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

**WEDNESDAY, NOVEMBER 19, 2014, 09:30 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: (09:30:00 a.m.)**

Chairman Cooley called the meeting to order at 9:30 a.m.

**II. ROLL CALL: (09:30:50 a.m.)**

| | |
|---|---|
| William O. Cooley, Chairman | PRESENT |
| Nikita Zukov, Vice Chairman | ABSENT (excused) |
| Jacqueline Albarran, Member | PRESENT |
| Edward Austin Cooney, Member | PRESENT |
| John T. Gannon, Member | ABSENT (unexcused) |
| Page Lee Hufty, Member | PRESENT |
| Rachel Lorentzen, Member | ABSENT (excused) |
| Richard Rene Silvin, Alternate Member | PRESENT |
| Carol N. Wyett, Alternate Member | PRESENT |
| William J. Strawbridge, Jr., Alternate Member | PRESENT |

Staff members present: John S. Page, Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, Janet Murphy and Emily Stillings, Staff Historic Preservation Consultants, and Cynthia Delp, Secretary to the Landmarks Preservation Commission. Paul Castro, Zoning Administrator and William Bucklew, Building Official, were present for part of the meeting. John C. Randolph, Town Attorney, was present for this meeting.

Let the record show that all Alternate Members were voting members for this meeting.

Let the record show that a court reporter, Paula McGuirk, was present in the audience.

III. **PLEDGE OF ALLEGIANCE:(09:31:15 a.m.)**

IV. **APPROVAL OF THE MINUTES OF THE OCTOBER 16, 2014 MEETING:(09:31:39 a.m.)**
Mr. Silvin took issue with a written comment of Mr. Randolph, as read into the record by Mr. Page at the October meeting, and as reflected verbatim on pages 12 & 13 of the October 16, 2014 Minutes relative to the issue of viewing the video clips regarding 105 Clarendon Avenue. Mr. Randolph, today, stated that the minutes reflect what was actually recorded at the meeting. (*Mrs. Delp notes that while there was discussion relative to the video clips at the October meeting, there was no motion to view them at the October meeting. There was, however, a motion to re-consider the matter at the November meeting, and it was made clear that the videos would be shown at that time.)*

**MOTION BY MR. STRAWBRIDGE FOR APPROVAL OF THE MINUTES.**
**MOTION SECONDED BY MS. HUFTY.**
**MOTION CARRIED UNANIMOUSLY.**

V. **APPROVAL OF THE AGENDA: (09:34:13 a.m.)**
**MOTION BY MR. STRAWBRIDGE FOR APPROVAL OF THE AGENDA.**
**MOTION SECONDED SIMULTANEOUSLY BY MRS. ALBARRAN AND MRS. WYETT.**
**MOTION CARRIED UNANIMOUSLY.**

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (09:34:33 a.m.)**
Mrs. Delp administered the oath at this time and throughout the meeting as necessary.

VII. **COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes): (09:34:52 a.m.)** None

VIII. **PUBLIC HEARINGS: (09:35:06 a.m.)**

A. Application for Certificate of Appropriateness #035 - 2014
Reconstruction/Addition/Interior/Exterior Demolition/Landscape Hardscape
*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)*
Owner/Applicant: Burke and Susan Ross
Address: 172 South Ocean Boulevard
Architect: Saladrigas & Cohen Architecture, Inc.
Project Description: Request approval for reconstruction, addition to historic structure, interior and exterior demolition, and landscape/hardscape which is further described as: Alteration and partial demolition of the Western 1 story bedroom conversion of the original two-car service garage and attached site wall to allow for a new family pavilion and 3 (net) additional bedrooms. The pavilion and ancillary program proposes to match and/or incorporate details from the 1929 Fatio-Trainor cloister enclosure and elements of the original 1926 Wyeth, King Johnson primary residence through the use of quarried keystone cornices, wood cornices, trim, arches, sills, keystone columns, mahogany casement windows, quatrefoil stained glass inserts, cypress outlookers, clay barrel tile roof, chimney cap, stucco and assorted details. The southwest corner of the addition proposed a modification of the 2005 single story addition to incorporate an (1) additional upstairs bedroom directly over the existing footprint. The original 1926 northwest second (2) story guest quarters above the garage will be altered internally and incorporate an additional bedroom on the west side of the proposed family pavilion facing west. The modifications to the second story include the replacement of previously modified single sash

casement windows with new impact resistant mahogany split casement windows and a new entry door with similar muntin pattern. The total net area of the proposed addition is 1,512 square feet. Other associated changes as presented.

At the September meeting a motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject landmarked property. At the October meeting, a motion carried for deferral to the November meeting at the request of the attorney for the property owner. ***Please be advised that the attorney for the property owner has requested deferral to the December 17, 2014 meeting.***

**MOTION BY MR. COONEY FOR DEFERRAL TO THE DECEMBER MEETING. MOTION SECONDED BY MRS. ALBARRAN AND MRS. WYETT SIMULTANEOUSLY.**
**MOTION CARRIED UNANIMOUSLY.**

B. Application for Certificate of Appropriateness #039 - 2014
Rehabilitation/Reconstruction/Addition/Interior&Exterior Demolition
*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)*
Owner/Applicant: David and Jeanne Daniel
Address: 322 Seaspray Avenue
Architect: The Pandula Architects, Eugene Pandula
Project Description: Request approval for rehabilitation, reconstruction, addition to historic structure, and interior and exterior demolition, which is further described as: Demolish one-story addition at S.E. corner of residence, wood deck, swimming pool and pool deck. Add 2-story addition at rear of existing residence. Demolish and re-construct one story cabana. Interior modifications. Install new roof finish, windows and repair exterior stucco and details as required which will match existing. Other associated changes as presented.

At the September meeting a motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject landmarked property. At the October meeting, a motion carried for deferral to the November meeting at the request of the attorney for the property owner.

Call for disclosure of ex parte communication: No new disclosures since the last time this project was heard.

ARCHITECTURAL PRESENTATION BY: Eugene Pandula, The Pandula Architects
ATTORNEY PRESENT: Maura Ziska for the applicant

Ms. Ziska testified that the applicant's variance requests were reviewed informally at the September LPC meeting. Since that time, but prior to going to the Town Council, the design team met with neighbors resulting in a re-design of the house which reduced the massing and changed the variance requests. Today, a second recommendation was requested relative to the revised variances.

Mr. Pandula presented the revised plans in accordance with the submitted plans. He explained that since some of the neighbors stated that they did not receive notice of the project, extra efforts were made to meet with the neighbors, and in fact, the design was changed in response to their concerns. Mr. Pandula stated that the goal of this project is to make this 1919 Bungalow, which is

non-conforming to current zoning in every way, livable for these times. Changes include: Add powder room to the east; remove family room pop out and 2nd floor Romeo & Juliette balcony; changed dimensions of cabana to be only 16 feet wide, rather than 20 ft., and raise the building, but 3 ft. lower than originally proposed; add connection between house and cabana; and, a total of 2400 cubic feet has been removed from the project since the original proposal.

