



**TOWN OF PALM BEACH  
PLANNING, ZONING AND BUILDING  
DEPARTMENT**

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION  
MEETING HELD ON FRIDAY, SEPTEMBER 24, 2021.**

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com).

**I. CALL TO ORDER**

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

**II. ROLL CALL**

|                                 |                    |
|---------------------------------|--------------------|
| Richard Rene Silvin, Chairman   | PRESENT            |
| Sue Patterson, Vice Chairman    | PRESENT            |
| Jacqueline Albarran, Member     | PRESENT            |
| Patrick Segraves, Member        | PRESENT            |
| Kim Coleman, Member             | PRESENT            |
| Anne Fairfax, Member            | ABSENT (Unexcused) |
| Brittain Damgard, Member        | PRESENT            |
| Anne Metzger, Alternate Member  | PRESENT            |
| Fernando Wong, Alternate Member | PRESENT            |
| Bridget Moran, Alternate Member | PRESENT            |

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building  
James Murphy, Assistant Director of Planning, Zoning and Building  
Paul Castro, Zoning Manager  
Sarah C. Pardue, Historic Preservation Planner  
Kelly Churney, Board Secretary to the Landmarks Preservation Commission  
Emily Stillings, Preservation Consultant  
Janet Murphy, Preservation Consultant

*Please note: It was indicated that Ms. Metzger would be voting in the absence of Ms. Fairfax.*

**III. PLEDGE OF ALLEGIANCE**

Chairman Silvin led the Pledge of Allegiance.

**IV. APPROVAL OF THE MINUTES OF THE AUGUST 18, 2021 MEETING**

**Motion made by Ms. Coleman and seconded by Ms. Patterson to approve the minutes of the August 18, 2021 meeting. Motion carried unanimously, 7-0.**

**V. APPROVAL OF THE AGENDA**

**Motion made by Ms. Coleman and seconded by Ms. Patterson to approve the agenda as presented. Motion carried unanimously, 7-0.**

**VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney swore in all professionals before each presentation and throughout the meeting as necessary.

**VII. COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**

Aimee Sunny, Preservation Foundation of Palm Beach, provided an update on a study in coordination with Donovan Rypkema from Place Economics. She added that they hoped to present the study to the Town Council and the LPC at their October meeting. She also added that the Preservation Foundation had tentatively scheduled a realtor training symposium on October 21, 2021. This symposium would offer training to realtors on historic preservation, the value and economic benefits of preservation as well as general information on the Landmarks and Architectural Review Commissions. She indicated that she would send the symposium information to the Commission.

**VIII. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS**

Ms. Metzger inquired if the Commissioners should attend the realtor symposium. Mr. Silvin responded.

Mr. Silvin stated that he sent a letter to the Town Council requesting that they allow the Landmarks Preservation Commission to continue to meet virtually. He indicated the meeting in November would be long and possibly two days. Mr. Silvin acknowledged the completed staff approvals and stated any Commission could request an explanation on any project that received a staff approval.

**IX. PROJECT REVIEW**

**A. CERTIFICATES OF APPROPRIATENESS – OLD BUSINESS**

None

**B. CERTIFICATES OF APPROPRIATENESS – NEW BUSINESS**

1. COA-21-002, 8 South Lake Trail The applicant, The Lakeside Trust Dated November 19, 2020 (Patrick C. Emans, Trustee), has filed an application requesting a Certificate of Appropriateness approval for modifications to a previously approved COA including minor architectural changes to the fenestration and metal railings to the landmark structure along with landscaping and site work.

Call for disclosure of ex parte communication: Disclosure by Mr. Silvin and Mses. Albarran and Metzger.

Jason Bibens, Ferguson & Shamamian Architecture, presented the architectural plans proposed for the modifications to the existing, landmarked home.

Mr. Silvin inquired if staff had any comments.

Ms. Stillings inquired if the transom was being replaced on the front. Mr. Bibens stated the transom would not be replaced. Ms. Stillings inquired about the reconstruction methods of the east loggia. Mr. Bibens stated that the loggia would be entirely removed and reconstructed. He added that the contractor hired a survey company to capture profiles of all of the shapes so that everything could be replicated. Ms. Stillings requested that any of the materials that could be removed and reused would be the best method for preservation. Mr. Bibens stated that the railings would be removed and reused. Otherwise, he indicated the objective would be to match all elements as existing.

