

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION MEETING HELD ON WEDNESDAY, AUGUST 16, 2017.

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
Page Lee Hufty, Member	ABSENT (unexcused)
Anne Fairfax, Member	PRESENT
Patrick Segraves, Member	PRESENT
John T. Gannon, Member	PRESENT
Jacqueline Weld Drake, Alternate Member	PRESENT
Kim Coleman, Alternate Member	PRESENT
Sue Patterson, Alternate Member	ABSENT (unexcused)

Staff Members present were:

John S. Page, Director of Planning, Zoning & Building

John Lindgren, Planning Administrator

Kelly Churney, Secretary to the Landmarks Preservation Commission

Mr. Cooney noted that Ms. Drake would be voting in the absence of Ms. Hufty.

III. PLEDGE OF ALLEGIANCE

Chairman Cooney led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES OF THE JULY 19, 2017 MEETING

Motion made by Ms. Albarran and seconded Mr. Silvin to approve the minutes of the July 19, 2017 meeting. Motion carried with all in favor.

V. APPROVAL OF THE AGENDA

Motion made by Mr. Segraves and seconded by Mr. Gannon to approve the agenda as presented. Motion carried with all in favor.

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

Ms. Churney 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):**

There were no comments heard at this time.

VIII. PUBLIC HEARINGS

A. Application for Certificate of Appropriateness #031-2017

Address: 1300 S. Ocean Blvd.

Owner/Applicant: Paul Tudor Jones II

Architect: Allan Shope

Project Description: Completion of exterior door and window replacement project started in 2017. The majority of new doors and windows to match existing in existing openings. All become hurricane-impact resistant. New exterior window in new opening added at the Sound Room in the former Library wing. Color, material and glazing pattern to retain character of existing. Select exterior door glazing pattern reconfiguration to allow more daylight and improve relationship to overall scale and character of the house's existing glazing. Existing exterior doors relocated and reconfigured, with one pair of doors added at first floor of Guest Wing. Color, material and glazing pattern to retain character of existing. Existing window relocated and reconfigured at second floor of Guest Wing. Color, material and glazing pattern to retain character of existing. Parapet wall at roofline to move 3'-6" to the west to accommodate new elevator. Landscape work to be divided into two summer phases: 2017 & 2018. Re-landscaping of garden in various areas. Reconfiguration of driveway more to the original one & parking court. Runnel fountain allée. Three pergolas in garden. Garden steps. Tennis court trellis. Service parking area renovations. North loggia fountain & glass doors to the east. New east swimming pool. Bedroom terrace. Reconfiguration & reduction in size of south pool. Service ramp on south end of house. Other associated changes as presented.

At the July meeting, a motion carried to approve the landscaping as presented. A second motion carried to defer the architecture to the August 16, 2017 meeting to allow the architect time to find historic photographs of the home.

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

Mr. Shope stated he was unsuccessful in his attempt to obtain old photographs of the house relating to the proposed project.

Mr. Shope presented the modifications proposed for the residence.

Mr. Silvin asked if the intention was to preserve the hardware during the restoration. Mr. Shope responded.

Mr. Segraves thought the changes were reasonable. Other members agreed.

Mr. Silvin stated he was in favor of the proposed window change.

Motion by Ms. Fairfax and seconded by Ms. Albarran to approve the project as presented. Motion carried with all in favor.

B. Application for Certificate of Appropriateness #037-2017

Address: 691 N. County Rd.

Owner/Applicant: Harriet Cohen, James S. Cohen & Robert B. Cohen

Architect: Thomas M. Kirchhoff/Kirchhoff & Associates Architects

Project Description: The garage/gate house was designed in 1930 for Otto H. Kahn by Treanor & Fatio. The request for the certificate of appropriateness is for the following: 1. Replace existing windows and doors, including garage doors, with impact rated doors and windows. 2. Replace existing roof with clay barrel tile roof to match existing main house. 3. Hardscape changes including a new apron at N. County Road to replace the Chattahoochee pebbles. 4. New paver driveway in front of the garage/gate house.

Call for disclosure of ex parte communication: None.

Mr. Kirchhoff provided a history of the changes to the residence. Mr. Kirchhoff discussed the proposed modifications and presented the plans for the project.

Mr. Cooney was appreciative for the historical changes made to the residence.

Ms. Albarran inquired about the window replacement in the gatehouse/garage building. Mr. Kirchhoff responded.

Mr. Cooney asked about a previous window replacement in the gatehouse/garage. Mr. Kirchhoff responded.

Mr. Segraves suggested the addition to shutters to the windows on the second floor of the gatehouse/garage. Mr. Kirchhoff responded.

Motion by Ms. Fairfax and seconded by Ms. Albarran to approve the project as presented. Motion carried with all in favor.

