land on one of my neighbor's homes.
In closing, the material I selected will have a consistent long lasting look, will be easier to repair and maintain, allow me to enhance the integrity of my roof, and help provide a safer condition for me and my neighbors.

I hereby appeal ARCOM's Decision On March 27 to Deny My Request.

Sincerely,

Robert Andrew Roddy
231 Kenlyn Road

RECEIVED
2013 APR 5 14:22 TWN CLERK

A-011-2013

APPLICATION FOR ARCHITECTURAL COMMISSION REVIEW
(Please refer to attached Electronic Submission Instructions)

1. Project Address: 231 Kenlyn Road

2. Name of the Applicant: Robert Andrew Roddy
(If ownership cannot be verified through the Palm Beach County tax roll, a copy of the recorded warranty deed, or a signed notarized letter from the owner of record must be submitted with this application)
Address: 231 Kenlyn Road Telephone#: (561) 632-8378

3. Architect's name: (contractor may be used for minor jobs)
Phone #: Fax #: Owner's Rep: Phone #

4. Brief description of the project: (The exact wording in this section will appear on the ARCOM agenda. Please include a comprehensive summarized description of the project which describes the changes)
Change of Roofing Material From Asphalt Shingles To a Synthetic Roofing

5. Are there any Town Council approvals necessary to complete the project? YES OR (NO)
Please provide variance, site plan review, and/or special exception numbers:

6. Number of stories: 2 Roof material (type): Asphalt Const. Type: CBS ? Wood Frame Frame? Colors: Building: White Roof: White Trim: white Shutters: N/A
also, please provide the above information on the cover sheet of the ARCOM plans.

7. Signature: (property owner or owner's legally authorized agent*) Robert A. Roddy
***If signed by a legally authorized agent, must be accompanied by a Power of Attorney or statement from property owner authorizing the signer to sign on owner's behalf.**

☐ **Please check box if you are an ARCOM member, and this project will result in a Voting Conflict for you.**

(Please use the attached checklist to ensure that your application is complete. Incomplete applications may cause a deferral of the request. If you have any questions regarding the requirements, please call John Lindgren, at 227-6414 well in advance of the submission deadline.)

FEES:			
	Major projects:	$750.00	ck #
	Landscape/Hardscape/Site Lighting:	$750.00	ck#
	Minor projects (awnings, signs, fenestration):	$250.00	ck#
	Deferred projects:	no charge	

SUBMISSION DEADLINES: **(Please refer to attached electronic submission instructions)**
Major projects: - 30 days prior to the meeting, or as listed on the Town's Architectural Commission Meeting Dates and Filing Deadlines list available at www.townofpalmbeach.com
Minor projects: - Two weeks prior to the next scheduled meeting
Deferrals: - No later than one week prior to the scheduled meeting (with changes clouded)
Revisions: - No later than one week prior to the scheduled meeting (with changes clouded), together with a written narrative that succinctly details the changes made.

MEETING DATES: See attached schedule for meetings.

The Architect and/or Landscape Architect is advised that he/she will be responsible for inspecting the site prior to the issuance of a Certificate-of-Occupancy, that the as-built design matches the original ARCOM approved design, with the exception of other ARCOM or staff approvals.

RECEIVED
MAR 13 2013
TOWN OF PALM BEACH
PBZ DEPT.

Revised 12/7/2012

Mr. Janssen presented two colored renderings: one with the original color palette and one with the new color palette as listed above.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

A - 011 - 2013 Change of Roof Material
Address: 231 Kenlyn Road
Applicant: Robert Andrew Roddy
Architect: None
Project Description: Change of roofing material from asphalt shingles to a synthetic coating.

Call for disclosure of ex parte communication: Disclosure by Mr. Small

ARCHITECTURAL PRESENTATION BY: Robert Andrew Roddy, Property Owner

Mr. Roddy stated his opinion that asphalt shingle roofs and tile roofs are too prone to hurricane damage. As such, he proposed removal of the existing asphalt shingles from his home; replacement of the existing roof sheathing as needed, and then the application of a synthetic white silicon-based coating (GACO ROOF) to be applied in layers directly onto the sheathing. He showed samples of the coating and testified that it has a 50 year warranty.

Under commission comments: Aesthetically, every joint is going to show; being a monolithic material on a pitched roof that is visible, is not what we're after; this is not gas-pervious, so rot issues will be created.