Mr. Silvin inquired if there were any public comments.

Aimee Sunny, The Preservation Foundation, inquired if the front door was original and asked for the reason it was to be replaced. She had the same concerns for the east loggia.

Mr. Bibens discussed the reasons for the replacement of the front door. Mr. Bibens then discussed the structural concerns for the slab under the east loggia as well as the concerns for the drainage on the second floor terrace.

Ms. Patterson inquired about the choice for the oval, rather than round, windows that look out on the east loggia. Mr. Bibens discussed the reason for the proposed windows.

Ms. Albarran was happy to hear that the railings were going to be saved and reused.

Mses. Coleman and Damgard thought the changes were good.

Ms. Metzger inquired if it were possible to repair and reuse the front door, rather than to replace the door. Mr. Bibens stated the only portion of the door to be replaced would be the actual door. The surrounding structure and transom would remain. He discussed the reason that the door could not be repaired.

Ms. Moran supported the changes.

Mr. Silvin inquired if previous projects for the property had received a tax abatement. Ms. Stillings stated that the previous projects did receive a tax abatement. Mr. Silvin inquired about later changes and if these changes would affect the tax abatement for the property. Ms. Stillings responded. Mr. Silvin asked if the changes to the windows on the east façade concerned Ms. Stillings, particularly with the tax abatement. Ms. Stillings stated that the changes were not concerning.

**Motion made by Ms. Coleman and seconded by Ms. Patterson to approve the architectural changes as presented.**

Mr. Silvin indicated that the Commission needed to request a utility easement for this property.

Ms. Patterson asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Bibens agreed to the easement.

**Motion amended by Ms. Coleman and seconded by Ms. Patterson to approve the architectural changes as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

Gary Rasmussen, Blasen Landscape Architecture, presented the landscape and hardscape modifications proposed for the existing site.

Mr. Silvin inquired if staff had any comments. Mr. Murphy indicated that staff did not have any comments.

Mr. Silvin inquired if there were any public comments.

Aimee Sunny, The Preservation Foundation, showed some historical plans and photographs of the fountain and pool. She recommended that the original fountain base remained in the existing dimensions and materials. She also suggested to retain and maintain as much of the original pool as possible. Ms. Sunny indicated that the Preservation Foundation had extensive Volk archives for the property and offered to assist the professional in their research of the property.

Ms. Patterson thought it was important to maintain the center fountain if it was original. Otherwise, she supported the changes.

Ms. Albarran preferred for the professional to keep the shape of the original pool. She also preferred for the professional to keep the original shape of the fountain as well.

Ms. Coleman thought the professional should keep the original shape of the fountain.

A discussion ensued about the original borders of the property and additional structures that had existed on the property.

Ms. Damgard agreed with the comments on the fountain and the pool.

Ms. Metzger liked the idea of keeping the original pool. She inquired about the additional guest house and whether it was to be removed. Mr. Bibens responded. She asked if the owners would consider restoring the runnel. Mr. Rasmussen

stated that that the owners did not have any intention of restoring the runnel at this time.

Ms. Moran agreed with the other Commissioners. She thanked Ms. Sunny for sharing the photographs and hoped that they would be used if the fountain and pool could not be restored.

Mr. Segraves agreed the other Commissioners on the fountain.

*Please note: Fernando Wong stated that he had a conflict of interest with the project and recused himself from the discussion.*

Mr. Silvin inquired about the wrought iron gate on the west side of the property and wondered if it would be replaced. Mr. Rasmussen confirmed it would be replaced. Mr. Silvin inquired about the hedge beyond the gate and whether it would remain. Mr. Rasmussen responded.

**Motion made by Ms. Albarran and seconded by Ms. Patterson to approve the project as presented, with the conditions that the professionals used the drawings from the Preservation Foundation to replicate the dimensions and shape of the existing pool if it needed to be replaced and to keep the original fountain.**

Mr. Rasmussen inquired if steps could be added to the east side of the pool to mimic the west side steps.