- C. Application for Certificate of Appropriateness #038-2017
Address: 350 S. County Rd.
Owner/Applicant: Marsha Stocker/350 Realty Corp.
Architect: Roger Hansrote/ACI, Inc.
Project Description: Install a new door in the existing storefront on the East Elevation (South County Road frontage) to match adjacent storefronts.

Call for disclosure of ex parte communication: None.

Richard Leja, ACI, Inc., presented the plans for the proposed door change to the existing storefront.

Motion by Ms. Albarran and seconded by Mr. Silvin to approve the project as presented. Motion carried with all in favor.

- D. Application for Certificate of Appropriateness #039-2017
Address: 102 Jungle Rd.
Owner/Applicant: Tomas Maier
Architect: Richard F. Sammons/Fairfax, Sammons and Partners
Project Description: New wood gate and masonry brackets at AIA beach access in lieu of existing metal gate with flanking brackets.

Call for disclosure of ex parte communication: None.

Ms. Fairfax disclosed a continuing conflict of interest for the project. Ms. Coleman voted in the absence of Ms. Fairfax.

Jaime Torres, Fairfax, Sammons and Partners, presented the plans for the proposed gate change for the beach access.

Mr. Segraves asked for confirmation that the gate would meet the ocean vista requirements. Mr. Torres and Mr. Lindgren responded.

Motion by Ms. Drake and seconded by Ms. Albarran to approve the project as presented. Motion carried with all in favor.

IX. OTHER BUSINESS

- A. Informal Review – Application for Certificate of Appropriateness #033-2017
LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCES
Address: 8 S. Lake Trail
Owner/Applicant: Old Kapok, LLC
Architect: Harold J. Smith/Smith and Moore Architects, Inc.
Landscape Architect: Tim Johnson and Fernando Wong, Fernando Wong
Outdoor Living Design
Project Description: Interior and exterior alterations to a two-story 1938 John Volk designated residence. Interior alterations include bath and kitchen area renovations; restoration of existing architectural elements such as base,

casing and cornice moldings; replacement of non-original library wood paneling and stair hall wood flooring; addition of an elevator; reconfiguration of a staff stair; conversion of a dining room to a family room; creation of a new dining room; reconfiguration of second floor bedrooms and baths. Exterior alterations include window and door replacement; the addition of a loggia on the west elevation; infill addition in the proposed dining room; the addition of a service door; replacement of two windows with doors on the east elevation; an addition to the current pool cabana. Construction of a detached four-car garage and a detached one-story guesthouse. Alterations to hardscape and landscape. Addition of a tennis court. Other associated changes as presented. ****Please note that this is a tax abatement project****

VARIANCE INFORMATION: The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition to the south side of the existing cabana that will have a front yard setback of 33.8 feet In lieu of the 35 foot minimum required.

At the July meeting, a motion carried to defer the project for one month to the August 16, 2017 meeting for restudy.

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

Maura Ziska, attorney for the owner, reviewed the proposed variance requests in which she is seeking a favorable recommendation to the Town Council.

Mr. Smith presented the plans for the proposed modifications to the residence. He presented modified renderings and plans on the overhead projector.

Ms. Albarran asked for clarification on the loggia railing. Mr. Smith responded.

Mr. Gannon suggested switching to two garage doors rather than four doors for practicality. Mr. Segraves agreed.

Ms. Coleman inquired about the proposed material of the garage doors. Mr. Smith responded.

Mr. Johnson and Mr. Wong presented the landscape and hardscape plans for the project.

Ms. Coleman inquired about the hardscape material. Mr. Johnson responded.

Mr. Silvin inquired about the request for approval. Mr. Lindgren and Mr. Cooney responded.

Ms. Coleman asked about the proposed reflecting pool. Mr. Wong responded.

Mr. Cooney questioned the proposed location of the pool on the west side of the property. Mr. Wong and Mr. Johnson responded.

Mr. Segraves inquired about the proposed plans of the east side of the property. Mr. Wong responded.

Harvey Oyer, attorney for Bill and Anne Metzger at 433 Antigua Ln., expressed his client's concerns and objections regarding the variances requests, specifically the second variance requested.

Mr. Gannon asked for clarification regarding a measurement to which Mr. Oyer expressed his objections. Mr. Lindgren responded. A short discussion ensued regarding this issue.

Mr. Oyer continued explaining his clients' objections regarding the project.

Mr. Gannon asked about the location of a future garage on the Metzger's property. Mr. Oyer responded.

Mr. Smith and Ms. Ziska spoke to Mr. Oyer's argument. Mr. Oyer responded.