Mr. Page stated that any permit for this work will have to satisfy Florida building code requirements. Plans Examiner and Acting Building Official (today), Bill Bucklew, testified that he had spoken with the Building Official, Mr. Taylor, regarding this product. The material is an elastomeric coating which is typically used on flat roofs. Any material which is applied to the roof must meet the Florida building code.

It was noted that the original roof on the house was done in asphalt shingles.

MOTION BY MRS. VANNECK TO DENY THE PROJECT BECAUSE IT IS NOT UP TO PALM BEACH STANDARDS, NOR WILL IT BE ATTRACTIVE, AND NOR WILL IT BE AN IMPROVEMENT TO THE HOUSE ITSELF.
MOTION SECONDED BY MR. SAMMAONS.
MOTION CARRIED 6 -1, WITH MR. ZUKOV OPPOSED.

XI. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE) (11:35:36 a.m.) None

XII. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (11:35:43 a.m.)

Mr. Zukov called attention to the change in the square columns at the hotel on Royal Palm Way. He stated that they appear small and asked staff to check on it.

Google earth

feet 10
meters 4

Product Data Sheet:

GacoRoof GR1600
March 2013
Supersedes 01/13

GACOROOF GR1600 SERIES
SILICONE COMPONENT SILICONE COATING

DESCRIPTION: GacoRoof is a single component elastomeric air dry silicone rubber coating that can be applied year round on properly prepared substrates. GacoRoof meets the requirements of ASTMD 6694.

GacoRoof GR1600 (white) meets the requirements for the Energy Star reflectance performance requirements for both low and high-sloped roofs and the requirements for the Cool Roof Rating Council. GacoRoof GR1600 (white) meets solar reflectance and thermal emittance requirements for: the 2012 International Energy Conservation Code (IECC); the ASHRAE 90.1 Energy Standard for Building Except Low-Rise Residential Buildings; and the California Building Energy Efficiency Standard CEC-400-2008-001-CMF, as adopted as Part 6 of Title 24.

This product is list by Underwriters Laboratory.

Available in SCAQMD compliant versions.

USAGE: GacoRoof is designed as a protective coating to seal and repair existing roofs and permanently protect against leaks, permanent ponding water, and the damaging effects of severe weather.

LIMITATIONS: Surface coverage varies. GacoRoof application over tar and gravel may require multiple coats to create a seamless membrane.

COLOR: GR1600 White, GR1628 Gray, GR1626 Green, GR1670 Light Tan, GR1671 Rustic, GR1672 Medium Blue, GR1673 Black, GR1674 Brown, GR1675 Red

APPLIED PRODUCT DATA

WEATHERABILITY: Excellent durability, color stability and chalk resistance.

CHEMICAL RESISTANCE: Excellent chemical resistance.

TENSILE: ASTM D-412

Strength:	300 psi (3.31 MPa)
Elongation:	150%
Permanent Set At Break:	≈1%

TEAR RESISTANCE:	ASTM D-1624 DIE C	32 lb/inch
HARDNESS:	ASTM D-676	50 Shore A
WATER VAPOR PERMABILITY:	ASTM E-96 Method B, 100% R.H. difference	0.06 perms-inches

FLAMMABILITY:	ASTM E-108 (UL-790)	Class A
ADHESION:	Bonds to sprayed polyurethane foam, tar and gravel, modified bitumen, aged asphalt, built-up, cap sheet, fiberglass, composite, concrete, metal, torchdown, aged EPDM rubber and TPO on flat or sloped roofs.	
REFLECTANCE:	ASTM E-903 (GR1600 White Only)	85%
EMITTANCE:	ASTM E-903 (GR1600 White Only)	88%

PACKAGED PRODUCT DATA

COVERAGE:	1110 Sq. Ft./Gal/Mil (27.2 Sq. Meters/Liter/0.025mm)	
APPLIED COVERAGE:	100 Sq. Ft./Gallon (9.3 Sq. Meters/3.8 L) to yield 11 dry mils on a smooth surface. Coverage rate may decrease on textured surfaces, and more coating will likely be used on first coat than on additional coats. Smooth roofs can be completed in 2 coats, lightly textured surfaces often require 3 coats, and heavily textured surfaces may require 4 coats to achieve a final 22 mil film build.	
SOLIDS:	Weight: Method 4041 Fed. Std. 141 Volume:	80% ± 1% 69% ± 1%
V.O.C:	Volatile organic compounds content ≤240 g/L SCAQMD compliant version is 32.2 g/L	
FLASH POINT:	ASTM D-56	102°F (39°C)
STORAGE STABILITY:	Three years from date of manufacture when stored in unopened containers between 40°-85°F (4°-29°C).	