Ms. Sunny stated that the original drawings showed steps on one side of the pool and ladders on the other side. She thought it was important to maintain the shape and design of the pool. She indicated that while she did not have an issue with the additional steps, she thought it was best to replicate the historic pool.

Mses. Albarran and Patterson both supported new steps on the east end of the pool.

Ms. Coleman inquired about the removal of the Royal palms on the north side of the property. Mr. Rasmussen responded and discussed the replacement of several Royal palms.

Ms. Metzger inquired how many Royal palms were proposed to be removed. Mr. Rasmussen stated ten trees were proposed to be removed.

Ms. Patterson requested to see photographs of the areas where the Royal palms would be removed.

**Motion amended by Ms. Albarran and seconded by Ms. Patterson to approve the project as presented, with the conditions that the professionals used the drawings from the Preservation Foundation to replicate the dimensions and shape of the existing pool if it needs to be replaced, steps could be added to the east end of the pool to match the west steps, the**

**original fountain was to remain based on the photographs by the Preservation Foundation and to defer the removal of the 10 Royal palm trees to the October 20, 2021 meeting, with the request that the professional return with photographs of the Royal palm trees to be removed, photographs of how the site would look after the palms are removed and any material to be used to replace the trees. Motion carried unanimously, 7-0.**

Mr. Rasmussen requested clarification on the fountain and whether the basin lining material of the fountain could be replaced. Mr. Rasmussen stated the existing lining was plaster and not original.

The Commissioners were supportive of the requested change of the basin lining material of the fountain.

### **C. HISTORICALLY SIGNIFICANT BUILDINGS – OLD BUSINESS**

#### **1. Application for Historically Significant Building H-005-2021**

Address: 10 Tarpon Isle

Owner/Applicant: 10 Tarpon Island LLC (Todd Glaser)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Request to demolish a portion of the existing residence and to construct a 17,999 sf two-story addition, pool, landscaping and hardscape. The portion of the existing residence, pool, and hardscaping to remain will be renovated.

A motion carried at the August 18, 2021 meeting, to approve the project with the exception of the copper-roofed 'folly' and the breezeway 'connection' which were deferred to the September 24, 2021 meeting with direction as provided by the Commission.

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

Carolee Rodebaugh, Dailey Janssen Architect, presented the architectural modifications proposed for the breezeway and the folly.

Mr. Silvin inquired if staff had any comments. Mr. Murphy indicated that staff did not have any comments.

Mr. Silvin inquired if there were any public comments.

Aimee Sunny, The Preservation Foundation of Palm Beach, thanked the professional for retaining more of the original structure. Ms. Sunny preferred the shutters proposed for the windows on the tennis pavilion folly. She thought the shutters tied the new addition to the original, historic structure.

Ms. Patterson agreed with Ms. Sunny's comment and was in favor of the windows with the shutters on the folly.

Ms. Albarran was in favor of the change to the breezeway. She liked both proposals for the folly but leaned toward adding the windows with the shutters as a nod to the original structure.

Ms. Coleman inquired if shutters could be placed on the French doors, second floor, south elevation. She thought the new addition was very large and linear. She also questioned why the only room that looked to the west was the folly. A discussion ensued about the possibility of adding shutters to the second floor, French doors.

Ms. Damgard was in favor of the new roof on the folly and the new windows with the shutters. She appreciated Mr. Janssen's consideration of the change to the windows.

Ms. Coleman stated she wished that there were more renderings of the home so that they Commission could determine how it would read from the water.

Ms. Metzger was in favor of the windows with the shutters.

Ms. Moran liked the changes to the breezeway. She thought the folly did not seem smaller and she lamented that the copper roof had been removed. She thought the removal of the copper roof made the pavilion seem less of a folly. She did support the shutters on the windows in the pavilion.

Mr. Segraves was in favor of the breezeway. He did like the windows with the shutters. Mr. Segraves also liked the previously proposed copper roof for the folly.

Ms. Patterson inquired about the owner's preference for the roof material on the folly.

