



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

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, JUNE 17, 2020.**

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.

I. CALL TO ORDER

Chairman Silvin called the GoToWebinar meeting to order at 9:35 a.m.

II. ROLL CALL

Richard Rene Silvin, Chairman	PRESENT
Sue Patterson, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Patrick Segraves, Member	PRESENT
John T. Gannon, Member	PRESENT
Kim Coleman, Member	PRESENT
Anne Fairfax, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT (audio at 9:42 am)
Brittain Damgard, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Acting Director of Planning, Zoning and Building

Paul Castro, Zoning Manager

Kelly Churney, Board Secretary to the Landmarks Preservation Commission

Emily Stillings, Preservation Consultant

Janet Murphy, Preservation Consultant

III. PLEDGE OF ALLEGIANCE

Chairman Silvin led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Bergman announced that the meeting was being held electronically due to the CDC guidelines, and in accordance with State Executive Order 20-69. Mr. Bergman suggested the Chair perform a roll call after a lunch break. Mr. Bergman discussed the procedures for the meeting.

V. APPROVAL OF THE MINUTES OF THE MAY 28, 2020 MEETING

Motion made by Ms. Coleman and seconded by Ms. Patterson to approve the minutes of the May 28, 2020 meeting. Motion carried unanimously.

VI. APPROVAL OF THE AGENDA

Mr. Silvin requested the addition of a discussion regarding a home on Sanford Avenue that was placed under consideration under XI. Discussion Items.

Mr. Bergman requested the following amendments to the agenda: Deferral of COA-006-2020, 320 S. Lake Drive to the August 19, 2020 meeting, Deferral of COA-012-2020, 1284 N. Lake Way to the July 22, 2020 meeting and Deferral of COA-018-2020, 130 Barton Avenue to the July 22, 2020 meeting.

Motion made by Mr. Segraves and seconded by Ms. Coleman to approve the agenda as amended. Motion carried unanimously.

VII. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY

Ms. Churney swore in all professionals before each presentation.

VIII. COMMENTS FROM THE PUBLIC: (Please limit comments to 3 minutes)

Craig Omtvedt, 79 Middle Road, was introduced to the Commission members by Mr. Silvin. Mr. Omtvedt spoke about the transformer proposed for 70 Middle Road. He also expressed his objections against placing a chicane in Middle Road. He requested a deferral of a decision until a due diligence process had been completed.

Ms. Coleman responded to Mr. Omtvedt's comments by suggesting that the landscape architect, Jorge Sanchez, get involved with helping to place the transformer tastefully on this property. Mr. Segraves expressed his opinion that the approval, which had been given with the caveat that the transformer be placed, was still proper.

Mr. Omtvedt suggested the possibility of a small single phase transformer for 70 Middle Road.

Phillip Rylands, President and CEO of The Society of The Four Arts, spoke about the new benches that were installed in front of The Gioconda and Joseph King Library. As the audio of Mr. Rylands was hard to hear, Mr. Silvin restated the purpose of Mr. Rylands' comments.

Mr. Silvin suggested to Mr. Rylands that he bring the benches to the next meeting as an informal review.

IX. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS:

Mr. Silvin shared a short-term goal of strictly adhering to Roberts Rules of Order while encouraging comments to be less formal. He expressed his pleasure at being Chairman and stated he would serve in the best way he could. He announced bathroom breaks at 11:30 a.m. and a half hour lunch break at 1 p.m. unless the meeting was near the end.

Ms. Patterson stated she had spoken to Amanda Skier about the possibility of promoting landmarked homes. Mr. Silvin discussed amazing transformations of landmarked homes.

Ms. Coleman inquired whether the Commission had approved the lighting at The White Elephant. She also asked whether ADA had required the chair in the pool. Mr. Silvin indicated there were several questions for the applicant at their next appearance. Ms. Coleman commented on a house on Via La Selva that had a similar roof to the house on El Vedado, which was recently presented. Mr. Silvin suggested the possibility of considering the home on Via La Selva for a possible designation.

Ms. Fairfax spoke regarding the Town project at 320 S. Lake Trail, in which her firm was reviewing. She also thought signage in the Town looked cluttered and needed to be addressed. Mr. Silvin responded only the area east of the bulkhead was under the purview of this Commission, and alterations would need to be brought to the Commission for approval. Ms. Fairfax recommended landmarking the Town parks so that they would receive an aesthetic overview each time they were modified.