APPLICATION

PRIMER:	None normally required. If roof has been patched with any asphalt or black tar-like products within the last 12 months, a coat of GacoFlex E5320 2-Part Epoxy Primer/Filler is recommended to prevent bleed-through staining on the final coats. To verify adhesion, use the GacoRoof AdhesionTestKit, which provides results in just 24 hours. If the test reflects poor adhesion, prime all surfaces with GacoFlex E5320 2-Part Epoxy Primer/Filler according to label directions.
MIXING:	Mix before application to assure uniform color and consistency. Power mixing is recommended for quantities greater than 1 gallon (3.8 L).
APPLICATION:	Apply by brush or roller as received. For cold weather application, keep material stored above 65°F (18°C). Ensure that previous applications of GacoRoof are clean, dry and well cured before recoating.
CLEAN UP:	Application tools and equipment can be cleaned with GacoFlex Silicone Solvent or 100% Pure Mineral Spirits. DO NOT USE WATER OR RECLAIMED SOLVENTS.
MAINTENANCE:	Once a container of GacoRoof is opened, the curing process has started. Use the entire product on your project if possible. Allow any remaining product in the container to solidify and dispose of in the proper manner. Roof structures may settle over time. A periodic inspection of your roof, which includes transition

areas, flashing, vents and skylights, is recommended. Keep drains cleared at all times. Roofs become slippery when wet. Use extreme caution. Do not recoat GacoRoof with acrylic, urethane or Hypalon® coatings. Recoat cleaned GacoRoof only with more GacoRoof.

DRY TIME: Allow the first coat to dry for 3 to 12 hours. Apply second coat as soon as the first coat can be safely walked on.

CAUTION: GacoRoof contains solvent and is combustible. Keep away from heat, sparks and open flame. Avoid prolonged breathing of vapors and prolonged or repeated skin contact. Use only with adequate ventilation.

The Last Roof You'll Ever Need...

If your roof is having trouble standing up to the elements, it's time for GacoRoof Silicone Roof Coating. GacoRoof offers long-term waterproofing protection in a bright white reflective silicone coating. Until now, the only choice for flat roofs were temporary fixes with acrylics which can erode from the sun and rain in 3 to 5 years. Finally, with GacoRoof, building owners can coat their roofs with the same long-lasting waterproof coating that professional contractors rely upon.

- 50-year limited warranty
- Waterproofing in a day
- Application to virtually any roof
- Reduces energy costs
- The ONLY 100% silicone roof coating

  - Aged Asphalt
  - Tar & Gravel*
  - Modified Bitumen
  - Built-Up
  - Cap Sheet
  - Fiberglass
  - Composite
  - Concrete
  - Metal
  - Torchdown
  - Aged EPDM rubber & TPO†
  - Sprayed Polyurethane Foam
  - Most Existing Coatings
  - Low-Pitched Roofs
  - Flat Roofs
  - Mobile Homes
  - RVs & Campers

*Tar and gravel may require multiple coats to create a seamless membrane. Surface coverage varies.

†EPDM & Aged TPO may require primer. Verify adhesion with a GacoRoof AdhesionTestKit.

GacoRoof is the only coating on the market that stands up to permanent ponding water without bubbling, peeling or breaking down. GacoRoof Silicone will stay flexible and maintain adhesion, even under permanent ponding water

or snow pack.

And, GacoRoof does not require a recoat every 3 to 5 years. Do it once and you're done.

Please note: Only use GacoRoof Colorant with GacoRoof White. Maximum 1 can of Gray (8 FL OZ) per 5 gallons of GacoRoof White. Universal colorants are not compatible with GacoRoof.

Give your roof the silicone advantage.

Roof coatings made with acrylics, urethanes or asphalt soften under the stress of ponding water or snowpack. Eventually, these roof coatings will bubble and peel away from the substrate, leaving your roof vulnerable to leaks, rot, and decay. However, GacoRoof's 100% silicone formulation is designed to stand up to whatever the elements dish out.

