



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION MEETING HELD ON WEDNESDAY, APRIL 17, 2019.

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 Cooney called the meeting to order at 9:31 a.m.

II. ROLL CALL

Edward Austin Cooney, Chairman	PRESENT
Richard Rene Silvin, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Patrick Segraves, Member	PRESENT
John T. Gannon, Member	PRESENT
Kim Coleman, Member	PRESENT
Sue Patterson, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Marcia M. Cini, Alternate Member	PRESENT

Staff Members present were:

John Lindgren, Planning Administrator
Josh Martin, Director of Planning, Zoning and Building
Kelly Churney, Secretary to the Landmarks Preservation Commission
Emily Stillings, Preservation Consultant for the Town of Palm Beach
Janet Murphy, Preservation Consultant for the Town of Palm Beach

III. ELECTION OF OFFICERS

Mr. Lindgren asked for nominations for Chairman. Mr. Silvin nominated Mr. Cooney. Mr. Segraves seconded the nomination. At this time, there were no other nominations. By a unanimous ballot vote, Mr. Cooney was elected as Chairman.

Mr. Lindgren asked for nominations for Vice Chairman. Mr. Gannon nominated Mr. Silvin. Mr. Segraves seconded the nomination. At this time, there were no other nominations. By a unanimous ballot vote, Mr. Silvin was elected as Vice Chairman.

IV. PLEDGE OF ALLEGIANCE

Chairman Cooney led the Pledge of Allegiance.

- V. **APPROVAL OF THE MINUTES OF THE MARCH 13, 2019 MEETING**
Motion made by Mr. Silvin and seconded by Ms. Albarran to approve the minutes of the March 13, 2019 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

Mr. Lindgren stated the project COA-041-2018, 241 Seaview Avenue had requested a one-month deferral to the May 22, 2019 meeting.

Mr. Cooney questioned the number of deferrals for the project. Mr. Lindgren responded. Mr. Martin added that the Town Council directed the two sides to work together for a solution with the project and added that he believed the professionals would be ready to present at the May 22, 2019 meeting.

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

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

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

VIII. **COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes):**

Mr. Cooney thanked the Commission for his nomination for Chairman. He added that this would be his last year on the Commission.

Mr. Cooney welcomed new member, Ms. Cini, to the Commission. He thanked Ms. Hufty and Ms. Drake for their years of service on the Commission. Mr. Cooney stated that Ms. Drake's resignation left a vacancy on the Commission. Ms. Coleman stated the deadline to apply for the Commission is May 3, 2019.

Ms. Metzger inquired if Mr. Cooney would be able to return to the Commission. Mr. Lindgren stated he could return after 9 months.

Anita Seltzer, 44 Cocanut Row, expressed concern for the condition of the Artemis Fountain and the lack of maintenance. She showed photographs of the condition of the lack of maintenance and deterioration of the fountain.

Mr. Cooney stated he would work with Mr. Martin to set up a meeting within the next month with the Public Works Department to discuss the maintenance schedule for the fountain as well as the fish and plant life in the fountain.

Ms. Coleman praised the maintenance of the fountain at The Breakers and wondered if the Town should revisit the cleaning contract.

IX. PUBLIC HEARINGS

1. Application for Certificate of Appropriateness #041-2018
*LPC TO MAKE RECOMMENDATION RELATIVE TO SPECIAL
EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)* - Done
9/21/18
Address: 241 Seaview Avenue
Owner/Applicant: Palm Beach Day Academy, Inc.
Professional: Nievera Williams Design
Project Description: Addition of paved parking lot, landscape improvements
and drainage improvements.

Project History:

October 2018 – Deferred to the November meeting at the request of the attorney.
November 2018 – Deferred to the December meeting at the request of the attorney.
December 2018 – Deferred to the January meeting at the request of the Staff.
January 2019 – Deferred to the February meeting at the request of the Staff.
February 2019 – Deferred to the April meeting at the request of the Attorney.

Please note: This item was deferred to the May 22, 2019 meeting at the approval of the agenda, Item VI.