**MOTION BY MR. COONEY THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.**
**MOTION SECONDED BY MRS. ALBARRAN.**
**MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #046 - 2014
Reconstruction, Renovation, Interior/Exterior Demolition, Landscape/Hardscape
*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)*
Owner/Applicant: Thomas R. Maier Revocable Trust
Address: 102 Jungle Road
Architect: Fairfax, Sammons, and Partners, Richard Sammons
Project Description: Request approval for reconstruction, renovation, interior and exterior demolition, awning, exterior color change and landscape/hardscape which is further described as: Interior Work: Remodeling and refurbishing of portions of the first floor, second floor, and basement level; Exterior Work: a. General: Roof replacement, outlooker repairs/replacement, building color change, landscape/hardscape changes, exterior door /window replacement/removal/additions/rearrangement, column replacement and repairs (where necessary), addition of some metal window grilles and some clay window grilles; b. Building Envelope (N,E,W, and S Elevations): Renovations to the terraces and steps to the east of the Ocean Room, extension to the Dining Terrace on the NE corner of the building, a retractable awning addition to the Dining Terrace, a new balcony on the east elevation of the Master Bedroom West on the second floor, rearrangement and replacement of garage doors (four instead of two, with decorative pilasters in between), restoration of the Lanai's south elevation (reopening of the historical passage, and addition of wood rejas to the two previously condemned flanking openings), balcony railing replacement, and entry stone work reconstruction; c. Courtyard: Removal of portions of the existing 1960s cabana and reconstruction as portion of the guest wing, removal of an existing bay window from the living room and replacement with a balcony, renovations to the terraces and steps to the west of the Ocean Room, landscape/hardscape changes, new & relocated swimming pool. Other associated changes as presented.

At the October meeting, a motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject landmarked property.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Jaime Torres, Fairfax, Sammons and Partners
LANDSCAPE PRESENTATION BY: Don Skowron

Let the record show that Richard Sammons, Architect for the project, had presented the project very thoroughly last month when the applicant sought an opinion relative to the variances. Mr. Torres re-reviewed the project, as previously presented, for formal approval today in accordance

with the submitted plans and as described in detail above. He indicated that the Town Council has approved the requested variances.

Mr. Skowron continued with the landscape/hardscape presentation in accordance with the submitted plans. He showed historical photos of the site showing many Coconut Palms. It is this design concept that the applicant wants to bring back in its simplistic form. Design elements include: Retain buffer of Seagrapes on north and south sides; removal of approximately 40% of existing landscape material and retention of 60% of existing material; existing Coconuts, Seagrapes (north and south sides), and existing Australian Pine hedge will remain; Coconuts to be added to east side of South Ocean Boulevard; re-plant Coconuts scattered in front lawn (25-35 ft. clear trunk); Sea Grasses against the foundation; feeling of house built around a grove of Coconuts; hardscape materials: Texas limestone walkway; coquina paths; interior courtyard in Texas limestone; tabby motor court; Texas limestone to beach walk; and, ¼" crushed quartz.

**MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED FOR THE STRUCTURE AND THE LANDSCAPING.**
**MOTION SECONDED BY MR. COONEY.**
**MOTION CARRIED UNANIMOUSLY.**

D. Application for Certificate of Appropriateness #047 - 2014
Landscape/Hardscape and Exterior Demolition
Owner/Applicant: Abbey LLC
Address: 241 Banyan Road
Architect: SMI Landscape Architecture, Brian Vertesch
Project Description: Request approval for landscape/hardscape and exterior demolition which is further described as: Demolition of non-original pool, walkways, terraces, driveway and plantings. Relocation of some mature trees. Addition of new swimming pool, terraces, walkways, driveway, fountains, fence, walls and plantings. Overall, complete renovation of exterior gardens. Other associated changes as presented.

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

***Mrs. Albarran re-stated her previously declared conflict with this project and left the dais.***

LANDSCAPE PRESENTATION BY: Jorge Sanchez and Brian Vertesch, SMI Landscape Architecture

Mr. Sanchez presented the project in accordance with the submitted plans and as described above. He explained that the owners dislike the formal elements of the front landscaping, the existing pool which is on an angle, and an unattractive fountain off the main room. Proposed design elements include: Front: Oasis of Phoenix Caneriensis; changed urns to terra cotta pots; add perennials; lined columnar Podocarpus against the house; add driveway gate; change hardscape to coquina terrace with simple fountain with 18" sides, serving as a bench; large expanse of flat lawn in rear; new rectangular pool with pergola and terrace on north side, backed by informal tropical plants; eliminate front fountain, and extend terrace and add new fountain; cut driveway down to ribbon driveway; and, new gate to incorporate elements from the existing balconies.

**MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.**
**MOTION SECONDED BY MS. HUFTY.**
**MOTION CARRIED UNANIMOUSLY.**

E. Application for Certificate of Appropriateness #049 - 2014
New Accessory Structure, Landscape/Hardscape, Exterior Demolition
Owner/Applicant: Charles M. & Deborah Royce LLC
Address: 10 S. Lake Trail
Architect: SMI Landscape Architecture/Jacqueline Albarran PA
Project Description: Request approval for new accessory structure, landscape/hardscape, exterior demolition and exterior color change which is further described as: Demolition of non-original pool, driveways, walkways, fountain, fence, and plantings. Relocation of some mature plant material. Addition of new pool, driveways, fountains, walls, fence and plantings. Overall, total renovation of exterior gardens. Addition of pool pavilion building. Change of roof tile color. Other associated changes as presented.

***Please be advised that Mrs. Albarran has a previously declared voting conflict with this project.***

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

ARCHITECTURAL PRESENTATION BY: Jacqueline Albarran
LANDSCAPE PRESENTATION BY: Jorge Sanchez and Brian Vertesch, SMI Landscape Architecture

Mrs. Albarran presented the architectural aspects of the project in accordance with the submitted plans and as described above. She presented a new simple pergola designed to fade into the landscaping, incorporating details from the main house and from a previously demolished garage apartment. Secondly, she proposed a change of the roof tiles back to the original green Ludowici roof tiles.

Mr. Sanchez continued with the landscape/hardscape presentation. He stated that the house is currently heavily hedged. A goal of the proposal is to open up the property more to public view. Design elements include: Transplant large Kapok to center of front of property; remove front Ficus hedges to open up the property; remove inappropriate fountain; driveway in tabby lined with coral stone, with the center in coral stone and grass; simple planting plan in front; removal of old pool; new terrace with fountain; two pools-one swimming pool adjacent to new open gazebo, and another pool, 4 ft. deep, a lily/Koi pond; new steps down to the lakeside; fruit tree orchard and adjacent walk with tropical plants; new pecky cypress gate to Lake Trail; and, new pedestal fountain in middle of terrace.

**MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.**
**MOTION SECONDED BY MS. HUFTY.**
**MOTION CARRIED UNANIMOUSLY.**

F. Application for Certificate of Appropriateness #050 - 2014
Landscape/Hardscape
Owner/Applicant: Henry Morrison Flagler Museum, Inc., John Blades, Executive Director
Address: 52 Cocoanut Row aka 1 Whitehall Way
Engineer: Gruber Consulting Engineers, Chad Gruber
Project Description: Request approval for landscape/hardscape which is further described as: The existing asphalt driveway on the immediate east and north sides of the museum needs to be replaced. The driveway has been overlaid in the past as well as seal coated several times. The museum is requesting to replace the existing asphalt driveway with a concrete driveway that should provide a longer lasting, less maintenance intense surface. The existing raised curbs surrounding the driveway will also be replaced. The south side of the circular driveway on the east side of the museum will be re-aligned to be symmetric about the center entry walk with the north side of the circular driveway. The driveway on the north side of the house will be widened slightly at the narrowest locations to allow for easier access and passing and to minimize vehicles running over the curbs and landscaping. As part of this project, a substantial new drainage system will be added, as required by the Town. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

LANDSCAPE PRESENTATION BY: Chad Gruber, Gruber Consulting Engineers
OTHERS WHO TESTIFIED: John Blades

Mr. Gruber presented the project in accordance with the submitted plans and as described in detail above for these site improvements to the Flagler Museum property. He stated that the existing driveway material is asphalt which is cracked, whereas the proposed material is colored (French grey) concrete with a stamped pattern. When asked about the color choice for the driveway, Mr. Blades responded that the goal is to have the driveway appear as stone rather than concrete.

**MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.**
**MOTION SECONDED BY MS. HUFTY.**
**MOTION CARRIED UNANIMOUSLY.**

G. Application for Certificate of Appropriateness #051 - 2014
Restoration
Owner/Applicant: Shannon McLean
Address: 324 Brazilian Avenue
Architect: SKA Architect + Planner, Patrick W. Segraves
Project Description: Request approval for restoration which is further described as: Remove existing doors and windows and replace with hurricane impact doors and windows to match existing. Remove kitchen windows on west facade and replace with three (3) pairs of hurricane impact doors. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosure by Mrs. Albarran

ARCHITECTURAL PRESENTATION BY: Patrick Segraves, SKA Architect + Planner

Mr. Segraves presented the project in accordance with the submitted plans and as described above for restoration of this residence, a 1924 home located next to the Brazilian Court Hotel. Design

elements include: Retain same exterior color; add French doors centered on arches; take windows back to the original style, but install impact windows; and, fenestration changes as presented. He explained that by adding the French doors, the house is opened up to the courtyard. Mr. Segraves requested removal of the vertical mullions on the front facade windows. In the kitchen, a single window will be replaced by a double window. Mr. Segraves indicated that the new windows will have wood interiors and will be aluminum clad. As far as the mullion configuration is concerned, Mr. Segraves stated that he was proposing those shown as option A3B.

**MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED, WITH ALTERNATE A3B.**
**MOTION SECONDED BY MRS. WYETT.**
**MOTION CARRIED UNANIMOUSLY.**

H. Application for Certificate of Appropriateness #052 - 2014
Awning
Owner/Applicant: Matthew and Helene Lorentzen
Address: 250 Sanford Avenue
Architect: Saladrigas and Cohen Architecture, Inc.
Project Description: Request approval for awning which is further described as: A proposed awning along southeast side of existing cantilevered balcony in the rear yard. The awning will not be visible from the public right of way of Sanford Avenue and will be designed to not be a permanent attachment to the landmarked structure. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Raphael Saladrigas, Saladrigas and Cohen Architecture

Mr. Saladrigas presented the project in accordance with the submitted plans and as described above for an awning attachment to the southeast corner of the house, in the rear yard. The awning, in a Sunbrella fabric as presented, is requested to provide shade on the south facing side of the house.

**MOTION BY MRS. WYETT FOR APPROVAL AS PRESENTED.**
**MOTION SECONDED BY MR. SILVIN.**
**MOTION CARRIED UNANMOUSLY.**

## IX. OTHER BUSINESS:(11:13:58 a.m.)

A. Informal Review: 780 South Ocean Boulevard
*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)*
Owner/Applicant: Terry Taylor
Architect: Brasseur & Drobot Architects, P.A.
Project Description: Request approval for new accessory structure and interior/exterior demolition which is further described as: The project consists of the demolition of an existing 1,538 (+/- square foot detached accessory structure located at the northwest corner of the property. A new 3,104 square foot (+/-) guest house with 3 car garage will added at the approximate location of the demolished structure. Existing hardscape and landscape will be removed to accommodate the new structure. Other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by Mrs. Albarran and Mr. Cooney

ARCHITECTURAL PRESENTATION BY: Jason Drobot, Brasseur & Drobot Architects
ATTORNEY PRESENT: Peter Broberg for the applicant

Mr. Broberg explained the requested setback variance for the project. Mr. Drobot presented the project in accordance with the submitted plans and as described above. He explained that the owner requests separate garage space for vehicles vs. a work space, together with a laundry room and bath for staff, and at the northeast corner, a stair tower and elevator to access a second floor apartment for a relative and/or a live-in nurse. Design elements include: Asymmetrically placed windows, elliptical arches above the garage doors, cast stone sills, pecky cypress brackets and soffit, clay barrel tile roof, stair tower, embellished front with minor cast stone detailing, and, embellished Gothic arch at entry.

Commission Comments: Question height of existing vs. proposed garage doors (7 ft. vs. 10 ft.); questioning age of building to be demolished (per consultants, prior to 1930); the existing structure looks like a pimple on a beautiful face...delighted to see it go and be replaced by such a charming little building; issue with proportion of arches on west elevation...they are too tall, so when you come back formally, bring the arches down so the door fills the arch; the new building is 2 ft. higher than the existing building; concern regarding height of garage doors which seem to be driving the height of the building; the arch is exaggerating the height of the doors; in the past, we have asked that this owner disclose his plans for the property in total, rather than seeing small individual projects...more bites at the apple...more intensified use of the property...it seems to keep coming piecemeal.

Emily Stillings, Staff Historic Preservation Consultant, inquired as to whether the applicant looked into preserving the existing building, and possibly adding on to it, rather than demolishing it. Mr. Drobot responded that in order to accommodate the owner's needs, the entire floor and structure would have to be raised, and there would not be much left of the original structure.