- Silicone will withstand areas of ponding water without softening, bubbling or peeling from the substrate. Acrylic, urethane and asphalt roof coatings decompose and wear away from the stress of harsh sunlight, UV rays, and freeze-thaw cycles.
- Silicone's unique chemistry creates a coating that will not degrade under ultraviolet light or from weather conditions. Silicone is an inert material, and does not decompose. As acrylic and urethane coatings age, they become dirty and stained from exposure to blowing debris, dust and dirt. The coatings require recoating to maintain a clean appearance.
- The smooth surface of GacoRoof silicone roof coating offers excellent resistance to mold, mildew and staining and does not require recoating.
- GacoRoof's reflective white surface resists ozone and UV rays.

No experience needed to apply.

You don't need a professional roofer to deliver this high level of protection. GacoRoof was designed with the homeowner in mind, and we've formulated it to be as easy to apply as it is tough.

- No special equipment required — just roll it on.
- Accessory products, such as patching compound, fabric, sheeting, primer and basecoat — not required.
- Won't freeze during storage.
- Can be applied over a wide temperature range (32°F to 120°F)
- Two coats of GacoRoof and you're done!

GacoRoof is Good for the Environment.

GacoRoof's versatility and reflectivity has a positive impact on the environment. GacoRoof's ability to adhere to a wide array of substrates often eliminates the need for costly "tear offs" of existing roofing material that all too often needlessly end up as landfill. GacoRoof's high degree of reflectivity also helps the environment by keeping our cities cooler by reducing the growing problem of "Heat Island Effect". Dark materials absorb and retain heat from the sun. GacoRoof reflects the sun's rays. In the sun a black surface can be as much as 70 degrees Fahrenheit or 40 degrees Celsius warmer than a white/reflective roof. When many dark or black roofs along with asphalt parking lots and streets are crowded together in a city the temperature phenomenon known as the "Heat Island Effect" occurs. The term "Heat Island Effect" refers to urban air and surface temperatures that are higher than nearby rural areas. Many U.S. cities and suburbs have air temperatures up to 10 degrees Fahrenheit (5.6 degrees Celsius) warmer than the surrounding natural land cover.

To get in touch with a Gaco product expert, use our contact form.

Gaco Western | PO Box 88698 | Seattle, WA 98138 | (866) 422-6489

TOWN OF PALM BEACH

Town Council Meeting on: May 15, 2013

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction Work, at 1045 South Ocean Boulevard Per Letter Dated April 19, 2013, from Jeffrey D. Brasseur and Dan Borislow.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated April 23, 2013 from John S. Page
- Letter Dated April 19, 2013 from Jeffrey D. Brasseur and Dan Borislow
- Letter Dated April 18, 2013 from John S. Page
- Letter Dated February 22, 2013 from Jeff Taylor
- Photograph of Home at 1045 South Ocean Boulevard

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 15, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Planning, Zoning & Building Director

Re: Borislow Residence: 1045 South Ocean Boulevard
Building Permit Extension Request

Date: April 23, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request of Daniel Borislow, allowing open building permits at 1045 South Ocean Boulevard to extend another 30 days beyond their expiration of May 14, 2013. If such a request is approved, the Council should also determine if an optional Town fee should be levied and whether any neighborhood mitigation measures should be imposed.

GENERAL INFORMATION

Mr. Borislow obtained a building permit for window replacement on July 31, 2008. Time limitations did not apply to that improvement because the total value of work was less than $250,000. The owner continued to apply for and receive additional permits in incremental fashion (roofing, mechanical and electrical updates, flooring, etc.), prolonging a final completion date. Contractors at the site have repeatedly assured staff that work was progressing in logical fashion and that the total project was nearing completion.

Staff, growing increasingly concerned about the length of time that has lapsed since renovations were begun in 2008, reviewed the history of permits issued to the property and concluded that the cumulative value of individual improvements surpassed the $250,000 threshold on January 12, 2012. In order to bring the project to conclusion, the Building Official notified the owner on February 22 of this year (letter attached) that all construction permits at the address would expire in 60 days (April 22, 2013) and that any extension request beyond that time would require Town Council approval. That directive prompted an ongoing surge in workmen and activity at the site.

