



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

MONDAY, MAY 13, 2013, 9:30 a.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording (CD) of the meeting by contacting Cynthia M. Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER: (9:30:43 a.m.)

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

II. ROLL CALL: (9:30:52 a.m.)

Edward Austin Cooney, Chairman	PRESENT
William P. Feldkamp, Vice Chairman	PRESENT
Dudley L. Moore, Jr., Member	PRESENT
Jacqueline Albarran, Member	PRESENT
William J. Strawbridge Jr., Member	PRESENT
Elizabeth S. Murphy, Member	PRESENT
Penelope D. Townsend, Member	PRESENT
Elizabeth "Libby" Marshall, Alternate Member	PRESENT
Anne Fairfax, Alternate Member	PRESENT
Patrick Killian, Alternate Member	PRESENT

Staff members present: Peter B. Elwell, Town Manager, John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Janet Murphy and Emily Stillings, Town Historic Preservation Consultants, Paul Brazil, Director of Public Works, Richard Maxwell, Town Arborist, and Cynthia Delp, Secretary to the Landmarks Preservation Commission. Town Attorney, John C. Randolph was absent.

III. APPROVAL OF THE MINUTES OF THE APRIL 17, 2013 MEETING:(9:31:13 a.m.)

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. MOORE.
MOTION CARRIED UNANIMOUSLY.

IV. APPROVAL OF THE AGENDA: (9:31:21 a.m.)

Chairman Cooney requested that the last agenda item, "Condition of North County Road Tree Canopy," be heard first on the agenda.

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE AGENDA AS REVISED.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

V. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:31:58 a.m.)

Mrs. Delp administered the oath to all those who wished to testify today.

VI. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes): (9:32:13 a.m.) None

VIII. OTHER BUSINESS: (9:32:36 a.m.)

A. Condition of North County Road Tree Canopy

Paul Brazil, Director of Public Works, testified to the history of the canopy and the adverse conditions which have negatively impacted the canopy over the years. He noted particularly that the canopy is cut "in an odd manner" annually by FP&L because of the overhead power lines. Mr. Brazil stated that recently one of the trees was lost due to pruning and that it is difficult and impractical to replace the trees in kind due to transport and size of the root ball.

Richard Maxwell, Town Arborist, stated that he toured the trees earlier today, but was also very familiar with them having worked on the island for many years. He referred to the trees as "dynamic"...ever changing and influenced by outside forces. He stated that the trees can be preserved and maintained, but these are costly measures. He suggested that the Town might want to have a nursery where these trees are grown to allow for ready replacement trees.

Peter Elwell, Town Manager, while recognizing the inherent beauty of the canopy, stated that staff wanted to urge the LPC to be cautious to apply landmark status to the trees. He listed several factors which have negatively impacted the canopy resulting in a canopy which is already not what it once was. Mr. Elwell stated that it would be difficult for the Town to maintain the canopy up to the standard of being an historic vista, but pledged that the Town will always do its best to keep the canopy beautiful.

It was noted that placing the power lines underground would be beneficial to the trees as a long term solution, but there is, of course, an expense associated with that. A short term solution is better maintenance. Undergrounding in this area is not being planned at this time. Mr. Cooney noted that he was the member who recommended that the canopy be placed "under consideration" with the goal of being proactive about the trees and establishing a maintenance plan for them.

There was a lengthy exchange between Ms. Marshall, Landscape Architect, and Mr. Maxwell, the Town's Arborist, relative to what measures could be taken to protect the canopy. They discussed issues such as the annual "hat racking" that the trees have experienced, root pruning, undergrounding the lines, size of trees which can be planted, deep fertilization, and writing better bid specs together with holding the awarded contractor to those specs.

Mr. Elwell noted that there are some limitations involved in the maintenance of the canopy, especially related to the cost of bringing mature trees into the Town for planting at this site. He recommended gradual planned replacement with smaller trees. Ms. Marshall advocated for replacement with larger trees than the "dinky" ones which have been planted in the past. Mr. Maxwell advocated for better maintenance pursuant to industry standards, and estimated that this might cost ten times more than is currently being spent. It was suggested that staff might develop some estimates for undergrounding the power lines.

VII. PUBLIC HEARINGS:

A. Application for Certificate of Appropriateness #016 - 2013

Reconstruction/Exterior Demolition/Landscape/Hardscape/New Garage/Guest Suite

Owner/Applicant: The Palmerial Revocable Trust, Maura Ziska as Trustee

Address: 801 S. County Road

Architect: Michael J. Johnson, Architect

Original Project Description: Request approval for reconstruction, exterior demolition, landscape/hardscape, and new garage/guest suite to replace existing which is further described as: Existing garage and carport to be demolished; new two-story structure (garage at lower level and guest suite at upper level) to be built north of La Selva; and, final landscape plan. Other associated changes as presented. *Please note that this is a tax abatement project.*

Revised Project Description: Request approval for exterior demolition, new accessory structure, landscape and hardscape which is further described as: Existing garage and carport to be demolished; new one story 1430 sq. ft. garage (3 cars/1 golf car) with service powder room and arched breezeway to be built north of La Selva? CBS construction/white stucco finish, barrel tile roof, coquina details, metal gates and grates, hurricane impact windows and doors, pecky cypress finish at garage doors. Final landscape plan. Other associated changes as presented.