**MOTION BY MR. SILVIN THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.**
**MOTION SECONDED BY MR. STRAWBRIDGE.**
**MOTION CARRIED 6-1, WITH MR. COONEY OPPOSED.**

*Let the record show that there was a short recess from 11:35 a.m. to 11:45 a.m.*

B. Informal Review: 1 South County Road
*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)*
Owner/Applicant: The Breakers Palm Beach, Inc. (Alex P. Gilmurray, CPA, Chief Financial Officer)
Architect: Brasseur & Drobot Architects, P.A.
Project Description: This project consists of demolishing an existing 548 square foot fountain including its pool, plaza steps, and two flanking benches located west of the main porte cochere at the Breakers Hotel. The project also consists of new fountain and benches which will be reconstructed at the same location and to the same dimensions and height of the existing. Other associated changes as presented.

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

ARCHITECTURAL PRESENTATION BY: Jason Drobot, Brasseur & Drobot Architects
ATTORNEY PRESENT: James Crowley, Gunster Yoakley

Attorney Crowley explained the variance request for height of the fountain. Mr. Drobot presented the project in accordance with the submitted plans to demolish the existing fountain and benches and reconstruct same to match the existing. He began with historical information relative to the fountain and presented historical photos of same. The fountain, as it exists today, is in very poor condition, showing the following: Spalling, cracking, corroding, eroding, staining from rust, having multiple layers of parge and paint, experiencing plumbing problems, extensive losses to the nymphs and putti as well as other structural parts of the fountain, exposed rebar, and extensive cracking in the cast stone benches. Previous attempts at repair have not corrected the root problem.

The reconstruction of the fountain is desired by the applicant. New castings will be created from existing castings. Stainless steel rebar or fiberglass rebar will be used. Cast stone with additives will serve to make the fountain more waterproof and decrease deterioration. Mr. Drobot assured the LPC that it is the intent of the applicant to reconstruct the fountain exactly as it is.

Commission Comments: Applaud the Breakers for the continued maintenance of this historic structure; you've done a lot of research and are committed to do an excellent job; cannot believe the state that the fountain is in; it is a very important part of the Breaker's experience; it is important to maintain the height.

**MOTION BY MR. COONEY THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.**
**MOTION SECONDED BY MRS. ALBARRAN.**
**MOTION CARRIED UNANIMOUSLY.**

C. Informal Review: 350 Worth Avenue
*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)*
Owner/Applicant: Everglades Club, Inc. (Scott Lese, General Manager)
Architect: Brasseur & Drobot Architects, P.A.
Project Description: This project consists of the removal of existing light fixtures and poles at the three easterly tennis courts located south of the corner of Worth Avenue and Golfview Road. The project also consists of the addition of new exterior light fixtures and poles for the same tennis courts at new locations. Other associated changes as presented.

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

ARCHITECTURAL PRESENTATION BY: Jason Drobot, Brasseur & Drobot Architects
ATTORNEY PRESENT: Maura Ziska for the applicant

Ms. Ziska reviewed the variance requests for height of the light poles and height of the landscape screening. Mr. Drobot presented the project in accordance with the submitted plans and as described above. There are currently 12 light poles which will be removed, but only 10 new ones

are proposed at a height of 24 feet, matching the existing condition. Mr. Drobot clarified that the poles will be located inside the fence.

**MOTION BY MR. COONEY THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.**
**MOTION SECONDED BY MS. HUFTY.**
**MOTION CARRIED UNANIMOUSLY.**

D. Review of Tew & Taylor Audit relative to 105 Clarendon Avenue
Chairman Cooley asked that this item be held to the next meeting.

**MOTION BY MR. SILVIN TO DEFER THIS TO THE DECEMBER MEETING.**
**MOTION SECONDED BY MS. HUFTY.**
**MOTION CARRIED UNANIMOUSLY.**

E. 105 CLARENDON AVENUE, RECONSIDERATION OF COA - 026 - 2014
Call for disclosure of ex parte communication: Disclosures by all members

Request approval for "changes to previous approvals, including replacement of double-hung windows with casement windows; extension of living space above the garage; floor plan modifications; other associated changes" as presented, including the removal and replacement of walls/structure.

Mr. Cooley read his own lengthy statement into the record. First, he welcomed the Schumacher's to the Palm Beach community. "The purpose of this hearing today is to determine what went wrong at 105 Clarendon that allowed the destruction of a portion of the east wall and basically, the demolition, of the entire landmarked property." Within his remarks, Mr. Cooley stated that the Town owes a thank you to all those who do restorations "by the book"; requested that a formal complaint be filed with the Construction Industry Licensing Board of Palm Beach County against John Rossi Painting and its qualifier; requested that this matter be turned over to the Code Enforcement Board for possible fines; noted penalties applied in other communities relative to actions toward a landmarked property; requested that the consultants and staff make a determination as to whether this project can still be considered for tax abatement; requested that the videos be shown today; and, requested that full scale plans be re-submitted for the review at the next meeting, including an interim as built survey.

View Video Clips with audio: Videos shown

Comments from applicant, Commission members and Public: It was reported that that wall fell down on its own; (but on the video Mr. Rossi stated that the wall will be coming down this afternoon); it was reported to us that it had to come down because it was an immediate emergency; I don't feel qualified to render an opinion whether the construction practice was appropriate or not.

Mr. Randolph interjected that at the last meeting, a motion was passed to reconsider what was previously permitted and approved. "The matter is on the table again."

Attorney Maura Ziska, on behalf of Mr. Schumacher, asked that Mr. Rossi be permitted to explain his remarks and actions. Some of Mr. John Rossi's remarks follow: Stated that his remarks were made in a comical fashion because that is his nature; that he was trying to please his client and get the job done safely; that the wall in question did not come down until five days after he made the comment; that he made the decision that it had to come down, without asking permission first, because it was a life-safety issue; that he put in temporary columns to help protect the house; and, that he went above and beyond to try to save it.

Commission Comments: Have you built this according to the plans?; the "man cave" is not on the plans; you have shown a wanton disregard for the Town and its values; why do you practice in town without a license?; and, the clips show a disrespect for history.

Ms. Ziska clarified that all that was seen on the video clips was approved, except for the removal of the 20 ft. section of wall in the front. Since the "man cave" was questioned, she responded that it is part of the informal review on the agenda today for a recommendation relative to variances. The exchange continued between the members and Mr. Rossi. He testified that the southeast wall is about to collapse.

Alexander Ives, President of the Preservation Foundation of Palm Beach, asked some questions relative to a time line for the events concerning this project. He cautioned that issues of safety do arise, but they should not be used as a vehicle for someone to act without approval. Verification of the safety issue should be part of the process. There should be respect for our architectural inheritance.

Mr. Page stated that just yesterday he received a phone call and two emails from the attorney and the architect for this project alerting the Town to a structural problem at the southeast corner of the house. The email included information from the structural engineer.