Mr. Borislow met with Building Official Jeff Taylor and me on April 18, explaining that despite his best efforts to finish by April 22, he would need two additional weeks to finish all home improvements. He asked for administrative approval to do so. The Department's response of April 18 is attached. In short, Mr. Borislow was directed to submit a time extension request to the Town Council for consideration on May 15. Rather than stopping all work activity and

subjecting the owner to a lapse of 23 days (between April 22 and May 15), he was allowed to continue work and strongly urged to complete all repairs before the Council meets on May 15. If he achieves that goal no later than May 14, staff will advise the Council to remove the item from the agenda and closure/compliance will have been achieved. If Mr. Borislow fails to complete by that time, the Council will have broad discretion in determining how compliance can be best achieved (Code options follow).

The Town's Building Code specifically addresses the issue of building permit time extensions. The owner's request is required to include 1) reasons for the necessity of granting an extension of time, 2) a revised construction schedule, 3) proposed nuisance mitigation measures, and 4) a statement that notice to neighbors within 200 feet will be provided at least twenty-five days prior to the Town Council hearing. The attached request from Mr. Borislow addresses each of these items. The Code continues to read:

> "In the event the Town Council determines that good cause is not shown for granting the extension, the Council may deny the extension. In the event the Town Council grants an extension, it may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the Council and the imposition of a fee as established by resolution for each day of the extension beyond the term set forth in the above stated construction schedule."

It is apparent, based upon statements from the owner as well as verification from Town building inspectors, that the project is very close to completion. The time history of this home improvement, however, has convinced staff that "hard rules" must be clearly defined and implemented. Town Code and Resolution allow the Council to impose a daily fee for building projects that extend beyond their expiration date. The fee in this instance is 10 cents per square foot per day, but not less than $500 daily. If not completed by May 14, the 10,924 square foot structure would be subject to a daily fee of $1,092.40. The owner clearly communicated to staff on April 18 that he needed two weeks to reach completion. If that holds true, the project will be "finaled" before the Town Council meets on May 15. In the event, however, that the owner still has not completed by May 14, the Town Council should give serious consideration to full imposition of the permissible $1,092.40 daily fee ($500 minimum) which will toll until such time that all home improvements are finished.

SPECIAL CONSIDERATIONS

Though not germane to the issue of timely completion, the owner appeared before ARCOM on March 27 this year requesting additional changes to the home's exterior, driveway, and front landscaping. ARCOM members, aware of the Town's directive to finish improvements by April 22 of this year were critical of the proposal at hand and were skeptical about the owner's ability to complete any additional changes in the timeframe as prescribed. The application was denied.

The structured time frames that spell out permissible construction windows in Town Code are intended to protect neighboring properties and the public at large from projects that linger longer than necessary. The 36 month limitation for this project did not apply from the beginning because the initial permits were minor in scale. A proposed ordinance change, approved by ORS

yet still pending final Council approval, rectifies that situation. All projects, regardless of size or their incremental nature, will be subject to clearly defined time limitations.

Attachments

Borislow time extension request letter of request/explanation
PZB letters of April 18, 2013 and February 22, 2013
Digital image of home at 1045 South Ocean Blvd.

cc: Daniel Borislow
Jeffrey Bresseur, Architect
Jeff Taylor, Building Official

BRASSEUR & DROBOT ARCHITECTS, P.A.

April 19, 2013

Re: Building permit time extension request

To whom it may concern,

Mr. Dan Borislow at 1045 South Ocean Boulevard is requesting a building permit time extension of 30 days.

The reason for this request is that the original scope of the project was a master bedroom addition and remodel of the existing master bathroom but it has turned into a complete remodel of the entire residence. The current exterior stucco work and painting is a result of suggestions from the ARCOM meeting on March 27, 2013. The interior finish work has taken more time than originally anticipated due to lack of skilled local labor and unsatisfactory results that amounted to continued redesigns and reinstallations. At this time, Mr. Borislow now has a work force in place that he feels can complete the work in a timely fashion.

The revised construction schedule includes the installation of the interior finishes and exterior stucco work and painting. This construction should be complete on or before the proposed 30 extension request.

Measures are being taken to mitigate the nuisance. The measures include temporary landscape shielding to block the view of the material storage and waste receptacles. The existing vacant lot to the north of the subject property will be used for construction parking and staging. This vacant lot has an existing continuous site wall with a hedge which will reduce the visual impact from South Ocean Boulevard.

