



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION MEETING HELD ON WEDNESDAY, NOVEMBER 16, 2016.

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 9:32 a.m.

II. ROLL CALL

Edward Austin Cooney, Chairman	PRESENT
John T. Gannon, Vice Chairman	ABSENT (unexcused)
Nikita Zukov, Member	ABSENT (unexcused)
Jacqueline Albarran, Member	PRESENT
Page Lee Hufty, Member	PRESENT
William J. Strawbridge, Jr., Member	PRESENT
Richard Rene Silvin, Member	PRESENT
Jacqueline Weld Drake, Alternate Member	PRESENT
Anne Fairfax, Alternate Member	ABSENT (unexcused)
Jorge Sánchez, Alternate Member	PRESENT

Staff Members present were:

John S. Page, Director of Planning, Zoning & Building
John Lindgren, Planning Administrator
Paul Castro, Zoning Administrator
Kelly Churney, Secretary to the Landmarks Preservation Commission

Please note that Ms. Drake and Mr. Sánchez voted in the absence of Messrs. Gannon and Zukov.

III. PLEDGE OF ALLEGIANCE

Chairman Cooney led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES OF THE OCTOBER 19, 2016 MEETING

Chairman Cooney stated that there were a few modifications to the minutes. He noted on page 4 under the Four Arts project, Mizner should be changed to Fatio. Also, on page 7 in the 4th paragraph, the word option should be changed to opinion.

Mr. Silvin brought up a concern about the removal and restoration of the murals and how it is phrased in the minutes. Mr. Cooney responded to his concern.

Motion made by Mr. Silvin and seconded by Ms. Albarran to approve the amended minutes of the October 19, 2016 meeting. Motion carried with all in favor.

V. APPROVAL OF THE AGENDA

Chairman Cooney stated that there were a few modifications to the agenda.

Mr. Lindgren asked to move COA-053-2016 to follow the subject property's landmark designation hearing. Mr. Lindgren also stated that the attorney for 132 Clarke Ave. requested a two-month deferral for the landmark designation hearing to the January 2017 meeting.

Tim Hanlon, attorney for the property owner at 132 Clarke Avenue, stated his reasons for the deferral request.

Motion made by Ms. Albarran and seconded by Mr. Silvin to defer 132 Clarke Avenue's designation hearing to the January 2017 meeting. Motion carried with all in favor.

A second motion made by Ms. Albarran and seconded by Mr. Silvin to approve the agenda as amended. 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)

Mr. Page stated that Ms. Albarran declared a conflict for the project at 270 Algoma Road at the October 19, 2016 meeting had has correctly completed the 8B form in accordance with State Law.

VIII. PUBLIC HEARINGS

A. Application for Certificate of Appropriateness #033-2016

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S) - Done
7/20/16

Address: 255 Clarke Ave.

Owner/Applicant: The Clarke Trust

Architect: M. Mark Marsh/Bridges, Marsh & Associates, Inc.

Project Description: Demolition of existing pergola and utility building on north end of property second floor, new window in bath on east façade, new window in bath on north façade, second floor. Replacement of existing wood railing on north façade of master

bedroom, second floor, with metal railing to match existing historical railing. Reconstruction of 500 sq. ft. family room with addition of new elevator/cabana bath/BBQ on east side of garage building. New pavilion structure on north end of property.

VARIANCE INFORMATION: The applicant is proposing the following improvements to the existing landmarked residence: 1) demolish and rebuild a 500 square foot family room; 2) construct a two story 31 square foot elevator addition to the garage; 3) construct a one story 45 square foot cabana bathroom; 4) construct a one story 340 square foot pavilion; 5) construct a one story 60 square foot covered BBQ; 6) demolish a pergola and utility room consisting of 210 square feet; 7) demolish family room east loggia consisting of 210 square feet. A variance for cubic content ratio ("CCR") is being requested to accomplish the above improvements to allow a CCR of 4.98 in lieu of the 4.82 existing and the 3.91 maximum CCR allowed.