Mr. Gannon reported he had spoken to Ms. Lazzara regarding her landmark home project; commented a local realtor, Lawrence Moens, who had owned landmarked homes and used landmarking as a selling point; and stated he was trying to contact Josh Martin in the hopes of gathering ideas to use to promote the Landmark program. He was also in conversations with local architects to promote Landmarks. Mr. Silvin indicated the Commission members should present themselves as a compassionate board.

Ms. Metzger recalled walking tours of landmark properties for children. She volunteered to talk to Amanda Skier about this and bring updates to the Commission.

Mr. Segraves addressed Ms. Fairfax's comments regarding parks, stating his opinion that Landmarks should be involved in the Lake Drive Park. He expressed his agreement with the comments regarding signage. He suggested this Commission and ARCOM look at these matters. Discussion ensued regarding buildings for the docks.

Mr. Wong indicated he was very happy that Richard Sammons's company was working on these very prominent gardens.

X. PUBLIC HEARINGS

1. Application for Certificate of Appropriateness #006-2020

Address: 320 S. Lake Dr.

Owner/Applicant: Town of Palm Beach

Professional: W.F. Baird & Associates LTD

Project Description: Rebuild the Lake Trail at a slightly higher elevation, rebuild Peruvian building in the same location, mill and resurface existing parking lots, minor landscape improvement near the three dock buildings and screening around the parking lots.

A motion carried at the March meeting to defer the project to the May 20, 2020 meeting

Please note: This project was deferred to the August 19, 2020 meeting at the Approval of the Agenda, Item VI.

2. Application for Certificate of Appropriateness #012-2020

Address: 1284 N. Lake Way

Owner/Applicant: Steve Johnson

Professional: MP Design and Architecture

Project Description: Interior demolition and renovation to existing residence. Refinements to include new kitchen, laundry room and master closet/bath suite. A proposed one-story addition of 235 square feet at northeast corner of lot. This area to be developed as guest bedroom suites. The existing sitting room shall serve as new golf cart garage.

A motion carried at the April meeting to defer the project to the May 28, 2020 meeting. A motion carried at the May 28, 2020 meeting to approve the project as presented with the exception of the round window on the north façade, which will return to the Commission at the June 17, 2020 meeting, and the balcony railing changes which will return under a separate application.

Please note: This project was deferred to the July 22, 2020 meeting at the Approval of the Agenda, Item VI.

3. Application for Certificate of Appropriateness #014-2020

Address: 125 Via Del Lago

Owner/Applicant: 125 VDL, LLC (Bridget Mullaney)

Professional: Bryan Brown Architects

Project Description: Replace existing windows and doors with new steel units to match existing. Add one window North elevation. Move one window on East elevation.

Motion carried at the May 28, 2020 meeting to defer the project to the June 17, 2020 meeting.

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

Richard Leja, ACI Consultants, Architects presented the proposed fenestration modifications to the landmarked residence.

Ms. Coleman thought the change of material was significant and altered the appearance of the home. Mr. Leja responded.

Ms. Fairfax asked Mr. Leja if he knew the history of the home. Mr. Leja responded with historical details. Ms. Fairfax recommended intermediate radiating spokes for the semicircular portion of the windows.

Ms. Albarran preferred one uniform size of muntins.

Mr. Segraves commented on the very poor condition of the windows and reviewed them, expressing his views on changes that were needed.

Ms. Patterson felt something else was needed.

Ms. Metzger also felt something else was needed to make it look closer to the current design.

Ms. Albarran suggested dividing the arch into three parts.

Motion made by Ms. Fairfax and seconded by Ms. Patterson to approve the project as presented, with the exception of the arched windows on the east façade, which will be redesigned and brought back before the Commission at the July 22, 2020 meeting. Motion carried 6-1, with Ms. Coleman opposed.

4. Application for Certificate of Appropriateness #018-2020

Address: 130 Barton Avenue

Owner/Applicant: Brett and Meaghan Barakett

Professional: Laura Ella Wright, AIA/Design Phase Architecture

Project Description: This application is a request for approval of proposed landscape, hardscape and associated work under COA-029-2019 and COA-005-2020. *****Please note: The applicant has requested a tax abatement for this project*****

Please note: This project was deferred to the July 22, 2020 meeting at the Approval of the Agenda, Item VI.