A notice to the neighbors within 200 feet will be mailed today, April 19, 2013, as per Town Code.

Thank you,

Jeffrey D. Brasseur, R.A.

Dan Borislow

AR 94843 - AR 0017698
AA 26001461
224 DATURA STREET, SUITE 311
WEST PALM BEACH, FLORIDA 33401
561.820.8088 FAX 561.820.8089

BRASSEUR & DROBOT ARCHITECTS, P.A.

April 19, 2013

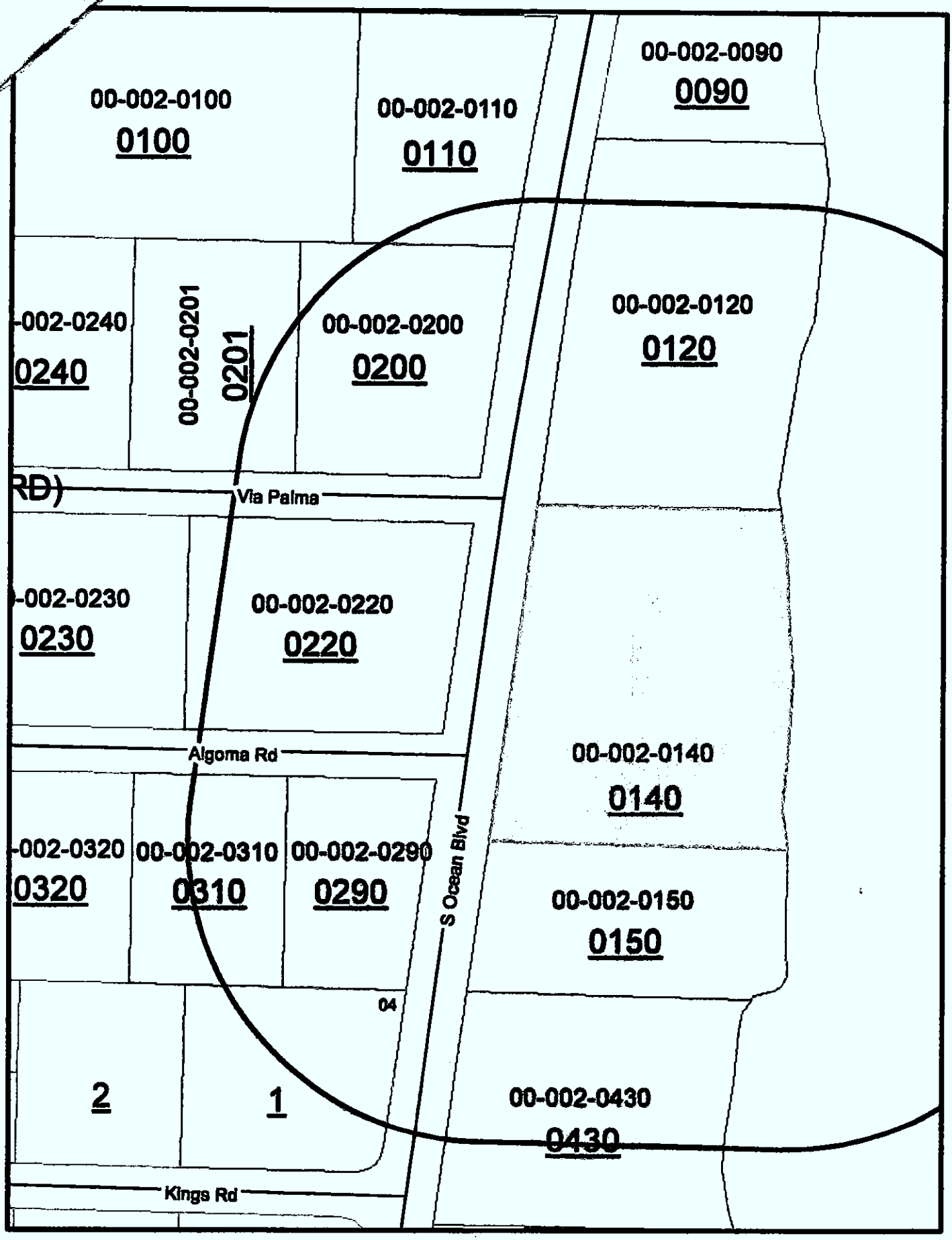
To whom it may concern,

Mr. Dan Borislow at 1045 South Ocean Boulevard is going to request a building permit deadline extension of 30 days at the Town Council Meeting – Development Review Matters. This meeting will be held on May 15, 2013 at the Town Hall Council Chambers which starts at 9:30 am. If you have any concerns or issues with this matter, you may address them at this meeting.