2. Application for Certificate of Appropriateness #049-2018
*LPC TO MAKE RECOMMENDATION RELATIVE TO SITE PLAN
REVIEW WITH VARIANCE(S)* - Done 10/17/18
Address: 280 Sunset Ave.
Owner/Applicant: Bradley Park Owner LLC
Professional: Keith Spina/Glidden Spina + Partners
Project Description: The Bradley Park Hotel, also known as Bradley House and originally built under the name The Algomac Hotel, was constructed in 1923 by Colonel F.T. Bradley. The architect is unknown. The Hotel was constructed immediately adjacent to F.T. Bradley's famous Beach Club gambling casino as a private hotel for his friends and guests. The hotel is now separated from Bradley Park where the casino stood. It is one of the earliest hotels designed in the Mediterranean motif in Palm Beach. The building is "U" shaped with the center being 4 stories and the wings three stories with a Belvedere on the northwest wing. Site improvements include: Reconfiguration of the central courtyard to accommodate a new pool and patio; redesign of the parking lot; relocated exterior approach to entrance. Parking lot improvements include new landscaping, paving materials and drainage. The proposed changes to the building interior include demolition of interior partitions, as required, to accommodate the reconfiguration of guest rooms, support space and lobby. Proposed exterior alterations include replacement of doors and windows; removal of wall mounted A/C units; reinstallation of rooftop equipment and removal of adjacent unsightly metal mesh screen; and alteration to elevator penthouse. Redesign of these roof elements results in a well-

balanced architectural treatment to the top of the building and can be seen as one enters into Palm Beach. All mechanical equipment will be screened from view. **Please note this is a tax abatement project**

Project History:

October 2018 – Motions carried that implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject landmarked property, that the proposed development will not preclude the building's continued designation as a historic building, and the variance is the minimum necessary to preserve the historic character and design of the building.

November 2018 – Motion carried at the November meeting to approve the project as presented with the caveat that the details for the balcony railings, fencing and gates will return at the December 19, 2018 meeting.

December 2018 – Motion carried to approve the remaining items with the exception of the pedestrian entry gate, which was deferred to the January 16, 2019 meeting.

January 2019 – Motion carried to defer the pedestrian entry gate to the February 20, 2019 meeting at the request of the attorney.

February 2019 – Motion carried to defer the project to the April 17, 2019 meeting.

Call for disclosure of ex parte communication: None.

Mr. Spina presented the modifications for the proposed pedestrian gate. He presented an alternate gate design on the overhead projector.

Mr. Gannon thought the gate was simple and elegant.

Ms. Coleman asked why the pickets behind the greenery would not match the gate. Mr. Spina replied.

Mr. Silvin thought the gate was clean and attractive. Mr. Silvin asked about the purpose of the gate. Mr. Spina responded. Mr. Silvin inquired about the signage. Mr. Spina responded.

Ms. Albarran was in favor of the gate but suggested that the horizontal railings on the gate should align with the horizontal railings on the fixed section of the gate. Mr. Spina agreed to make that change.

Mr. Segraves asked if there would be a pedestrian gate on the opposite site. Mr. Spina responded. Mr. Segraves stated that if a gate was to be added on the opposite site, he believed it should match the proposed gate.

Ms. Patterson agreed with Ms. Albarran's suggestion to align the horizontals on the gate and the fixed section. Ms. Patterson confirmed with Mr. Spina that

a child lock would be included with the gate. Mr. Spina stated the gate would have a safety lock.

Mr. Spina presented the louvers on the rear of the hotel. He stated that the owner's group had been in discussions to name the hotel. He then presented a whimsical feature, a white elephant sculpture, which they would like to have installed in the front courtyard. Mr. Spina added that they would sculpt the hedge to allow a view to the sculpture, if approved.

Mr. Silvin was in favor of the white elephant and of the potential branding of the hotel.

Mr. Gannon was in favor of the outdoor art.

Ms. Metzger inquired if the sculpture was allowed in Palm Beach. Mr. Lindgren explained what approvals the sculpture would need.

Messrs. Spina and Grace advocated for the art sculpture.

Mr. Segraves was in favor of the fun sculpture but added he thought there was a balance for art in public places.

Mr. Cooney was in favor of the sculpture and thought it was a nice way to call attention to the entry.

Mr. Grace discussed the elephant in relation to the brand.

Ms. Metzger inquired about the material for the elephant. Mr. Grace responded.

Ms. Albarran stated she was in favor of the double panel design on the Nantucket elephant.

Mr. Spina touched on the new restaurant that would be presented to the Commission in the future. He stated that they would like to include a small bar in courtyard. He added that they would need an awning over bar and asked for the some feedback on the concept.

Mr. Spina inquired as to the zoning approvals that would be needed for the proposed awning. Mr. Lindgren responded.

Mr. Grace stated that they would like the courtyard to be open as much as possible.

Motion made by Ms. Albarran and seconded by Mr. Silvin to approve the project as presented with the following conditions: to raise the horizontal on the movable gate to match the horizontal on the fixed gate, to lower the

horizontal on the fixed gate to match the horizontal on the movable gate, to replace the spindles on the fixed gate to match the spindles on the movable gate. Motion carried unanimously.

3. Application for Certificate of Appropriateness #012-2019

Address: 473 N. County Rd.