Mr. Silvin commented the applicant would appear via film at the next meeting.

5. Application for Certificate of Appropriateness #019-2020

Address: 100 Bradley Place

Owner/Applicant: Town of Palm Beach

Professional: Brian Vertesch/SMI Landscape Architecture

Project Description: Requesting approval to excavate, regrade and landscape an area in the west section of Bradley Park where continuous tidal flooding is killing the existing landscaping to create a tidal garden. A portion of an existing pathway in the area of the proposed work will need to be rerouted slightly, but will look relatively the same.

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

Mr. Vertesch presented the proposed landscaping changes for Bradley Park.

Ms. Patterson was in favor of the project and thought the changes were exciting.

Ms. Coleman stated she was also in favor of the changes.

Ms. Metzger inquired about the stones and their proposed location in the area. Mr. Vertesch responded. Ms. Metzger suggested the possibility of raising the height of the proposed island and stones because of sea level rise. Mr. Vertesch stated he was researching that possibility.

Many of the Commissioners expressed support for the project.

Mr. Silvin asked about the fence that had been proposed around the park. Mr. Sanchez responded. Mr. Silvin also inquired about the northeast corner space that was to be provided to other landscape architects. Mr. Sanchez stated this had not happened to date due to funding.

Mr. Sanchez thanked the Garden Club for their contributions.

Motion made by Ms. Fairfax and seconded by Ms. Coleman to approve the project as presented. Motion carried unanimously.

Clerk's note: A short break was taken at 11:39 a.m. The meeting resumed at 11:45 a.m. with roll call by Ms. Churney.

6. Application for Certificate of Appropriateness #020-2020

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 150 S. Ocean Blvd.

Owner/Applicant: Reminder Martial Trust, Created by David H. Koch 2003 u/a/d 1/24/03 Bessemer Trust Company of Delaware, NA, Trustees

Professional: Thomas M. Kirchhoff/Kirchhoff & Associates Architects

Project Description: Interior renovations to partial area of home. New windows and doors to partial area of home. Raising beam height of partial second floor by 16". Any associated changes as presented.

ZONING INFORMATION: Section 134-993(13): The owner is proposing a renovation that will increase the ceiling height in a 2nd story bedroom comprising of 1,010 square feet by approximately 1.3 feet. This will require a variance to be requested to increase the cubic content ratio to 4.70 in lieu of the 4.68 existing CCR and the 3.68 maximum allowed.

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

Mr. Kirchhoff presented the architectural modifications proposed for the existing landmarked residence.

Ms. Albarran stated she was in favor of most of the proposed changes; however, she suggested centering the middle French door in the breakfast room. Mr. Kirchhoff responded.

Motion made by Ms. Albarran and seconded by Ms. Coleman that implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Motion carried unanimously.

A second motion made by Ms. Coleman and seconded by Ms. Patterson to approve the project as presented. Motion carried unanimously.

7. Application for Certificate of Appropriateness #021-2020

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 1047 S. Ocean Blvd.

Owner/Applicant: 1047 South Ocean Boulevard Trust c/o Maura Ziska

Professional: Peter Papadopoulos/Smith and Moore Architects, Inc.

Project Description: Request approval to remove two (2) rear ocean facing 2nd floor cantilevered balconies and to reconstruct the original John Volk designed 2nd floor curvilinear balcony. Other associated changes as presented.

ZONING INFORMATION: Section 134-843(11): Applicant is proposing to remove two (2) existing cantilevered balconies on the back of the residence totaling 102 square feet and replacing them with one (1) larger cantilevered 404 square foot balcony that connects to an existing second story roof deck which will require a variance for lot coverage of 43.92% in lieu of the 41.69% existing and the 25% maximum allowed in the R-A Zoning District.

Call for disclosure of ex parte communication: There was no disclosure of ex parte communication.

Mr. Papadopoulos presented the architectural modifications proposed for the existing landmarked residence.

Many of the Commissioners expressed favor for the project.

Motion made by Mr. Segraves and seconded by Ms. Fairfax that implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Motion carried unanimously.

A second motion by Ms. Fairfax and seconded by Mr. Segraves to approve the project as presented. Motion carried unanimously.

8. Application for Certificate of Appropriateness #022-2020

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 800 S. County Rd.