Thank you,

Jeffrey D. Brasseur, R.A.

AR 94843 - AR 0017698
AA 26001461
224 DATURA STREET, SUITE 311
WEST PALM BEACH, FLORIDA 33401
561.820.8088 FAX 561.820.8089



Gary R. Nikolits, CFA
Palm Beach County
Property Appraiser

Location: Downtown Service Center

0 15 30 60 90 120 Feet

Map Scale

Key

Selected Parcels 100 300 500

Notes:

TOWN OF PALM BEACH

Planning, Zoning & Building Department

April 18, 2013

Daniel Borislow
1045 South Ocean Blvd.
Palm Beach, FL 33408

RE: Construction / Pending Building Permit Expirations

Dear Mr. Borislow:

Per earlier communication from Building Official Jeff Taylor to yourself (February 22, 2013), you were advised of construction time limitations as outlined in Town Code. You were advised that all construction permits at your home address (as noted above) would expire on April 22, 2013, and that an extension of additional time, if needed, must be directed to the Town Council for their consideration and action.

You stopped in our offices on April 17, 2013, explained to the Building Official and myself that you needed two additional weeks to complete all work at the site, and asked that we approve said time extension request. I understand that a total "stop work" order, if effectuated on April 22, would create a 3-week window of inactivity at the work site until the Town Council would next meet on May 15th (and that you have a substantial work crew now at the site that you would like to continue using without interruption).

In order to meet the spirit of our Town Code regarding project completion deadlines, and to also afford you maximum opportunity to achieve completion, I have arrived at the following solution. I am willing to extend the completion deadline date in Mr. Taylor's letter of February 22, 2013, to Tuesday, May 14, 2013, provided you abide to the following condition:

- The Town Council will next meet to consider development review issues of all kinds on May 15, 2013. As required by Town Code, you must prepare and submit a time extension request that..... "shall include reasons for the necessity of granting an extension, a revised construction schedule, proposed nuisance mitigation measures and a statement that notice to neighbors within 200 feet will be provided at least twenty-five days prior to the meeting at which the extension is to be considered."

Time is of the essence. In order to comply with the twenty-five day notice requirement to neighbors, you will have to provide all information as outlined immediately above prior to close-of-business tomorrow, April 19, 2013. Failure to do so will negate the spirit of this letter, and the Town will void all open building permits on April 22, 2013. If however, you comply with tomorrow's deadline by submitting your time extension request in writing with the required information, as well as verification of meeting notice delivery to the neighbors within 200 feet, your permits will remain valid until May 14, 2013, which more than satisfies the 2-week extension that you requested from Mr. Taylor and I.

It is my hope that you will comply with tomorrow's deadline for submitting a written extension request and verifying neighbor notification (the notification must advise that you will be requesting a time extension from the Town Council at their meeting of May 15, 2013, commencing at 9:30 a.m., and that they are welcome to attend and voice their opinions). In the event that you fail to submit this required information, this Department will be forced to void your permits on April 22, 2013 as earlier announced.

Lastly, it is my hope and expectation (based upon your representations) that you will finalize all construction activity at your home between now and May 14, 2013. If you achieve that task, I will advise the Town Council on May 15, 2013, that there is no need for them to consider your time extension and the item would be removed from the Agenda. If however, your home improvements have not been completed by the end of day on May 14, 2013, you will be required to attend the Town Council meeting to explain the nature of your delays, and to ask for time relief. Your neighbors, of course, will have been advised of the meeting and may be present to address the Council with their thoughts.

Please feel free to contact me with any questions you may have.

Sincerely,

John S. Page, Director

attachment

cc: Jeff Taylor, Building Official
Peter Elwell, Town Manager
Skip Randolph, Town Attorney
Jeffrey Brasseur, Brasseur & Drobot Architects

LETTER E-MAILED AND SEND VIA U.S. MAIL ON APRIL 18, 2013

TOWN OF PALM BEACH

Planning, Zoning & Building Department

February 22, 2013

Daniel Borislaw
1045 South Ocean Blvd.
Palm Beach, FL 33408

Advanced Air and Plumbing, Inc.
4207 Kirk Rd.
Lake Worth, FL 33461

Re: Construction work at 1045 South Ocean Blvd.