This project was deferred from the March meeting to the April meeting at the request of the applicant. At the April meeting, a motion carried for approval "with the proviso that you come back next month where you re-study the front sort-of tower entry to either narrow the opening or to beef up, which would mean you would have to enlarge the tower; maybe you could meet with us in the meantime so that we could maybe direct you; and then come back with the landscaping and the trash enclosure and the staircase and everything else; and the elliptical arches in the garages would be more like the colored rendering." *Please be advised that the architect has requested deferral to the June meeting.*

MOTION BY MR. FELDKAMP TO DEFER COA-016-2013 TO THE JUNE MEETING.

MOTION SECDONDED BY MS. MURPHY.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #017 - 2013

New Accessory Structure, Landscape/Hardscape/Gates

Owner/Applicant: Nick Valenti

Address: 116 Seabreeze Avenue

Architect: Smith and Moore Architects

Project Description: Request approval for new accessory structure, landscape/hardscape and new gates which is further described as: New white aluminum automatic vehicle gates at existing drive. New white aluminum pedestrian gate at existing walkway. Other associated changes as presented.

Please note that this project was heard at the April meeting, but a motion carried for deferral of the project to the May meeting.

Call for disclosure of ex parte communication: Disclosures by Ms. Townsend and Mr. Strawbridge.

ARCHITECTURAL PRESENTATION BY: Daniel Kahan, Smith and Moore Architects

Mr. Kahan presented revised plans which move the proposed vehicular gates back an additional 8 feet from the originally proposed position and also lower the height of the gates and piers. Proposed hedge heights have similarly been reduced from 6 ft. to 5 ft.

Though the commission agreed that the revised plans show an improved design, concern was expressed about the proliferation of driveway gates, or the concept of "walling ourselves in". This is particularly an issue for zoning districts other than the estate zoning districts, and perhaps, should be reviewed for possible code changes.

MOTION BY MR. FELDKAMP TO APPROVE APPLICATION #017-2013 AS PRESENTED.

MOTION SECONDED BY MS. MURPHY.

MOTION CARRIED 6-1, WITH MRS. ALBARRAN OPPOSED.

C. Application for Certificate of Appropriateness #025-2013

Modifications to previously approved plans

Owner/Applicant: Allan and Susan Kauffman

Address: 159 Australian Avenue

Architect: Thomas M. Kirchhoff, AIA, PA

Project Description: Request approval for modifications to previously approved plans which is further described as: This is a tax abatement project. Minor changes to fenestration and exterior details as resulted from preparation of construction documents. Exterior Elevations - Main House: 1) Roof pitch: revised as per field verification-existing roof pitches on drawings by previous architect were incorrect; 2) Gutters and downspouts were added to the elevations; 3) Front Door: existing 6 panel to remain; 4) Kitchen Door: A new door was recently installed, owner wants to keep it. Lite pattern modified to match; 5) French Doors: Lite pattern modified, remove bottom panel; 6) Size of windows in office increased for egress. Lite pattern changed. 7) Gang of windows below porte cochere reduced from 3 windows to 2 windows; and, 8) Windows on east side of sun porch reduced from 3 windows to 2 windows. Exterior Elevations - Guest House: 1) Shutters removed; 2) Gutters and downspouts added; 3) Window size enlarged as per egress requirement; 4) Lite pattern changed to match existing house; 5) Garage door height reduced from 8'-0" to 7'-0"; 6) Window opening on north side of loggia changed to recessed panel; and, Floor Plan Changes: Two closets and window seat with storage added in foyer; and, other associated changes as presented. *Please note that this is a tax abatement project.*

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff

Mr. Kirchhoff presented the project in accordance with the submitted plans and as described above. He explained that several window changes were requested for the bedrooms in

consideration of egress requirements, which also encouraged other window changes in his effort to maintain consistency. This inspired a lengthy discussion relative to the size and style of the proposed windows. Members were concerned with the size of the windows and the number of lites in each, preferring that the architect choose windows which are more consistent with the character of the house. Emily Stillings, Town Historic Preservation Consultant, voiced agreement with the commission's comments relative to lite configuration and the size of the garage windows, also noting a preference for the historically correct 9 over 1 windows.