Ms. Ziska commented that regardless of Mr. Rossi's comments on the videos, the house is structurally unsound. Since this is up for reconsideration, later in this meeting the applicant will request a recommendation relative to the variances required to replicate the residence.

Mr. Cooley stated that he would like the entire matter deferred for a month so the applicant can come in with a full presentation as to what they have done, and what they are going to do, including as-builts. He also requested staff to compare what has been constructed to what has been approved.

Commission members asked several questions to Harold Smith, Project Architect, relative to how often he visited the site, how he viewed the conditions of the building, where the chain of command rests relative to this job, and questions regarding the "man cave", the extra room constructed. Mr. Smith answered the questions and discussed the series of events over several months at the job.

Lori Volk commented that the Landmarks program and ordinance are to be upheld and respected; and, she advocated for the Chairman's recommendations.

Action, if any:

**MOTION BY MR. SILVIN TO DEFER THIS MATTER FOR ONE MONTH, AND ASK THE APPLICANT TO COME IN WITH A FULL PRESENTATION AT THE DECEMBER MEETING, SHOWING WHAT HAS BEEN DONE AND WHAT IS INTENDED TO BE DONE, AND THAT WOULD INCLUDE THE AS-BUILTS. MOTION SECONDED BY MS. HUFTY.**

Mr. Page stated, for the record, that the Planning, Zoning and Building Department has authorized work to continue on the west portion of the house. So, even if this matter is deferred, there will most likely be some construction ongoing at the site. Prior to the vote going forward, Mr. Page requested that the LPC hear from the Building Official regarding the new report just received yesterday regarding another structural difficulty, as well as issues related to the permits and licenses of Mr. Rossi.

William Bucklew, Building Official, stated that he was contacted yesterday by Mr. Rossi and Ms. Ziska regarding a situation at the jobsite relative to the southeast corner of the building. Mr. Bucklew and Mr. Lindgren made a site visit to assess the situation, and spoke with one of the structural engineers on the project. The private provider inspector and Mr. Rossi were also on site. Findings: The southeast corner is cantilevered off the foundation. It is leaning to the west and is twisted on the foundation. It is currently roped off because it is a safety issue, but in the opinion of Mr. Bucklew and two structural engineers, it is a life-safety issue and should come down immediately. It is a life-safety issue for workers on the site and to the property itself, because if it does collapse to the west, it will destroy the construction that has already been done. Mr. Bucklew maintained that this portion of the building, regardless of the outcome of this meeting, needs to come down now.

Mr. Cooney questioned the value of the motion on the floor because he felt that the project needs to move forward in the best interest of the Town. One month will not change the fact that reconstruction is needed. Chairman Cooley responded that this has come in it bits and pieces, and he would like to see a comprehensive presentation.

Ms. Ziska stated that the owner has no intent to ask for de-designation of the property. Instead, he wants to replicate what was there, which is the lowest form of preservation, yet still a form of preservation.

**MOTION CARRIED 6-1, WITH MR. COONEY OPPOSED.**

Mr. Cooley requested a motion asking the Building Official to file a formal complaint with the Construction Industry Licensing Board of Palm Beach County. Mr. Randolph asked to hear from Mr. Bucklew on this subject because Mr. Randolph was unclear as to who the enforcing body is, and whether the LPC commissioners enforce that, and what this has to do with the project.

Mr. Bucklew informed that if the license is a state license, it is the Department of Business and Professional Regulation (DPBR) that is involved, not the CILB. If there is a violation or issue regarding something the contractor has done, we would turn it over to the state, filing a complaint; the state investigates; and, the state determines whether any punitive action is warranted. Mr. Bucklew confirmed that he could file the complaint on his own, without any motion from the LPC. He could re-examine the situation to determine whether work has been done beyond the scope of work that is permitted, and after consulting with the state, perhaps file that complaint. Mr. Randolph asked Mr. Bucklew to comment on Mr. Rossi's role relative to the project. Mr.

Bucklew explained that anyone can start a construction company, but in order to practice contracting, someone in the company must serve as the qualifier, the person who has passed the test and has a license from the state as a contractor. The qualifier is responsible for the work and any actions that take place on the job, but he is not necessarily the person who is actually doing the work, nor does he have to own the company.

Mr. Cooley stated that the qualifier is to directly supervise the job. He asked that Mr. Bucklew investigate this situation and report back to the LPC in December.

Mr. Cooley requested a motion that the matter be turned over to the Town's Code Enforcement Board for potential fines to be imposed. Mr. Randolph stated that he does not see the various boards of the Town as the enforcing agencies. Instead, he saw the Town's Code Enforcement Officers as the enforcement agency within the Town, and based upon what they have observed here and any investigations they may do, they have the right to issue a citation.

Raychel Houston, Code Enforcement, asked for clarification relative to motions that have been made relative to this Certificate of Appropriateness. Mr. Randolph advised that the matter has been deferred; that there is no approval on record right now, because there was a motion to re-consider at the last meeting.

Lori Volk asked Mr. Randolph to look at the Code, 54-04 (b & c) regarding enforcement powers of the LPC. Mr. Randolph read these sections of the code into the record. Mr. Randolph opined that the Code Enforcement Officers have sufficient information to investigate the matter and determine whether a Notice of Violation should be issued, with potential for CEB action.

**MOTION BY MR. COONEY FOR APPROVAL FOR DEMOLITION OF THE SOUTHEAST PORTION OF THE STRUCTURE, AS DETERMINED BY THE BUILDING OFFICIAL.**
**MOTION SECONDED BY MRS. ALBARRAN.**

There was further discussion relative to whether this section of the building could just be closed off, rather than removed. Mr. Bucklew responded that if it falls, it will damage construction that is already there, and the debris could potentially damage workers working on the new construction. It is a life safety issue. "What we are protecting is damage to property, which falls under the Building Official's purview, and safety of citizens and of individuals, of persons...people ...that's what we are protecting. Whether or not they continue with any construction is irrelevant to the life safety situation. We need to cure the problem so no one gets injured, and no property damage occurs."

Mr. Lindgren advised that there is some railing sitting on the ground near this area that will need to be moved out of the way in order to take this part of the building down.

**MOTION CARRIED 5-2, WITH MS. HUFTY AND MR. SILVIN OPPOSED.**

F. Informal Review: 105 Clarendon Avenue
*LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)*
Owner/Applicant: 105 Clarendon Road Revocable Trust
Architect: Smith and Moore Architects, Inc., Harold Smith

Project Description: Request approval for restoration, reconstruction, and addition to historic structure which is further described as: Demolition and reconstruction of the foundation, east wall and portion of the second floor structural system of the main section of the existing residence. Demolition and reconstruction of a majority of the foundations, walls, second floor and roof framing systems of the service wing of the existing residence. This request includes raising the kitchen area ceiling height and second floor roof bearing point six inches, and adding infill roof trusses to change the roof line at the westernmost, one story staff wing. Other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith and Moore Architects, Inc.
ATTORNEY PRESENT: Maura Ziska for the applicant

Ms. Ziska explained that since the project exceeds demolition by more than 50% of the cubic volume, several variances are needed to build the structure back in the same footprint: west side yard setback; overall height to convert flat roof to sloping roof; street rear yard setback along South County Road; building height; and, a waiver to allow demolition of walls after December 1st.