Dear Sirs,

Our records indicate a permit for work at your residence was issued on July 31, 2008. Additional work was added to the original permit and on January 27, 2012 total construction value reached $275, 117.00. At the time the construction equaled or exceeded $250,000.00 your project was classified as a major construction project and became subject to the construction time limitations under Town Code Chapter 18-242, Section 105.4.1.6 (attached). According to Table 1 - Construction Schedule Table Inset, your project, totaling 10,924 square feet including the second story addition, is allowed a total of 36 months for completion. This project has been ongoing for well beyond 36 months.

We have been assured repeatedly by your contractor, Advanced Air and Plumbing, that work was in the final stages of completion and would be finished in a matter of weeks. This has not been the case.

In order to ensure compliance with Town Ordinance you are advised that all construction permits at this address will expire on April 22, 2013 approximately 60 days from the date of this letter. At that time a Stop Work Order will be issued and all construction must stop. As per T.C. 18-242, Section 105.4.1.6(A) you must request an appearance before Town Council for an extension of the agreed maximum time schedule for completion of construction.

Work proceeding after issuance of a Stop Work Order will be subject to Code Enforcement action.

If you have any questions or concerns please feel free to contact me at 561-227-6415.

Sincerely,

Jeff Taylor
Building Official

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5430 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com

Phone: 561-227-6415
Fax: 561-835-4621
e-mail: jtaylor@townofpalmbeach.com

cc: John Page, Director Planning, Zoning & Building

TOWN OF PALM BEACH

Town Council Meeting on: May 15, 2013

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #19-2013 The application of John and Hinda Snyder; relative to property commonly known as 130 Cocoanut Row; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to construct a 406 square foot one story addition to expand the family room on the north side of the existing residence with a proposed 6.68 foot street side yard setback in lieu of the 25 foot minimum required and a 164 square foot second story addition on the south side of the house with a 4.72 foot side yard setback in lieu of the 15 foot minimum required. [Attorney: Maura A. Ziska]
Request for Deferral to the July 10, 2013, Town Council Meeting Per Letter Dated April 29, 2013, from Maura A. Ziska.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter Dated April 23, 2013, from Paul Thibadeau
- Letter Dated April 29, 2013, from Maura A. Ziska

LAW OFFICES
PAUL THIBADEAU
SUITE 306
205 WORTH AVENUE
PALM BEACH, FLORIDA 33480

TELEPHONE (561)835-0551
FACSIMILE (561)835-8696

RECEIVED
APR 24 2013
TOWN OF PALM BEACH
PZB DEPT

April 23, 2013

Planning Building & Zoning Department
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Variance Application #19-2013/John and Hinda Snyder, 130 Cocoanut Row, Palm Beach, FL 33480

Dear Sirs:

I represent Leonard and Sunny Sessa, who reside at One Via Sunny, Palm Beach. They are in receipt of the notice of the above reference Variance Application. They have no objection to the request at II. B. 2, to construct a 164 second story addition to the residence.

Any addition to the north side of the residence along Via Sunny could have very serious adverse effects on the people who live on Via Sunny and others who use that street. The lot appears to contain lot line to lot line construction in its current configuration and additional coverage seems excessive. It also seems that the fact that the street is private is of no moment in the town's consideration. To alleviate these concerns the Sessa's ask that the staff consider attaching a condition to any variance approval that the existing hedge be required to be maintained in its present condition, location and size. If that condition were to be added to any approval, the Sessa's objection would be withdrawn.

It would be greatly appreciated if the Town would advise me if that condition is added.

Sincerely yours,

Paul Thibadeau

cc: Mr. And Mrs. Sessa

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA FACSIMILE: 561-838-5411
VIA EMAIL to PCASTRO@TOWNOFPALMBEACH.COM

April 29, 2013

Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Variance # 19-2013 – 130 Cocoanut Row, Palm Beach, Florida

Dear Mayor and Town Council:

Please **defer** the above referenced matter from the **May 15, 2013** Town Council agenda to the **July 10, 2013** Town Council agenda. The reason for the deferral is to make changes to the plans. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

MAZ/jch
cc: Paul Castro
client