MOTION BY MRS. ALBARRAN TO BASICALLY MAINTAIN THE SIZE OF THE WINDOWS THAT YOU HAVE ON THE FIRST FLOOR WITH THE 9 LITES ABOVE, AND ON THE SECOND FLOOR WITH THE 6 (LITES), AND WHEREVER YOU ACTUALLY HAVE TO...TO DO, FOR EGRESS, TO DO BASICALLY THE CASEMENT, POSSIBLY, ON JUST THE ONE THAT YOU NEED TO.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #026-2013

Landscape/Hardscape/Door Change

Owner/Applicant: Mrs. Virginia Mortara

Address: 319 El Vedado Road

Architect: Smith and Moore Architects Inc.

Project Description: Request approval for door change and landscape/hardscape changes which is further described as: Request approval for door change, driveway material, minor landscape adjustments and other associated changes as presented to a previously approved project. *Please note that this is a tax abatement project.*

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith & Moore Architects

LANDSCAPE PRESENTATION BY: Don Skowron

OTHERS WHO TESTIFIED: Gary Greenberg, Contractor, Virginia Mortara, Property Owner (who spoke from the audience without microphone)

Mr. Smith presented the project in accordance with the submitted plans and as described above. He noted that this project had been previously approved, and the work is about 70% complete. The focus of the project was on a proposed change to the front door and the gate at the lower level of the house, together with some minor landscape/hardscape issues. Mr. Smith presented another design option for the entry door and gate, which was displayed on the Elmo projector. Most members supported the newly proposed lower level gate, but there were differences of opinion on the main entry door which were discussed at length. Ms. Mortara stated that she would like a glass door fronting the wooden door to allow light into the foyer.

MOTION BY MR. FELDKAMP TO RETAIN THE 3 TRANSOM LIGHTS AS SHOWN; CREATE AN INSWINGING MAHOGANY, OR WHATEVER, DOOR CONSISTENT WITH THE LAST APPROVAL, AND OUTSIDE OF THAT WILL BE AN OUTSWINGING GLASS AND ALUMINUM, OR GLASS AND STEEL DOOR WITH A MULLION PATTERN TO MATCH THE MULLION PATTERNS OF THE ADJACENT WINDOWS.

MOTION RE-STATED BY MR. FELDKAMP FOR APPROVAL AS PRESENTED, WITH THE EXCEPTION THAT THE GROUND FLOOR SPEAR-TYPE REVISION BE EXTENDED TO THE TWO EASTERN WINDOWS ON THE GROUND FLOOR, AND THAT THE ARCHITECT COME BACK WITH ALTERNATES FOR THE ENTRANCE DOOR ON THE MAIN LEVEL.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

Mr. Skowron presented the landscape/hardscape revisions including: Change to paving material for front motor court from grass and cast stone to 3 sizes of grey cobbled bricks; large potted plants at front door area; reduced hardscape as described; change from single gates to double gates; and, changes to landscape materials as described. Mr. Greenberg, Palm Beach Construction and Management, offered comments relative to the necessity for the larger gates. It was suggested that 42" single gates might serve the needs of the owner.

Under commission comments: Want to see what the large pots are going to look like; Terra cotta pots are not appropriate at this site; and, preference for a larger single gates rather than double gates.

Mr. Skowron stated that he will re-study the type of pots that will be used.

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE LANDSCAPE/HARDSCAPE CHANGES AS PRESENTED BY DON SKOWRON WITH THE EXCEPTION THAT THEY COME BACK WITH THE REVISED DRAWINGS FOR THE EAST AND WEST GARDEN GATE DOORS.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

Mr. Smith offered an idea relative to the front door...that the existing 6 panel door and transom remain with a clear glass door in front of it, with no grillwork, except a replication of the window guards (which are seen across the elevation) at the bottom.

MOTION BY MR FELDKAMP TO RECONSIDER THE ITEM.

MOTION SECONDED BY MS. TOWNSEND.

MOTION CARRIED UNANIMOUSLY.

After further discussion...

MOTION BY MR. FELDKAMP WITHDRAWING RECONSIDERATION.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

Let the record show that there was a short recess from 11:45 a.m. to 11:55 a.m.

E. Application for Certificate of Appropriateness #027-2013

Rehabilitation/Demolition/Awning

Owner/Applicant: Sterling Palm Beach LLC/Sidney Spiegel, Trustee

Address: 340 Royal Poinciana Way, Suite 327

Architect: Glidden Spina & Partners

Project Description: Request approval for rehabilitation, interior and exterior demolition and awning which is further described as: Remove existing storefront frame, window, transom, and concrete curb at south facade. Replace with a new anodized aluminum storefront frame with a 3'x8' door centered between two equal width side lites and a full width transom above door. All new glazing shall be clear. The existing awning shall remain. Other associated changes as presented.