Mr. Smith continued with original drawings and elevations and historical photos. He noted that the east elevation has changed very little over the years, except for the loggia addition off the dining room. The owner would like more height (6") in the kitchen area, so the proposal would lift up the second floor. The garage doors, at 8 ft. in width, are proposed at 8 ft. 6" instead for each of the garage door bays. This would include reconstruction of the north wall of the garage. The project also includes modifications to the staff building at the far west of the house, just to clean up the look of those elevations. In addition, the proposal includes the addition of basement space to gain more storage space (all beneath grade).

Ms. Hufty took issue with the fact that since so much of the house has been demolished, in order to reconstruct the house, all of these variances are needed. Paul Castro, Zoning Administrator, testified that they have demolished more than 50% of the cubic volume. As such, due to any non-conformity that existed previously, in order for the building to be reconstructed as it was, variances are required. Basically, the applicant plans to re-build the landmarked house in the same footprint, but in addition, they request to raise the roof in one area of the house. Mr. Smith assured the LPC that they intend to re-build the house to look like the house when it was constructed in 1926. Mr. Castro discussed the basement aspects of the project as well as the ability of this project to move forward to the Town Council for variance review, even though there might be a potential code enforcement violation.

Commission Comments: Remember that the variances are for the owner, not the contractor; some of us focus on what is past the point of being saved; hope that as we go forward...move on and fix what we need to fix; a difficult issue, but the request before us is for variances to reconstruct the property; do I want to see the property reconstructed...the answer is yes...we need to support the variances requested; and, I don't think, that since it's basically a new house, that they should be given variances that were established because they were going to keep 50% of this house...so, yes, restore it, but don't allow variances that are just giving them setbacks into other people's lives; personally, no objection to the variances...no effect on the architecture...we have to get this house going again, but we need that presentation next month; and, it's tragic, but what is done is done, and the house needs to be reconstructed.

Mr. Castro reminded the members that their task today is to give a recommendation to the Town Council as to whether the variances requested impact the architecture.

**MOTION BY MS. HUFTY THAT THE PROPOSED PROJECT CAN BE DESIGNED IN AN ARCHITECTURALLY SUITABLE MANNER WHICH CONFORMS TO THE TOWN OF PALM BEACH CODE OF ORDINANCES, WITHOUT THE NEED FOR A VARIANCE.**
**MOTION DIED FOR LACK OF A SECOND.**

Mr. Castro advised that if they do not get the variances, the applicant will have to remove all of those elements, i.e., further demolition.

**MOTION BY MR. STRAWBRIDGE THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT LANDMARKED PROPERTY.**
**MOTION SECONDED BY MRS. ALBARRAN.**
**MOTION CARRIED 5-2, WITH MS. HUFTY AND MR. SILVIN OPPOSED.**

*****

G. DISCUSSION RELATIVE TO NEW PROCEDURES TO BE IMPLEMENTED REGARDING DEMOLITION AT LANDMARKED PROPERTIES:
***(Please note that this agenda item was heard last on the agenda.)***

***Let the record show that the Designation Hearing for Item 2: 177 Clarendon Avenue was heard next due to the time constraint of the property owner who was present in the audience. The record of that hearing follows below under X. Designation Hearings.***

## X. DESIGNATION HEARINGS:

Item 2: 177 Clarendon Avenue
Owner: Lisa B. Bair & Paul M. Pompeo

***Please note that this designation hearing was postponed from the April 16, 2014 meeting to the November 19, 2014 meeting.***

Call for disclosure of ex parte communication: No disclosures

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Janet Murphy, Murphy Stillings LLC, Staff Historic Preservation Consultants, testified to the architecture, history, architectural history, and the builder (Arnold Construction Company) for this 1929 two-story Mediterranean Revival home with an unknown architect. Though the house has experienced many additions and alterations since it was originally constructed, Ms. Murphy testified that it meets the following criterion for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

Lisa Bair, the property owner, stated that the home had been marketed as a Marion Sims Wyeth design, so she was disappointed that no documentation could be found to support that. Ms. Bair testified to her strong support of the proposed landmark designation as a measure to safeguard the home against demolition of the home, and to her efforts to maintain the architectural integrity of the home while still making the house livable.

**MOTION BY MR. COONEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.**
**MOTION SECONDED BY MRS. ALBARRAN.**
**MOTION CARRIED UNANIMOUSLY.**

Commission Comments: It is nice to have the owner's support for the designation; this house was one of my top five properties...a magnificent house on a great corner lot...happy that the owner supports it; love the chimney and the details about it; it was high on my list also...has a typical U-shaped design, and even though we cannot attribute it to Wyeth, it has that typical Wyeth U-shaped design feature.

**MOTION BY MR. COONEY THAT 177 CLARENDON AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.**
**MOTION SECONDED BY MRS. ALBARRAN.**
**MOTION CARRIED UNANIMOUSLY.**

***Let the record show that the meeting recessed for lunch from 2:50 p.m. to 3:20 p.m. The meeting was called back to order at 3:24 p.m. Ms. Hufty returned at 3:27 p.m. Mr. Cooley asked that the other two designation hearings be handled next.***

Item 1: 1545 N. Ocean Way
Owner: Angela Williams and Arthur L. Williams Jr.

***Please note that this designation hearing was postponed from the April 16, 2014 meeting to the November 19, 2014 meeting.***

Call for disclosure of ex parte communication: No ex parte disclosures

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Janet Murphy, Murphy Stillings LLC, Staff Historic Preservation Consultants, testified to the architecture, history, architectural history, and architects relative to this residence, known as Windandsea, which was built in 1937 and designed in the French Eclectic style by Maurice Fatio, with additions in 1957 by Wyeth. Ms. Murphy testified that this property meets the following criteria for landmark designation:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies the distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; and,

Sec 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

**MOTION BY MR. COONEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.**
**MOTION SECONDED BY MRS. WYETT.**
**MOTION CARRIED UNANIMOUSLY.**

Attorney Guy Rabideau stated that he was here on behalf of the owners, Mr. and Mrs. Williams, who were present for today's hearing. Mr. Rabideau stated that several witnesses were present on behalf of the owners, but first, he introduced Angela Williams, property owner.

