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

WEDNESDAY, AUGUST 20, 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: (09:30:13 a.m.)

William O. Cooley, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Edward Austin Cooney, Member	PRESENT
John T. Gannon, Member	ABSENT (unexcused)
Page Lee Hufty, Member	PRESENT
Rachel Lorentzen, Member	PRESENT (arrived at 11 a.m.)
Richard Rene Silvin, Alternate Member	PRESENT
Carol N. Wyett, Alternate Member	PRESENT
William J. Strawbridge, Jr., Alternate Member	PRESENT

Mr. Page announced that Mrs. Lorentzen was flying in for the meeting and would be late in arriving. Until she arrived, Mr. Silvin and Mrs. Wyett were voting members.

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

III. PLEDGE OF ALLEGIANCE:(09:31:00 a.m.)

IV. **APPROVAL OF THE MINUTES OF THE JULY 21, 2014 MEETING:(09:31:23 a.m.)**
MOTION BY MRS. ALBARRAN FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. SILVIN.
MOTION CARRIED UNANIMOUSLY.

Mr. Page referenced the voting conflict form filed by Mrs. Albarran at the last meeting related to 241 Banyan Road.

V. **APPROVAL OF THE AGENDA: (09:32:13 a.m.)**
MOTION BY MRS. ALBARRAN FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. COONEY.
MOTION CARRIED UNANIMOUSLY.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (09:32:35 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): (09:32:55 a.m.)**
None

VIII. **PUBLIC HEARINGS: (09:33:12 a.m.)**

A. Application for Certificate of Appropriateness #031 - 2014
Rehabilitation
Owner/Applicant: Mary Jordan Saunders and Thomas A. Saunders III
Address: 5 Middle Road
Architect: Kirchhoff & Associates Architects, Thomas M. Kirchhoff
Project Description: Request approval for rehabilitation and interior demolition which is further described as: Exterior work includes the following: Infilling the porch above the garage; Modifying the south facing window in the Library to reduce the sill height; Replacing the existing bay windows with impact rated bay windows - Historical integrity to be maintained. Interior work includes the following: Remodeling of the master suite, bedrooms and bathrooms to meet the new owner's lifestyle; remodeling of other associated areas; no changes to primary spaces; and, other associated changes as presented. Please note: This residence was previously a tax abatement project under a different property owner. This work is not seeking tax abatement.

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

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff

Mr. Kirchhoff presented the project in accordance with the submitted plans and as described above for this residence originally designed by Wyeth & King. He reviewed previously approved changes to this residence and indicated that he will return to the LPC, most likely in October, for additional work for a new pool and cabana structure. Current proposed changes include: Take the house back to the Georgian style; replace leaking windows with new impact units; interior finishes and cabinetry; lower window to floor in library; add fireplace; and, at the second floor, enclose an unused outdoor porch to create another bedroom and add three windows.

Commission Comments: Regarding enclosing the balcony...this is the only visual from Gulfstream Road...the balcony is a symbol of departure and welcoming and adds to the street presence...enclosing it spoils the integrity of what Wyett was offering to the street; issue with size of the three new windows at porch; OK with enclosing the porch, but do not like the three little windows... recommend a pair of windows with shutters, or just one; like the design as presented so it reads as a staff wing, as it was originally; three windows look too crowded...recommend either two windows with shutters or one window with shutters; suggestion for two windows with a false balcony; and, it was intended to look like a coach house.

MOTION BY MR. ZUKOV TO DEFER THE WINDOWS AT THE BALCONY TO THE SEPTEMBER MEETING, BUT APPROVE ALL OTHER CHANGES.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #032 - 2014
Window
Owner/Applicant: Bishop Gerald Barbarito, Diocese of Palm Beach
Address: 142 N. County Road
Architect: Smith Architectural Group, Jeffery W. Smith
Project Description: Request approval for new window which is further described as: New impact rated window over stain glass window at main (east) facade, and other associated changes as presented.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Jeffery W. Smith, Smith Architectural Group
OTHERS WHO TESTIFIED: Alexander Ives, Executive Director of the Preservation Foundation, Michael Scharf, 225 Dunbar Road, and Danielle Moore, 277 Pendleton Avenue

Mr. Smith presented the project in accordance with the submitted plans and as described above. He noted that the church is in the midst of cast stone restoration, and at the same time would like to protect the stained glass window over the front door. All of the other windows at the church already have hurricane protection. This particular window is so large (14.5 ft. high and 8 ft. wide) that the same means of protection was not feasible. As such, the proposal is to place a bronze framed impact window (made by Hope's Windows) over the stained glass window.

Janet Murphy, Staff Historic Preservation Consultant, commented: The muntins are too thick and will significantly mar the building's appearance; condensation may be a problem between the two windows; and, suggested that the applicant look for a more temporary solution.