Owner/Applicant: Ann Des Ruisseaux

Professional: Jacqueline Albarran/SKA Architect + Planner

Project Description: The original two-story residence at 800 South County Rd. was designed by Addison Mizner in 1923 and was designated a Landmark in 1980. The current elevation of the first floor of the main house is 2.38' NAVD. We are proposing to raise it, the connected two-story boathouse, a two-story

generator building, and a one-story cabana to 9' NAVD. The remaining portion of the street facing one-story guest house (which was not part of the property during the Landmarking process in 1980) with a current finish floor elevation of 7.49' NAVD will also be raised to 9' NAVD. The project includes a 10,618 square-foot addition to the main house and a 1,592 square foot addition to the boat house. The guest house garage and other later additions to the original cottage will be demolished. The structure will become a partial two-story tennis pavilion with a square foot size of 3,046 in lieu of 6,309. A tennis court will be placed between the main house and tennis pavilion. A pool and pool deck will be on the West side of the main house and the entire property will be re-landscaped.

*****Please note: The applicant has requested a tax abatement for this project*****

ZONING INFORMATION: The applicant is undertaking a renovation of a 2 story landmarked residence with accessory buildings and a boat house all located in the R-A Zoning District. The renovation includes raising the finished floor elevations of all of the structures to 9.0 feet NAVD. The renovation also includes a 10,590 square foot 2-story addition to the main residence; a 796 square foot addition to the boat house located at the NW corner of the property; demolition of the tennis pavilion by more than 50% of the cubic footage on the east side of the property and 200 square foot addition to the tennis pavilion; relocation of an existing 225 square foot cabana to be attached to the main residence; relocation of the 145 square foot 2-story generator building. The following variances are being requested:

- 1) 134-843(8): a north side yard setback of 5 feet for the boat house addition in lieu of the 30 foot minimum required;
- 2) 134-843(8): a north side yard setback ranging from 1.1 feet to 5.5 feet in lieu of the 30 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback;
- 3) 134-843(8): a rear yard setback of 0 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback;
- 4) 134-843(8): a rear yard setback ranging from 0 feet to 13.4 feet in lieu of the 15 foot minimum required for the existing main house when raising the finished floor thus increasing the height in the setback;
- 5) 134-843(9): a rear yard setback of 12.58 feet in lieu of the 15 foot minimum required for the existing boat house when raising the finished floor thus increasing the height in the setback;
- 6) 134-843(8): a north side yard setback of 14.5 feet for the 2-story generator building in lieu of the 30 foot minimum required;
- 7) 134-843(8): a south side yard setback ranging from 9 feet to 15.5 feet in lieu of the 30 foot minimum required for the new cabana and main house addition;
- 8) 134-843(10): a height in the main residence and addition to main house of 26.5 in lieu of the 25 foot maximum allowed;
- 9) 134-843(5): a front yard setback ranging from 6.3 feet to 22.83 in lieu of the 35 foot minimum required for the tennis pavilion;
- 10) 134-843(5): a front yard setback of 6.3 feet in lieu of the 35 foot minimum required for the existing tennis pavilion when raising the finished floor thus increasing the height in the setback;
- 11) 134-843(12): a landscaped open space of 43.24% in lieu of the 71.56% existing and the 50% minimum required;
- 12) 134-843(6): an angle of vision and building height plane for tennis pavilion to be 144 degrees in lieu of the 120 degrees maximum allowed;
- and 13) 134-843(71): a building height plane setback of 6.3 feet in lieu of the 20.2 foot minimum required; and
- 14) 134-1759(c): a variance to not have a 10 foot high fence around the perimeter of the tennis court.

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

Ms. Albarran declared a conflict of interest and recused herself. It was noted that Ms. Metzger would vote in her place. Mr. Wong declared a conflict for the project as well.

Maura Ziska, Attorney for the owner, explained all of the zoning requests for the project and advocated for a positive recommendation to the Town Council.

Rafael Portuondo, Portuondo-Perotti Architects, presented the architectural modifications proposed for the landmarked residence. Ann DesRuisseaux, owner, contributed to Mr. Portuondo's presentation.

Che Wei Kuo, Fernando Wong Outdoor Living Design, presented the landscape and hardscape modifications proposed for the landmarked residence.

Many commissioners were in favor of the project and thankful for the owner's dedication.

Ms. DesRuisseaux described the greatest challenges and joys experienced in planning this project.