Mrs. Angela Williams stated that she and her husband object to the proposed designation of this property, a property which they have owned for the last eighteen years. At the time that the Williams purchased the home, the size and layout of the home was sufficient, but as their family has grown over the years, the home is now too small for their much larger family. Mrs. Williams described the conditions within the home which are now proving to be problematic, particularly with regard to space issues. She maintained the following: The house is relatively small for the property; that landmarking it means that it will not work for their family because it would be very difficult to expand it while still maintaining its character; that it will be too difficult or impossible to add a second floor; that the house does not flow well for a family to be together; that the property, itself, has changed, especially with regard to distance to the water; that the property requires a two-story house; that the house is not visible from the street or from the beach; that the current brick is eroding due to exposure to the elements; that the house does not lend itself well to restoration and additions; that the house was placed on the market, but when prospective buyers found out about the proposed landmarking, they were no longer interested; that they could have sold it months ago had it not been proposed for landmarking; that landmarking it will negatively affect the sale price...that this will mean a $10,000,000 to $15,000,000 loss to them; and, that this process is causing them emotional and financial distress, which is not right or fair.

Mr. Rabideau distributed a notebook of information to the members and to staff including real estate contracts, resume and report of expert witness, Joy Hearn, Real Estate Appraiser, Information relative to a Summary Report Concerning the Impact of Landmarking on Residential Property Values, Palm Beach, Florida, a verbatim transcript-testimony of Diane Jenkins, Real Estate Appraiser, before the Town Council on February 13, 2001, resume and report of expert witness, Dr. John Garner, Ph.D.

Mr. Rabideau called Nancy Mendel, real estate agent for this property, to testify. She testified that she listed the house last April, and had several open houses and many showings. Ms. Mendel stated that clients are not interested in the property until a determination has been made relative to the landmarking. She stated that this house is not a masterpiece; that it is a beach house that cannot be seen from the beach or the street; that it is not a two-story home; and, that it is not landmark worthy. She discussed an April offer to purchase which was directly impacted by the proposed landmarking.

Joy Hearn, Real Estate Appraiser, offered her opinions relative to this property, referencing her submitted report (included in the notebook referenced above). She stated that you do not have a good view of the ocean from this oceanfront property; that this floor plan is difficult; that this house would not be built today; that there are homes on dry lots that are larger than this home; that it has additions, but you have to

go outside to get to them; that one of the additions looks like it does not belong; that this house is a deficiency for the site...too small for the value of the site and it would not be built today; that, just because it is old does not mean that it is worthy of landmarking; that if too many homes are landmarked you destroy the principle of scarcity...if something is scarce, it becomes more valuable; and, the current property does not return the highest use, monetarily, to the site. Ms. Hearn referred to an example, within her report, of similar aged homes, both gutted and renovated, one landmarked and one not landmarked. In that example, the landmarked house sold for less than the non-landmarked house.

Ms. Hufty stated that she knew the former owners of the home, and those owners did not have a view of the ocean either. That means that the Williams purchased the home without having an ocean view.

Mr. Rabideau referred to the 1997 Preservation Foundation report included within his submitted notebook of exhibits, reading the underlined sentence, ("Homes in the north area which were built prior to 1947 and which are underimprovements, could be the exception to the appreciation resulting from the Landmarking designation."), along with the comments of Diane Jenkins in 2001.

Mr. Rabideau introduced Dr. John Garner, Preservation Consultant and professor emeritus of architecture at the University of Illinois at Urbana/Champaign, who offered lengthy testimony in an attempt to refute the Town's designation report. His resume and findings are included in Mr. Rabideau's submitted notebook of exhibits. Some of his points include: This property does not measure up; substantial changes have occurred to this property over the years; the external massing has been respected, but in terms of keeping up with the character of construction, the style itself, the choice of building materials, it falls short; beach accretion has affected the house; the exterior may be the same, but the interior has changed dramatically over time; this is not a skillful interpretation of the French Eclectic style, contrary to statements in the designation report; 1545 North Ocean Way is an anomaly regarding building styles, and is unusual and out of place in terms of climate and choice of style; and, changes to the home over time are not appropriate. During his presentation, Dr. Garner discussed the changes to the property over time in detail. Dr. Garner then focused on refuting the designation criteria listed in the designation report.

Mr. Rabideau reiterated that the beach is further and further away from the house, which has happened over time. The house is currently 600 feet away from the public beach. He stressed the point that there must be a balance between the private burden and the public benefit; that this house cannot be seen from the road, and there is a very small view of the house from the beach...just the roofline.

Commission Comments: Regarding the statement that part of the reason it should be torn down is that it would not be built today...that is exactly the reason that this commission exists...to preserve houses that would not be built today; you said that by destroying landmarked houses, a concept of scarcity would be produced, and therefore, increase the value....that is not the purpose of this commission; highest and best use is not preservation; there seemed to be criticism of the previous owners enjoying privacy and being humble people; the house was not built for 25 people and the Williams certainly knew that when they bought it; took exception with the statement that Fatio did not build many homes with French design elements, and that such homes were not typical of the style of the time...there were a number of them; Fatio did many homes in the 30's; old Palm Beach was very much into humility, and did not have the need or the ego that needed to be reinforced by having their property seen...so that is a contributing factor to this house; and, we cannot consider the financial issues.

Let the record show that Mr. Randolph interrupted the comments and questions to advise that this is a quasi-judicial hearing and should not be turned into a debate. The LPC is to make decisions based on the evidence presented today, rather than upon any pre-existing feelings.

Commission Comments (continued): Agree with Dr. Garner about the extensions and quality of the work done...it does not represent the original home, since it sprawls so much...it does not qualify; (to Mrs. Williams) did you say you cannot expand the house? (Mrs. Williams responded that the foundation will not support further additions; and, that they are trying to sell the property.)

Lori Volk commented that at the time this house was built, building something smaller made sense. Now, the owners are pushing themselves to sell the property in response to it being proposed for landmarking. She suggested a compromise...that these owners encourage the next owners to barge and move the house. "This house is going to come down one way or the other and they are going to win in a court of law, so why torture the process. Let's continue to put more money behind our landmarking program and stick with the houses that are eligible and want to be designated...encourage those to the tax abatement, and let's do the right thing...their response to putting it on the market, and not trying to find a remedy to grow into this house is all because the fear of landmarking is upon them."

Commission Comments (continued): It is always difficult subject matter when the property owner is strongly opposed to designating a home; almost every owner of a landmark property felt this way one way or another... these exact arguments were always made for any of the great homes we have today...that they were white elephants, that they were anomalies, that they shouldn't exist, that no one wants them anymore, and that it was an economic burden; for most of the original properties placed under consideration, the owners sued the town; our program is strong because we tried to keep excellent homes; this is an excellent home, and while sympathetic to the owner's concerns, our role is to look at the criteria and the ordinance, and the evidence and testimony; even after all the testimony, I still believe the home meets the criteria of the ordinance as set out in the designation report.