Owner/Applicant: Louwana Trust c/o Leslie R. Evans

Professional: Thomas M. Kirchhoff/Kirchhoff & Associates Architects

Project Description: 1. Site: Modify hardscape. Add spa. No change in hardscape calculations. New pool to be build inside existing pool, which is structurally damaged. Same pool shape. 2. Main house: a) Replace existing windows and exterior doors, replace failing balconies at master bedroom, b) modifications to bathrooms, c) add outdoor kitchen to pool loggia. 3. Guest House: new exterior fireplace in loggia. 4. Ocean Cabana: a) replace existing windows and doors, b) rehabilitate interior and any associated changes to the above. **Please note this is a tax abatement project**

Call for disclosure of ex parte communication: Disclosure by Anne Metzger.

Mr. Kirchhoff presented the modifications proposed for the existing residence, pool and cabana. He showed pictures of the existing conditions on the overhead projector.

Ms. Metzger inquired about the tennis court material. Mr. Kirchhoff responded.

Ms. Albarran asked about the two sections of wall that needed to be replaced. Mr. Kirchhoff responded.

Mr. Kirchhoff reviewed all of the elements for the approval with the application. Mr. Kirchhoff answered all of the Commissioners' questions regarding the renovation.

Keith Williams, Nievera Williams Design, presented the modifications proposed for the landscape and hardscape.

Ms. Stillings asked for a clarification for some of the proposed fenestration on the south elevation. Mr. Kirchhoff responded.

Ms. Coleman asked about the proposed glass for the windows. Mr. Kirchhoff responded.

Mr. Silvin stated he was not surprised by the general condition of the house and the issues with the ongoing renovation.

Mr. Cooney expressed his appreciation to Mr. Kirchhoff and his team for being up front about the issues that has arose during the renovations.

Motion made by Mr. Gannon and seconded by Mr. Silvin to approve the project as presented.

Mr. Cooney called for public comment. There were no comments heard at this time.

Motion carried unanimously.

4. Application for Certificate of Appropriateness #014-2019
Address: 8 S. Lake Trail
Owner/Applicant: Old Kapok, LLC
Professional: Harold Smith/Smith and Moore Architects, Inc.
Project Description: This project includes a dock stair, handrails, guardrails, pickets and security gate on the west side of the Lake trail. ****Please note this is a tax abatement project****

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

Mr. Smith presented the proposed dock stair, handrails, guardrails, pickets and gates on the west side of the property.

Ms. Albarran expressed concern that the Ipe stairs would be out of place on the Lake Trail. Mr. Smith presented an alternate plan on the overhead projector of the dock stair elevation that showed the stairs covered in stucco.

Mr. Cooney asked if the stairs and the gate aligned on the Lake Trail. Mr. Smith stated they were offset by approximately 25 feet.

Mr. Silvin spoke in favor of the renovation of the existing home and site.

Ms. Patterson asked if the wood on the dock and stairs matched. Mr. Smith responded. She thought the continuity was important.

Mr. Segraves stated he preferred to keep the Ipe stairs and to add landscape in front of the landing rather than add the stucco on top of the Ipe.

Ms. Albarran stated she would have preferred a stucco wall rather than adding stucco on top of the Ipe.

Ms. Stillings stated that since the dock had not been presented to the Commission before it had been built, it could not be included in tax abatement application.

Motion made by Mr. Gannon and seconded by Mr. Silvin to approve the project as presented with the condition that landscaping is added around the Ipe wood base of the stairs. Motion carried unanimously.

Please note: A short break was taken at 11:16 a.m. The meeting resumed at 11:25 a.m.

Mr. Martin introduced Wayne Bergman as the Assistant Director and Building Official in the Planning, Zoning and Building Department. The Commission welcomed Mr. Bergman to the Town.

X. DESIGNATION HEARINGS

Item 1: 145 Seaspray Ave.

Owner: R. Michael and Sue A. Strickland

Mr. Cooney asked for confirmation on proof of publication. Ms. Churney provided confirmation.

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

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this Colonial Revival style home. Ms. Murphy pointed out the design features of this residence. Ms. Murphy testified that the residence met the following criteria for designation as a landmark:

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

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

Maura Ziska, attorney for Mr. and Mrs. Strickland, stated that her clients strongly opposed the designation and that she would present arguments to contradict the consultants' assessment of the property. She added that a landmark designation would create an economic hardship in the devaluation of her clients' home. Ms. Ziska entered items into the record that supported her case.

Ms. Ziska interviewed Mr. Jeffrey Smith and inquired about his qualifications. Ms. Ziska questioned Mr. Smith about his opinions regarding the architectural style of the home and whether it was worthy of a landmark designation. Mr. Smith stated that his opinion was that the residence did not meet the criteria for landmark designation and therefore should not be recommended for designation.