Gene Pandula, architect and speaking on behalf of Bill and Anne Metzger, spoke to the history, importance as well as the landmark status of the property. Mr. Pandula presented historical pictures of the property on the overhead projector.

Emily Stillings stated she agreed with the opinions of Mr. Pandula and suggested that the additions of the accessory buildings squeezed the view of the gardens. She also added that in regards to the tax abatement application, Standards 2 and 9 had not been met. She also stated the addition to the cabana compromised the gardens.

Mr. Smith placed a picture from the designation report on the overhead projector and argued that the previous landscaping also compressed the view.

Anne Metzger, 277 Esplanade Way, stated that she was on the Landmark Preservation Commission at the time the home was Landmarked and offered her opinion of the home at that time.

Mr. Smith corrected the record by stating the garage would be 16 feet away from the pool.

Bill Metzger, 277 Esplanade Way, stated that the gardens would be doomed if the variances were to be approved.

Ms. Ziska spoke concerning the proposed garage and advocated for the position of her client.

Mr. Silvin stated he was in favor of the interior changes to the architecture but was not in favor of the site changes. He urged for mediation with the neighbors. Mr. Smith responded.

Ms. Fairfax agreed with Mr. Silvin. She questioned Mr. Smith's representation of the project as well as advocated to restore the windows and doors in the home.

Ms. Albarran was in favor of the guesthouse on the west of the property but was not in favor of the addition to the exercise/cabana facility. Ms. Albarran offered a design solution for garage. She questioned the addition of the west pool.

Ms. Drake stated she struggles with a homeowner's need to modernize while keeping a historical house the same. Her belief was that the historical landscaping did squeeze the view and thinks the new design is sympathetic in its design.

Mr. Segraves suggested moving the existing exercise/cabana facility toward Primavera Way. He also suggested moving the guesthouse on the east side of the property.

Mr. Cooney asked Ms. Albarran about a different restoration project that she worked on with similar foundation issues.

Ms. Coleman was in favor of moving the guesthouse on the east side of the property. She was not in favor of the west pool and questioned the removal of a curved wall.

Mr. Gannon thought the additional buildings did not affect John Volk's design but did think that they squeezed the view of the gardens. He was in favor of expanding the original garage.

Mr. Cooney shared his fellow Commissioners' concerns about some of the proposals. He stated he was not in favor of the proposed west pool and expressed concern for the west guesthouse proposed.

Ms. Albarran was in favor of moving the existing exercise/cabana facility toward Primavera Way, extending the original garage and the proposed guesthouse.

Motion made by Ms. Fairfax and seconded by Mr. Cooney that implementation of the proposed variances will cause negative architectural impact to the subject landmark property.

There was a short discussion regarding the motion.

Ms. Fairfax withdrew motion. Ms. Fairfax spoke regarding the interior standards presentation when considering a project that has filed a tax abatement application.

Ms. Coleman stated she is not in favor of using landscaping to mitigate the look of structures.

A motion made by Ms. Albarran and seconded by Mr. Gannon to defer the project for one month to the September 15, 2017 meeting for restudy. Motion carried with all in favor.

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

Mr. Page stated he sent an email that updated the Commission regarding an issue Mr. dePeyster had brought to their attention.

Mr. Silvin inquired about an item brought up at the Town Council meeting regarding a workshop for the Architectural Review and Landmarks Preservation Commissions. Mr. Page responded.

Mr. Silvin asked for an update regarding 101 El Brillo. Mr. Cooney and Ms. Churney provided an update.

Mr. Silvin spoke favorably about the Flagler Bridge and Bradley Park improvements.

Mr. Cooney asked the Commission's approval to pursue issues relating to the Flagler Bridge, specifically lamppost banners and large street sign announcements. The Commission was in agreement with Mr. Cooney's concerns.

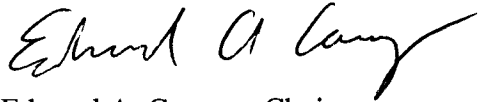
Ms. Fairfax stated that the Memorial Fountain and new garden won a national award.

XI. ADJOURNMENT

Motion by Mr. Gannon and seconded by Mr. Silvin to adjourn the meeting at 12:09 p.m. Motion carried with all in favor.

The next meeting of the Landmarks Preservation Commission will be held on Friday, September 15, 2017 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". The signature is fluid and cursive, with a long, sweeping tail on the last word.

Edward A. Cooney, 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 <i>Fairfax, Anne</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>455 Worth Ave #303</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <i>Town</i>	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>August 16, 2017</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ 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, Anne Fairfax, hereby disclose that on August 16, 20 17:

(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, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ 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:

COA-039-2017
102 Jungle Rd.
Continuing conflict.

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

8/16/17

Signature

Anne Fairfax

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.