Janet Murphy, Staff Historic Preservation Consultant, stated that this house was brought to the consultants by Alex Fatio Taylor, daughter of Maurice Fatio, and that Ms. Taylor requested that the house be landmarked.

**MOTION BY MR. COONEY THAT WE RECOMMEND TO THE TOWN COUNCIL THAT 1545 NORTH OCEAN WAY BE DESIGNATED AS A LANDMARK OF THE TOWN OF PALM BEACH.**
**MOTION SECONDED BY MS. HUFTY.**
**MOTION CARRIED 6-1, WITH MR. STRAWBRIDGE OPPOSED.**

Item 3: 189 Bradley Place
Owner: Three Pearls LLC

Call for disclosure of ex parte communication: No disclosures

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Emily Stillings, Murphy Stillings LLC, Staff Historic Preservation Consultants, testified to the architecture, history, and architectural history for this commercial/residential building, constructed in 1924, which is historically known as the Jonas Building. Ms. Stillings indicated that the property owner supports the landmark designation of the building. She testified that this property meets the following criteria for landmark designation:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies the distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

**MOTION BY MR. COONEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.**
**MOTION SECONDED BY MR. STRAWBRIDGE.**
**MOTION CARRIED UNANIMOUSLY.**

Commission Comments: A wonderful commercial building....glad we are choosing to designate it and grateful that the property owner supports the designation.

**MOTION BY MR. COONEY THAT 189 BRADLEY PLACE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH.**
**MOTION SECONDED BY MRS. ALBARRAN.**
**MOTION CARRIED UNANIMOUSLY.**

**G. <u>DISCUSSION RELATIVE TO NEW PROCEDURES TO BE IMPLEMENTED REGARDING DEMOLITION AT LANDMARKED PROPERTIES:</u>**

Let the record show that Mr. Cooney left the meeting at 5:23 p.m.

Mr. Page stated that the suggested concepts to prevent situations such as the one at 105 Clarendon are still in draft form. He has worked with Mr. Pandula toward refinement of those concepts. The concepts are as follows: 1) Issue a demolition permit (segregating the demolition from the construction permit); 2) Issue a Demolition Completion Certificate; 3) Hold a required pre-construction meeting relative to the demolition; 4) Require a Resident Inspector at the jobsite (but, if private provider used, Town inspectors to visit; 5) Utilize a project checklist; and 6) Codify necessary elements.

Eugene Pandula, architect and former Chairman of the LPC, offered his comments about the suggested procedures: Situations such as the one at 105 Clarendon Avenue are, historically, very infrequent, so be careful not to codify too much; cited 1800 South Ocean Boulevard which was eventually de-designated and Four Winds, which was beautifully restored, as previous examples; do not over-react because most people play by the rules; since these incidences, a materials removal plan is an application requirement; don't punish legitimate architects, contractors and Town staff because one person does not know how to run his jobsite; the person doing the work is responsible to do it in accordance with what has been approved; a separate demolition permit works, but it is not possible to have it completed and inspected all at one time...it reveals itself over time, not all at once; recommends that the LPC ask more questions about what is being demolished so the LPC knows what they are approving; if you attempt to get applicants to completely state the full extent of the demolition at the outset, the unintended result will likely be that the applicant requests more demolition than is actually necessary, to avoid having to come back to the commission; supports the concept of the pre-demolition meeting with the architect, the contractor, the qualifier and the consultants; recommends that staff be more accessible to come to a jobsite with short notice to avoid unnecessary loss of time; and recommend having the architect or contractor certify the job on a weekly basis that they have not gone beyond approvals.

Commission Comments: Steps #1 and #2 do not coincide with reality...come up with a different way to monitor; it's tough to get all the demolition done and then start construction; and, there should be a penalty in the ordinance if someone "butchers" a job or is in violation.

Mr. Page stated that the Building Official will be instrumental is administering the final process. Mr. Bucklew had suggested the possibility of a demolition bond being required as part of the process, with the return of said bond only if the demolition has been completed according to the approved plans.

Mr. Randolph was very reluctant to amending the LPC ordinance, which is a strong ordinance as it exists. He recommended that this be handled administratively.

Mr. Cooley asked that the review of this procedure be heard first on next month's agenda.

Lori Volk offered additional comments in support of enforcement.

Mr. Bucklew stated that the Town still has the ability to withhold a Certificate of Occupancy until all of the issues are settled.

**XI. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR**: None

**XII. ADJOURNMENT: (06:03 p.m.)**

The meeting was adjourned at 6:03 p.m. without benefit of a motion.

The next meeting of the Landmarks Preservation Commission will be held on **Wednesday, December 17, 2014** at 9:30 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

William O. Cooley, Chairman
LANDMARKS PRESERVATION COMMISSION

cmd

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| LAST NAME—FIRST NAME—MIDDLE NAME | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE |
|---|---|
| ALBARRAN JACQUELINE | LANDMARKS PRESERVATION COMMISSION |
| MAILING ADDRESS<br>324 ROYAL PALM WAY #227 | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br>☐ CITY ☐ COUNTY ☑ OTHER LOCAL AGENCY TOWN |
| CITY<br>PALM BEACH, FL | COUNTY<br>33480 PALM BEACH |
| DATE ON WHICH VOTE OCCURRED<br>11/19/14 | NAME OF POLITICAL SUBDIVISION:<br>TOWN OF PALM BEACH |
| | MY POSITION IS:<br>☐ ELECTIVE ☑ APPOINTIVE |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

## ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

## APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JACQUELINE ALBARRAN, hereby disclose that on 11/19, 20 14:

(a) A measure came or will come before my agency which (check one or more)

✓ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

241 BANYAN
(PREVIOUSLY DECLARED CONFLICT)

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

✓ 11/19/14
Date Filed

✓ _____
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| LAST NAME—FIRST NAME—MIDDLE NAME | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE |
|---|---|
| ALBARRAN JACQUELINE | LANDMARKS PRESERVATION COMMISSION |
| MAILING ADDRESS<br>324 ROYAL PALM WAY #227 | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br>☐ CITY ☐ COUNTY ☑ OTHER LOCAL AGENCY TOWN |
| CITY: PALM BEACH, FL — COUNTY: 33480 PALM BEACH | NAME OF POLITICAL SUBDIVISION:<br>TOWN OF PALM BEACH |
| DATE ON WHICH VOTE OCCURRED<br>1/19/14 | MY POSITION IS:<br>☐ ELECTIVE ☑ APPOINTIVE |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

## ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

## APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JACQUELINE ALBARRAN, hereby disclose that on 11/19, 20 14:

(a) A measure came or will come before my agency which (check one or more)

✓ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

10 S. LAKE TR.
(PREVIOUSLY DECLARED CONFLICT)

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

✓ 11/19/14
Date Filed

✓ _____
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.