At the July meeting, a motion carried that the implementation of the proposed variance would not cause negative architectural impact to the subject landmarked property and to recommend to the Town Council to please note Mr. Callaway's letter. At the August meeting, this project was deferred to the September 21, 2016 meeting. At the September meeting, this item was deferred to the November 16, 2016 meeting.

Call for disclosure of ex parte communication: None.

Mr. Marsh stated the project was initially presented in August. He indicated that the Commissioners had an issue with the previous design for the pavilion. He presented the newly proposed plans for the pergola, which is currently attached to the rear privacy wall. He stated that his clients would like to remove the pergola from the wall so it would be free standing. Mr. Marsh presented existing, previously proposed and newly proposed elevations and photos. He indicated that all materials will match what is currently existing.

Mr. Marsh was asked whether the tile existing on the pergola is historic. He indicated that the tiles are not historic but will remain since the pergola will simply be moved from its current location.

Many of the Commissioners were in favor of the proposed change.

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

B. [Application for Certificate of Appropriateness #040-2016](#)

LPC TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW - Done 8/17/16

Address: 100 Bradley Place

Owner/Applicant: Brian Vertesch, Agent for the Preservation Foundation of Palm Beach

Architect: Jorge Sánchez and Brian Vertesch/SMI Landscape Architecture

Project Description: Modifications to Bradley Park that include: Removal and partial relocation of existing fountain, plaza addition, demolition of existing restroom and addition of new restroom, removal of employee parking at north end of park, addition of overlook along seawall, lake trail extension, new park entry, relocation of Bradley monument plaque, addition of stabilized grass parking in place of existing asphalt, benches, low

sculptures, low see through perimeter fence, sculpture pad, new perimeter sidewalks adjacent to the park, additional plantings, landscape lighting, addition of compacted stone dust paths.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW INFORMATION: The applicant requests to modify Bradley Park public open space as follows: 1) Removal and relocation of existing fountain centerpiece, located at south west area of Bradley Park. Demolition of existing fountain basin; 2) Construction of plaza and fountain basin adjacent to south side of existing structure at north/central property, often referred to as the "Tea House"; 3) Demolition of existing one story restroom and kitchen located directly east of the Tea House and the addition of a new public restroom; 4) Removal of asphalt parking adjacent to north side of existing bathroom; 5) Removal and partial replacement of sidewalks on north property line, Sunset Ave, and east property line, Bradley Place; 6) Addition of small overlook structure to the west of the existing pump house, adjacent to the proposed lake trail; 7) Addition of Town Lake Trail extension; 8) Addition of new park entry at north east corner of park; 9) Relocation of existing Bradley Park monument; 10) Addition of stabilized grass parking adjacent to S-2 pump station; 11) Addition of site furnishings including benches, bike rack, and low train sculpture; 12) Addition of sculpture pad to south of the Tea House; 13) Addition of 30" high decorative see through fence around perimeter of park at Sunset, Bradley Place, and Royal Poinciana Way. There will be openings into park with no gates; 14) Addition of stabilized decomposed granite pathways within the park; 15) Addition of landscape lighting; 16) Landscape improvements as graphically described on the plans and specifications submitted.

At the August Meeting, a motion carried that the implementation of the proposed special exception and site plan review would not cause negative architectural impact to the subject landmarked property with the exception of the fence around the park. At the September meeting, this project was deferred to the October meeting. At the October meeting, a motion carried to approve the project as presented, paying close attention that the gazebo's roof pitch and balustrades are constructed historically correct, to add educational boards around the park and to defer the size of basin and location of the fountain for one month to the November 16, 2016 meeting.

Call for disclosure of ex parte communication: Disclosure by several members and Mr. Sánchez recused himself from the project.

Mr. Page stated that Town Council ruled in favor of the request for the special exception and site plan review and also made the decision that the existing basin of the fountain should be retained and placed in front (just south) of the Tea House. Mr. Page also recommended that if the Commission approved the project, that a condition be placed in the motion that the Diocese of Palm Beach provide confirmation that they accept the fountain and basin location.