Mr. Wong liked the smaller windows with the shutters. He made a suggestion for the pediments.

Mr. Silvin was in favor of the copper roof material. Mr. Silvin discussed the ordinance regarding the invasive, Australian pine trees located on the property.

Mr. Silvin inquired if there were any public comments.

Todd Glaser, owner, discussed the reasons he initially proposed a copper roof on the folly. He stated he would love to add the copper roof to the folly.

**Motion made by Ms. Damgard and seconded by Ms. Patterson to approve the project as presented, including the breezeway as presented, the smaller windows with shutters on the pavilion and with the copper roof on the pavilion. Motion carried unanimously, 7-0.**

#### **D. HISTORICALLY SIGNIFICANT BUILDINGS – NEW BUSINESS**

None

**X. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)**

**1. Public**

There were no comments heard at this time.

**2. Staff**

Mr. Murphy discussed Ordinance 2-2020, which is known as the Palm Beach Historically Conservation District Ordinance and outlined the criteria for designation as a Historically Significant Building. He reviewed the criteria used to determine if a home could be considered a Historically Significant Building. He stated only one criteria needed to be met.

Ms. Stillings made a brief presentation regarding the Historically Significant Building process and requirements. She indicated there have currently been about 25 homes that have received the HSB designation.

Mr. Silvini inquired if Ms. Stillings could email her presentation to the Commissioners. Ms. Stillings stated she would forward the presentation to the Town.

Mr. Murphy stated that while 25 homes had received the HSB designation, only about 9 had been reviewed by the Commission. He discussed what items would require a review by the Commission.

Ms. Stillings and Mr. Murphy answered the questions from the Commissioners.

Janet Murphy stated that the owner at 215 Seaspray Avenue requested that their home be placed under consideration for landmarks. She presented a brief history of the 1924 Mediterranean Revival home by E.B. Walton.

**Motion made by Ms. Albarran and seconded by Ms. Patterson to place 215 Seaspray Avenue under consideration for Landmark Designation. Motion carried unanimously, 7-0.**

Mr. Bergman reviewed the Landmark projects and issues presented at the August 2021 Town Council Meetings. Mr. Bergman answered questions from the Commissioners.

Mr. Bergman stated that Fernando Wong declared a continuing conflict of interest for the project at 800 S. County Road at the August 18, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Fernando Wong declared a continuing conflict of interest for the project at 235 Dunbar Road at the August 18, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Jacqueline Albarran declared a continuing conflict of interest for the project at 800 S. County Road at the August 18, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

3. Commission

There were no comments heard at this time.

**XI. ADJOURNMENT**

**Motion made by Ms. Patterson and seconded by Ms. Coleman to adjourn the meeting at 11:47 a.m. Motion carried unanimously, 7-0.**

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, October 20, 2021 at 9:30 a.m. in the Town Council Chambers, 2<sup>nd</sup> floor, Town Hall, 360 S. County Road.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard M. Silvin", followed by a horizontal line.

Richard Rene Silvin, Chairman  
LANDMARKS PRESERVATION COMMISSION

kmc

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

|                                                                                                     |                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LAST NAME—FIRST NAME—MIDDLE NAME<br>Wong, Fernando                                                  | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br>Landmarks Preservation Commission                                                                                                              |
| MAILING ADDRESS<br>201 Seaview Ave., #2                                                             | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:<br><input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY |
| CITY<br>Palm Beach                                                                                  | COUNTY<br>Palm Beach                                                                                                                                                                                          |
| DATE ON WHICH VOTE OCCURRED<br>September 24, 2021                                                   | NAME OF POLITICAL SUBDIVISION:<br>Town of Palm Beach                                                                                                                                                          |
| MY POSITION IS:<br><input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> 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, Fernando Wong, hereby disclose that on September 24, 20 21 :

(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, PREVIOUS LANDSCAPE ARCHITECT ;
- ☐ inured to the special gain or loss of my relative, for the House ;
- ☐ 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:

Continuing Conflict

Certificate of Appropriateness - 21-002

8 S. Lake Trail

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.

Date Filed

OCT. 20. 2021

Signature

[Signature]

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