Call for disclosure of ex parte communication: None

ARCHITECTURAL PRESENTATION BY: Danny Brown, Glidden Spina & Partners

Mr. Brown presented the project in accordance with the submitted plans and as described above. He noted two clarifications to the application: 1) The legal description included is the legal description prior to the FDOT taking a portion of the land for the bridge project; and 2) the title block on the plans shows the address as Suite 327 and 325D, but the correct address is Suite 327.

The commission was pleased with the door configuration as proposed, but had concerns relative to the paving up to the door. In fact, the commission noted that they would like to see a comprehensive paving plan come before them in the future.

MOTION BY MR. FELDKAMP FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #027-2013 AS PRESENTED, WITH THE ADDITION OF A CONCRETE SLAB/APRON REPLACING THE EXISTING PAVERS DIRECTLY IN FRONT OF THE DOOR, AND THE CORRECTED LEGAL DESCRIPTION AS REQUESTED.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #028 - 2013

Window and Door Replacement

Owner/Applicant: Terry R. Taylor and Cynthia. E. Taylor

Address: 780 South Ocean Boulevard

Architect: Smith and Moore Architects Inc., Harold Smith

Project Description: Request approval for window and door replacement which is further described as: Replacement of exterior windows and doors, and other associated changes as presented

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith and Moore Architects

Mr. Smith presented the project in accordance with the submitted plans and as described above. He outlined which openings were proposed for replacement, noting that the leaded windows on

the east elevation will remain. The new windows will be mahogany impact units with replicated muntin and lite patterns.

Mrs. Albarran noted a discrepancy on the door detail shown on A5. Mr. Smith was prepared with a revised door detail. Ms. Stillings noted changes on the transoms shown on A2. Mr. Smith acknowledged that was an error on the plans. The commission discussed the fenestration of the breezeway connector and differed in their opinions relative to same.

MOTION BY MR. FELDKAMP FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED 5-2, WITH MESSRS. MOORE AND STRAWBRIDGE OPPOSED.

There was a discussion relative to the commission's tolerance level for errors noted on plans. In the end, it was generally agreed that the acceptance of such errors should be reviewed on a case by case basis.

G. Application for Certificate of Appropriateness #029-2013
Rehabilitation

Owner/Applicant: 550 South Ocean Blvd., LLC

Address: 550 South Ocean Boulevard

Architect: Smith and Moore Architects Inc., Harold Smith

Project Description: Request approval for rehabilitation which is further described as:

Replacement of exterior doors and windows, and other associated changes as presented

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith and Moore Architects

Mr. Smith presented the project in accordance with the submitted plans and as described above for this project to replace nearly all the windows and doors on this 1930 Fatio designed residence. He noted that this plan carries the same error relative to the width of the door as in the previous project. Mr. Moore asked for more care to be taken on the part of the architect to prevent such errors. Mr. Smith reviewed the changes elevation by elevation.

MOTION BY MRS. ALBARRAN FOR APPROVAL AS PRESENTED "EXCEPT FOR THE TRANSOM ON SHEET A2, ON THE PROPOSED EAST ELEVATION, TO HAVE, ON THE FIRST FLOOR, TO HAVE THAT TRANSOM DIVIDED INTO TWO AS IT WAS ORIGINALLY."

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: (12:42:52 a.m.)

Mr. Page reported that the Bethesda "Tea House" appeal is scheduled to be heard at the Wednesday, May 15, 2013 meeting of the Town Council, but it should be noted that the applicant has requested deferral of the appeal to the November meeting. Mr. Page anticipated that the Town Council would grant the deferral.

Mr. Page provided an update relative to increasing the number of allowable conflicts for commission members. It is proposed that 4 conflicts would be allowable, but on the occasion of the 5th conflict, the member would no longer be able to serve. The matter has been discussed at the ORS Committee and will be determined by the Town Council resulting in a new ordinance. The subject of Florida licensure for commission architect members is also under discussion.

Mr. Feldkamp expressed a shared concern relative to the number of requests for high driveway gates and fences especially for "in-town" properties. He suggested that perhaps this be discussed informally next month.

Mrs. Albarran stated that she would prefer that the LPC be able to offer an opinion relative to variances for landmark projects, regardless of whether they are "combo" projects or not. Mr. Page offered to have the Zoning Administrator present at a future meeting to discuss this issue.

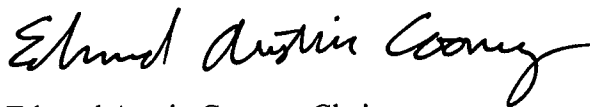
Mr. Cooney mentioned the next designation season and reminded the members that this will be an upcoming topic for discussion at next month's meeting.

X. **ADJOURNMENT:**

Chairman Cooney adjourned the meeting at 1:05 p.m. without benefit of a motion.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, June 19, 2013 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,



Edward Austin Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

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