Brian Vertesch stated that he would be seeking approval for the fountain and the basin placement. He showed the Commissioners the previously proposed location along with a few potential locations where the fountain and basin could be relocated. He also indicated that he met with representatives from the Preservation Foundation and the Garden Club and the consensus was to relocate the fountain and the basin in the same location that the Town Council recommended. He showed the Commissioners an elevation with the fountain and basin in the proposed location. He spoke about the hardscape materials that will be used around the basin.

Mr. Cooney if there would be water lilies in the basin. Mr. Vertesch addressed this question.

Ms. Albarran asked if it was possible to create a wall that would screen the entry into the restrooms. There was a discussion regarding this possibility with Mr. Vertesch. Mark Marsh indicated that they could create a planting wall to create a buffer. Ms. Albarran was in favor of this idea.

There was a short discussion about the proposed drinking fountain.

Many of the Commissioners were in favor of the changes.

Sue Strickland, 145 Seaspray Ave., spoke on behalf of the Garden Club of Palm Beach and stated their support for the current proposed location of the fountain.

Motion made by Ms. Albarran and seconded by Ms. Hufty to approve the project as presented with the caveat that a buffer is created between the bathroom and the fountain and to seek approval for the fountain and basin location from the Diocese of Palm Beach. Motion carried with all in favor.

C. [Application for Certificate of Appropriateness #046-2016](#)

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S) - Done 10/19/16

Address: 322 Seaspray Ave.

Owner/Applicant: Mr. and Mrs. David Daniel

Architect: Don Skowron, Inc.

Project Description: Allow a wall to screen a 48 KW generator at a height of 8.3 feet from adjacent neighbor's grade in lieu of 7-foot maximum allowed.

VARIANCE INFORMATION: The applicant is requesting a variance to allow a three sided wing wall on the east side of the property to screen a 48 KW generator at a height of 8.25 feet from the adjacent neighbor's grade in lieu of the 7-foot maximum allowed.

At the October meeting, a motion carried that the implementation of the proposed variance would not cause negative architectural impact to the subject landmarked property.

Call for disclosure of ex parte communication: None.

Mr. Page stated that this project was eliminated from the Town Council agenda because it was determined that the variance was not necessary.

Ms. Albarran stated she learned after speaking with Paul Castro that when a structure is a landmarked property, the structure including a generator, do not have to be at an elevation of 7.5 feet.

Mr. Skowron stated he had previously proposed an 8 foot wall with the generator at 7.5 feet. He is now proposing to install the generator at 5.9 feet with the 8-foot hedge.

Motion made 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 #048-2016](#)

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S) - Done 10/19/16

Address: 270 Algoma Rd.

Owner/Applicant: Oliver R. Grace, Jr.

Architect: Jacqueline Albarran/SKA Architect + Planner, Inc.

Project Description: Previously approved second story addition over an existing one story structure to the East. Previously approved extension of the existing parapet to create balcony on existing one story structure to the East. Lowering door thresholds and window sills approximately 7.5" in some areas of main house. New impact windows and doors. Roofs, parapets, and all detailing to match existing.

VARIANCE INFORMATION: The applicant is requesting modifications to an existing landmarked residence by adding a second story addition and balcony rail which require the following variances: 1) a 447.96 square foot second story addition to the east side of the residence that will have a 32.2 front yard setback in lieu of the 35 foot minimum required and a building height plane setback of 31.66 feet in lieu of the 46.17 feet minimum required and an angle of vision of 131 degrees in lieu of the 120 degrees maximum allowed; 2) the addition of balcony railings above the existing one story on the east side of the house that would have a front yard setback of 32.2 feet in lieu of the 35 foot minimum required and an angle of vision of 136 degrees in lieu of the 120 degrees maximum allowed.

At the October meeting, a motion carried that the implementation of the proposed variance would not cause negative architectural impact to the subject landmarked property.

Call for disclosure of ex parte communication: Disclosure by several members and Ms. Albarran recused herself from the project.

Ms. Albarran presented an existing and proposed vicinity map, existing, previously approved, and presently proposed elevations, photos of the existing property, interior floor photos and an existing and proposed site plan. Ms. Albarran indicated that they would be lowering the floor by 7 inches and therefore would lower the window sill in the service area by 7 inches as well. She notated a few other window and door changes to the Commissioners.