Emily Stillings, Staff Consultant, spoke to the tax abatement project, reminding the Commission to evaluate the work according to the Secretary of the Interior's Standards for Rehabilitation, and abide by the Town's requirement that the Landmarks Preservation Commission review work prior to starting any work.

Ms. DesRuisseaux responded she had desired the tax abatement from the beginning, and had not touched anything on the interior until after the first presentation to the Commission, which then allowed them to begin preparations for raising the home. After the meeting, she did everything she could to save anything of value. The things taken out were to discover original materials, and to get to the framing of the home.

Mr. Silvin reviewed his discussion with the owners regarding tax abatement before they purchased the home, and asked Ms. DesRuisseaux if she was ready to proceed. She indicated they had strictly abided with the design changes in order to achieve the tax abatement.

Motion made by Ms. Coleman and seconded by Ms. Patterson that implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Motion carried unanimously.

A second motion by Ms. Fairfax and seconded by Ms. Coleman to approve the project as presented. Motion carried unanimously.

XI. DISCUSSION ITEMS

1. Benches installed at Four Arts

Mr. Silvin stated this item was covered at the beginning of the meeting during the discussion with Mr. Rylands.

2. 130 Barton Avenue – Report from Wayne Bergman

Mr. Silvin read the conclusion from the report submitted from Mr. Bergman. Mr. Bergman responded that he believed his conclusion was correct.

Ms. Fairfax questioned the proposed gray slate roof and stated her belief that the original roof was not slate. Ms. Metzger agreed.

M. Tim Hanlon, Attorney for the owners, stated that the Commission approved the project at the last meeting, which included the slate roof. He did not feel it was appropriate to be discussed at this time. Mr. Silvin indicated the Commission should move forward and he expected full cooperation from the owners.

3. ARCOM Project Designation Manual Proposed Changes

Mr. Bergman discussed the ARCOM Project Designation Manual. He discussed the reasons some of the changes were made and asked the Commissioners for feedback.

4. Dollar Value Threshold of Administrative/Staff Approvals

Mr. Silvin proposed removing the dollar value threshold and discussed his reasons for his proposal. He asked the Commissioners for feedback on his proposal. A consensus of the Commissioners was in agreement with Mr. Silvin.

XII. STAFF APPROVALS

Mr. Bergman introduced this item and stated that the Commissioners would begin receiving all of the staff approvals completed within the last 30 days, prior to their meeting.

Mr. Silvin asked the Commissioners if they had any feedback regarding the staff approvals from the last 30 days. There were no comments heard at this time.

XIII. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING, ZONING & BUILDING DEPARTMENT DIRECTOR.

Amanda Skier, Executive Director of the Preservation Foundation of Palm Beach, suggested using a design approval matrix during staff approvals. She described the design approval matrix used by the City of West Palm Beach where level one was approved by staff and level 2 went before the Commission. She also asked Mr. Bergman if in his findings, he had found any information about the removal of the interiors at 130 Barton Avenue. Mr. Bergman responded and stated he would send his report to Ms. Skier.

Ms. Skier stated she looked forward to working with the Commission to promote landmarked homes in the Shiny Sheet.

Ms. Skier discussed the ongoing Heritage Education Program for 4th graders.

Mr. Silvin raised the issue of the placement of 261 Sanford Avenue under consideration for landmarking.

Karen Restaino, 261 Sanford Avenue, discussed the letters that she had written to the Commission about her home being placed under consideration for landmarked status.

Gene Pandula, Architect, spoke on behalf of the homeowner at 261 Sanford Avenue, and requested to remove this home from the under consideration list.

Motion made by Ms. Coleman and seconded by Ms. Patterson to remove 261 Sanford Avenue from being placed under consideration, without prejudice. Motion carried unanimously.

Mr. Silvin reviewed the Landmark projects presented at the June 10, 2020 Town Council Meeting and the June 10, 2020 Town Council Development Meeting.

XIV. ADJOURNMENT

A motion made by Mr. Segraves and seconded by Ms. Coleman to adjourn the meeting at 2:06 p.m. Motion carried unanimously.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, July 22, 2020 at 9:30 a.m. via Zoom Webinar.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Rene Silvin". The signature is fluid and cursive, with a horizontal line extending from the end.

Richard Rene Silvin, Chairman
LANDMARKS PRESERVATION COMMISSION

kmc