Commission Comments: The two horizontal bars will stand out...is there another way to provide hurricane protection?...to only be put in place when a storm approaches?; Bethesda has just done all of their windows; understand the concern about the mullions, but the preservation of the window depicting St. Edward is paramount...a worthy compromise...using a top of the line product; check how Bethesda has done this; the bars will block part of the stained glass window...how about doing smaller sections following the design of the window; and, the bars will harm the view during the day and night...there has to be a way to screen it when a hurricane comes.

It should be noted that Mr. Smith maintained that it would be very difficult and impractical for the church to have to "scramble" in advance of a hurricane to have some sort of hurricane protection placed over this window.

MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MS. HUFTY.
MOTION FAILED, 2-5, WITH ONLY THE MAKER AND SECONDER IN SUPPORT.

MOTION BY MRS. ALBARRAN FOR DEFERRAL TO THE SEPTEMBER MEETING REQUESTING THAT THE APPLICANT TAKE A LOOK AT BETHESDA, AND ANY OTHER OPTIONS.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED 6-1, WITH MR. COONEY OPPOSED.

Let the record show that after the 10:40 a.m. recess, later in the meeting, there was a motion to reconsider this project at the request of the architect.

MOTION BY MS. HUFTY TO RECONSIDER COA-032-2014.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED 6-1, WITH MR. COOLEY OPPOSED.

Mr. Smith returned to the LPC with photos of the hurricane protection on the stained glass windows at Bethesda, which were shown on the Elmo projector and evidenced a very similar style of hurricane protection.

Alexander Ives, Executive Director of the Preservation Foundation, spoke in favor of the project as presented by Mr. Smith as it will be helpful to the church and in keeping with hurricane protection methods used at other churches/synagogues in the town.

Commission Comments: The applicant is proposing the best product available on the market...the protection of the window is paramount...the Bethesda hurricane protection is a more extreme version of what has been proposed; questioning whether this is the best method...suggesting mesh as the solution.

Michael Scharf, 225 Dunbar Road, spoke in strong support of the project as presented.

Danielle Moore, 277 Pendleton Avenue, testified that she has Armor Screen on the windows at her home. These screens require drilling into the structure, and then applying plastic covers at the drill sites. She stated that these are difficult to install, and would be especially so on the St. Edward's window; that it will take a team of people to get the screen up; and, that there may not be enough time prior to a storm to erect the hurricane screen. She was further concerned about drilling into the newly restored church exterior.

Let the record show that Mrs. Lorentzen arrived at this time.

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

C. Application for Certificate of Appropriateness #033 - 2014
Landscape/Hardscape
Owner: Preservation Foundation of Palm Beach, Inc.
Applicant: Alexander Ives, Executive Director, Preservation Foundation of Palm Beach, Inc.
Address: 356 S. County Road, Earl T. Smith Park
Architect: Nievera Williams Design
Project Description: Request approval for landscape/hardscape which is further described as: Landscape improvements to include xeriscape appropriate materials and materials to provide additional shade canopy to the park, and other associated changes as presented.

Call for disclosure of ex parte communication: Disclosures by Mr. Cooley and Ms. Hufty

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Williams presented the project in accordance with the submitted plans and as described above. He stated the three design goals of the project: (1) To create more shade; (2) To add more color; and (3) To use more sustainable plants. He listed the plant material to be removed, and the new plant material proposed including: New Garcinia hedge; 4 new tall Coconut Palms; colorful vines growing up the trunks of the Coconut Palms; and, 4 planters with colorful plant material. He noted that taller plant material may be added to the pots, as was suggested by Ms. Hufty.

Commission Comments: Beautiful with added color and protection from cars going by; great improvement; applaud xeriscaping; suggest that Ficus be allowed to extend over the courtyard; that butterfly plants be planted; that the trunk vines attract butterflies; and, consider color in all of the smaller pots all the way around.

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

IX. DISCUSSION RELATIVE TO FUTURE LANDMARKING:(10:34:17 a.m.)

Mr. Cooley explained that at the last meeting, members were asked to submit a list of properties which they felt were worthy of landmarking. That list has been assembled by the consultants. Today, the consultants will present photos of each of the suggested properties. Mr. Cooley asked the members to make notes relative to the properties during the consultants' presentation in the hope that the commission will be able to agree on a few properties to be placed "under consideration" for landmark designation.

Janet Murphy and Emily Stillings distributed 3 lists to the members: (1) List of Potential Properties to Put "Under Consideration" for Landmark Status (the cumulative list of the members' suggested properties which includes the number of members who selected this property); (2) Murphy Stillings' List of Sites for Further Study for Landmarking (the consultants' suggested properties); and (3) List of Sites to Consider for Landmarking (35 properties remaining undesignated from the original Dr. Jane Day list of 90 structures which were potentially eligible for local landmark designation).

Mr. Cooney asked that the public be made aware of said lists in the spirit of transparency by placing this information online.

Let the record show that a short recess was called at 10:40 a.m. to allow for additional copies of the lists to be made available for the public. The meeting reconvened at 10:50 a.m., but instead of resuming the discussion relative to future landmarking, there was a request by architect Jeffery Smith to reconsider the project for St. Edward's Church, CoA-032-2014. Please see COA-032-2014 for the record of that reconsideration.