Ms. Ziska interviewed real estate appraiser Robert R. Reynolds. Ms. Ziska questioned Mr. Reynolds and asked his opinion about the effect a landmark designation would have on the property. Mr. Reynolds' opinion was that the property would have a 15% diminution in value.

Sue Strickland, owner at 145 Seaspray Ave., spoke about her strong opposition to the landmark designation of her home.

Ms. Metzger asked for clarification on Mr. Smith's statement in his testimony regarding the zoning district of the home. Mr. Smith provided more explanation and discussed this with Ms. Metzger.

Ms. Patterson questioned if it was possible for the lot to be divided. Ms. Ziska stated the lot could not be divided. Ms. Patterson inquired how a loss in price would be determined. Mr. Reynolds stated the home was an under improvement for the site and provided further explanation.

Motion made by Mr. Gannon and second by Mr. Silvin to make the designation report for 145 Seaspray Avenue part of the record. Motion carried unanimously.

Mr. Cooney called for public comment on the designation.

Amanda Skier, Executive Director of the Preservation Foundation of Palm Beach, offered her support for the designation on behalf of the Foundation.

Aimee Sunny, Director of Education of the Preservation Foundation of Palm Beach, offered her support for the designation on behalf of the Foundation.

Jane Day, previous Preservation Consultant for the Town of Palm Beach, stated she felt compelled to return to advocate for the designation of a property. She offered some clarification to some of the statements made by the Ms. Ziska and Mr. Smith and added that she wanted to correct the record. She addressed the comments made by Mr. Reynolds that a landmark designation would cause a diminution in value. Ms. Day stated that this home represented an important part of history of the town and was worthy of the landmark designation.

Mr. Cooney asked Ms. Day to opine on the style of the home. Ms. Day responded.

Ms. Murphy defended her categorization of the style of the home, which was Colonial Revival. She and Ms. Stillings presented some items to support the categorization. She addressed the C rating in the master site file raised by Mr. Smith and pointed to several other homes that had been designated as a landmark with a C rating as well. She provided some rebuttal arguments for some of the information provided by Mr. Smith.

Ms. Ziska provided further arguments against landmarking the home.

Anita Seltzer, 44 Cocoanut Row, questioned whether the economic impact or hardship of the owner should be considered in the landmark designation.

Mr. Randolph responded to Ms. Seltzer's question.

A discussion ensued on what the Commission should consider when making their decision whether to recommend a property for landmark designation.

Mr. Cooney asked Ms. Day if other homes had been landmarked where the land was considered to be not the highest and or best use of a property. Ms. Day responded. Mr. Cooney also asked Ms. Day if there were other non-architect homes that were designated as landmarks in the Town. Ms. Day responded.

Mr. Cooney provided the many reasons he would be in support of the landmark designation.

Ms. Cini stated she agreed with Ms. Sunny's assessment and thought semantics were getting in the way of the decision. Ms. Cini stated she found it hard to believe the home would have a diminution in value if it were landmarked.

Mr. Silvin thanked Mr. Cooney and Ms. Day and Seltzer for their comments. He added that this was a tough decision.

Ms. Coleman said she had been thinking about this decision since she visited this home. She added that she believed that preservation was also preserving the nature of the neighborhood.

Mr. Gannon questioned the architectural style of the home and whether it was worthy of the designation.

Ms. Patterson stated she struggled with the decision, especially since the owners objected to the designation. However, she added that she did not want to see this home demolished and wished that the landmarked designation were more embraced.

Mr. Segraves said he was conflicted about the decision. However, he added that if the owner brought the home to the Commission with a request to landmark, he would agree to the request.

Ms. Albarran stated she was torn on her decision.

Mr. Strickland, owner, stated that the Commission has had many years to designate the home. He advocated not recommending his home for landmark status.

Ms. Metzger inquired if the owner's wishes should be considered. Mr. Cooney stated that an owner's objection was not one of the criteria listed in the Ordinance and did not have to be taken into account when making the decision.

Mr. Cooney passed the gavel to Mr. Silvin so that he could make a motion.

Motion made by Mr. Cooney and second by Mr. Silvin to recommend 145 Seaspray Avenue to the Town Council for designation as a Landmark of the

Town of Palm Beach based on criteria 1 and 3 in Section 54-161. Motion carried 5-2, with Ms. Albarran and Mr. Gannon opposed.

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

Ms. Churney confirmed that the deadline to apply for the Commission's alternate member position was May 3, 2019 by 5:00 p.m.

XII. ADJOURNMENT

A motion made by Mr. Silvin and seconded by Ms. Coleman to adjourn the meeting at 12:56 p.m. Motion carried unanimously.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, May 22, 2019 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Rd. Palm Beach.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward A. Cooney".

Edward Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

kmc