Mr. Page stated that the Town Council approved the request for the variances.

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

E. [Application for Certificate of Appropriateness #050-2016](#)

Address: 195 Via Del Mar

Owner/Applicant: Stuart T. Kapp, Trustee of the 195 VDM CDP Revocable Trust U/A/D March 25, 2015

Architect: Daniel Kahan/Smith and Moore Architects, Inc.

Project Description: Replacement of both original and non-original fenestration with new impact-resistant units in existing openings. Other associated changes as presented.

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

Mr. Kahan presented to the Commission photos of the existing conditions and stated he was requesting window and door changes with some minor configuration changes. Mr. Kahan then presented all of the proposed changes to the Commissioners, indicating that all changes were either on the interior or rear of the home. He presented to the Commissioners some archival photos, floor plans and elevations and stated that there has been a multi-phase renovation ongoing at the residence.

Mr. Cooney asked for a clarification on a second floor terrace door. Mr. Kahan responded to his question.

Commissioners Comments: Many of the Commissioners thought that the changes were very respectful and wished that the descending windows would remain but understood the practical reasons for changing them.

Emily Stillings, from MurphyStillings, asked if the applicant would consider changing the double windows to plate glass to allow the transparency and only changing the single window to a door. Mr. Kahan stated he would address that idea with his client.

A discussion ensued about changing the descending windows.

Motion made by Ms. Albarran and seconded by Ms. Drake to approve the project as presented.

A discussion continued about the descending windows. Mr. Kahan explained that the windows are not operable at this time but the space in the basement would remain in the event that the owner would like to return them to have the descending capability.

Ms. Albarran withdrew her motion at this time. She asked Mr. Kahan to see the floor plan that shows the descending windows. Mr. Kahan explained the reasons the owners would like the windows to be operable as doors. There was some more debate on this subject.

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

F. [Application for Certificate of Appropriateness #051-2016](#)

Address: 840 S. Ocean Blvd.

Owner/Applicant: Louis J. Furlo Jr, as trustee of the Louis J. Furlo Jr. Trust dated March 10, 1992 et al

Architect: Jeffery W. Smith/Smith Architectural Group

Project Description: Reconfigure interior spaces, move tunnel stair, change large fixed window facing east to a metal impact rated sliding door with railing. Change south windows and doors to one large metal impact rated sliding glass door. New steps to patio. Raise patio to pool deck height, new cast stone to match existing. New metal gate. Remove basement level bathroom. No other hardscape or landscape changes.

Call for disclosure of ex parte communication: None.

Mr. Smith provided some history on the home. He stated that in 2012, staff approved the project but the owner decided not to move forward. Mr. Smith presented the Commission with elevations and indicated the changes that are proposed.

Mr. Silvín asked about the spotlight that is on the current cabana. Mr. Smith stated the light is existing and there is no proposal to change the light.

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

G. [Application for Certificate of Appropriateness #052-2016](#)

Address: 1300 S. Ocean Blvd.

Owner/Applicant: Paul Tudor Jones II

Architect: Allan Shope Architect

Landscape Architect: Mario Nievera/Nievera Williams Design

Project Description: General building improvements – all roofing will be repaired or replaced throughout to match existing, exterior windows and doors at the north end of the house (as indicated in Plans and Elevations) will be replaced to match existing and become hurricane impact-resistant; Landscaping – north swimming pool interior refinishing, new spa added adjacent to north pool (see plan), paving material replacement at exterior loggia and terrace locations at north end of house (see plan), foundation planting landscape renovations; Basement level – basement stair removed at gallery area (see plan); First floor – existing exterior door openings enlarged at living room to receive new bronze and glass doors, arched area added to top-color, material and glazing to match character of existing doors at sun room (see east elevation), select existing windows enlarged, removed or reconfigured based on interior renovations – color, material and glazing pattern to retain character of existing (see plans & elevations), general repair and cosmetic renovation of existing loggia and terrace areas at the north end of house (see plan), interior – various minor room renovations (see plan); Second floor – existing balcony enlarged at master bedroom (see plan for extent), interior master suite renovation (see plan).