Discussion resumed relative to future landmarking. The consultants provided a presentation with photographs and minimal information relative to each of the properties listed on the "List of Potential Properties to Put "Under Consideration" for Landmark Status", and indicated the properties on this list which were also on the "Murphy Stillings' List of Sites for Further Study for Landmarking". Mr. Cooley asked the members to arrive at approximately 4 structures to be placed "under consideration" today to allow the consultants to begin their work for the upcoming designation season.

Mrs. Albarran advocated for placing 233 Clarke Avenue "under consideration" since 3 members had included this address on their lists of properties to be considered; since it is in great shape; and, since it is limited by code restrictions which might cause it to be a tear down if it were not landmarked.

There was discussion relative to the mission of the LPC in placing properties "under consideration", i.e., to preserve only great architectural works or to landmark properties which are not the most beautiful, but mark a place in the history of Palm Beach, i.e., the "fabric" of Palm Beach. Some felt that since much of the residential inventory has already been landmarked, more focus was needed on commercial properties in the town. Alexander Ives, Executive Director of the Preservation Foundation, opined that "use" should not be a determining factor in landmarking. Some other thoughts advanced: Do not try to set maximums or minimums for any particular style or architect; we do not want to send the message that we are done landmarking residential properties; in all of the discussions relative to the PUD-5, all parties agreed that preserving properties in that area is important; proceed with caution...we want to preserve the town, not blight it; and, with so many new houses being built, there is concern regarding losing the character of Palm Beach.

Mr. Cooley asked once again for several properties to be placed "under consideration" to allow the consultants to begin work toward the designation season. Members suggested several properties. Mr. Randolph cautioned against lumping properties together, and recommended for individual action.

MOTION BY MRS. LORENTZEN TO PLACE 225 S. COUNTY ROAD "UNDER CONSIDERATION" FOR LANDMARKING.
MOTION WITHDRAWN BY MRS. LORENTZEN.

The Commission had further discussion as to how to proceed today, i.e., by what method, to place several properties "under discussion."

MOTION BY MRS. LORENTZEN TO PLACE 233 CLARKE AVENUE "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.

There was more discussion relative to the process. Michael Scharf suggested allowing each member to propose his/her favorite property for consideration.

MOTION BY MR. COONEY TO PLACE 133 SEASPRAY AVENUE "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED 5-2, WITH MRS. LORENTZEN AND MR. ZUKOV OPPOSED.

MOTION BY MR. ZUKOV TO PLACE 311 SOUTH COUNTY ROAD "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MR. COONEY.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MS. HUFTY TO PLACE 17 MIDDLE ROAD "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED 5-2, WITH MRS. LORENTZEN AND MR. ZUKOV OPPOSED.

MOTION BY MRS. LORENTZEN TO PLACE 207 ROYAL POINCIANA WAY "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MR. COOLEY.
MOTION FAILED 3-4, WITH MRS. ALBARRAN, MS. HUFTY, MR. ZUKOV AND MR. SILVIN OPPOSED.

MOTION BY MRS. LORENTZEN TO PLACE 255 ROYAL POINCIANA WAY "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED 4-3, WITH MRS. ALBARRAN, MR. COONEY AND MR. SILVIN OPPOSED.

Alexander Ives, Preservation Foundation, asked that the members make their votes very clearly "Yes" or "No" to avoid a problem if there is any legal challenge to the designation.

MOTION BY MR. SILVIN TO PLACE 189 BRADLEY PLACE "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MR. COONEY.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. COOLEY TO PLACE 209-215 ROYAL POINCIANA WAY "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
Attorney Randolph asked that another member make that motion rather than Mr. Cooley.
MOTION BY MR. ZUKOV TO PLACE 209-215 ROYAL POINCIANA WAY "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MS. HUFTY.
MOTION CARRIED UNANIMOUSLY.

Mr. Silvin recalled that the LPC was asked to consider mid-century Modern structures as well. This had been previously encouraged by Mr. Ives of the Preservation Foundation. Mr. Ives stated that since so many Modern homes are being considered at ARCOM lately, it would be helpful to have mid-century Modern "fabric" on the landmark list as well to act as a guideline.

Discussion of future landmarking will appear on the agenda next month as well. Members were asked to review the remaining structures on the list for discussion next month. Mr. Cooley suggested that perhaps an additional three structures be added to the "under consideration" list at next month's meeting.

X. OTHER BUSINESS:

Michael Scharf asked the consultants about the progress related to the National Register nomination for Royal Poinciana Way.

XI. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: (12:15:13 p.m.)

Members posed several questions to the consultants relative to the upcoming designation season, how the consultants formulated their list, and research already completed on the properties, etc.

Mr. Strawbridge distributed an article from the New York Times entitles *Condo Builder Warms Up to Historic District.*

XII. ADJOURNMENT: (12:22:13 p.m.)

MOTION BY MR. ZUKOV TO ADJOURN THE MEETING AT 12:22 P.M.
MOTION SECONDED BY MR. COONEY.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, September 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

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