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

Mr. Shope discussed the previous approval the project received two years ago and the reasons it was being presented again. He stated that the north side of the residence would be the only scope of work that would be presented to the Commission. He presented existing, approved and proposed elevations for the north side of the home and indicated all

of the changes that are being proposed. He also indicated that he is also seeking approval for the entire roof replacement.

Mr. Cooney asked about the changes to the windows on the east façade. Mr. Shope responded. There was some discussion about the changes.

Ms. Albarran asked about muntin separation that was approved two years ago. Mr. Shope indicated that the change was still included but would be in the next phase of the renovations.

Mr. Silvin asked if Mr. Castro would explain to the Commissioners how a basement and a first floor are determined. He also asked Mr. Shope about the problem in finding a contractor to accomplish all of the changes in one renovation. Mr. Shope responded.

Mr. Castro explained the definition of a basement versus a first floor. A discussion continued regarding this issue.

Mr. Cooney asked about second story window changes and first floor doors on the west elevation. Mr. Shope responded. Mr. Cooney also asked about the muntin change on the decorative window on the second floor, west elevation. Mr. Shope responded and showed the Commissioners a photo that was taken about 10 years after the home was built. After looking at the photograph, Mr. Shope agreed to add another muntin to the window.

Mr. Lindgren asked Mr. Shope if the original plans were available. He indicated that they were not.

Mr. Cooney asked about two first floor windows on the west elevation that were proposed to be enlarged. Mr. Shope responded. Mr. Cooney asked to discuss the windows on the east elevation that are square and now proposed to change to arched tops. Mr. Shope responded. There was a discussion about the intent of the change and the future changes. Mr. Cooney asked about the possibility of returning some of the iron work on the top window above the door on the west elevation. Mr. Shope stated he would talk to his client but thought that was definitely a possibility.

Mr. Nievera presented the proposed changes to the landscape and hardscape. He indicated that most of the landscape changes would occur on the front façade. He presented site plans and renderings for the proposed changes.

Ms. Albarran asked Mr. Nievera if he was presenting landscaping for the north side of the home as well. He responded and confirmed that he is only proposing changes to the north side of the home.

Mr. Sanchez asked about the location and exposure of the new spa and existing pool relative to the driveway. Mr. Nievera responded.

Motion made by Ms. Drake and seconded by Mr. Sanchez to approved the project as presented with the caveat that an additional muntin is added in the center of the small window on the third floor, west elevation and that the iron work be returned to the same window.

Mr. Strawbridge asked Mr. Shope if he would consider restudying the original photos of the home to restore the home back to its original intent in terms of the fenestration and look of the home. Mr. Shope stated he did before planning out the modifications that were presented. Some discussion continued on this topic.

Ms. Drake withdrew her motion.

Motion made by Ms. Albarran and seconded by Ms. Drake to approve the project as presented with the caveat to add an additional vertical muntin in the center of the small window on the third floor, west elevation, the wrought iron work be returned to the same window as close to the original as possible and that the iron work is staff approved. Motion carried 6-1 with Mr. Strawbridge opposed.

A short break was taken at 11:28 a.m. The meeting resumed at 11:34 a.m.

IX. OTHER BUSINESS

A. Informal Review - Application for Certificate of Appropriateness #054-2016

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 238 Phipps Plaza

Owner/Applicant: Robb R. Maass and Elizabeth Maass

Architect: M. Mark Marsh/Bridges, Marsh & Associates, Inc.

Attorney: Tim Hanlon

Landscape Architect: Fernando Wong Outdoor Living Design

Project Description: Remove existing outside stairs on east side of residence and replace with new enclosed interior stair, enclose open second story balcony in rear of residence, renovate interiors; related changes to hardscape and landscape.

VARIANCE INFORMATION: The applicant is proposing to enclose an existing outside stair and enclose an open second story balcony which requires the following variances: a) a north front yard setback of 6.5 feet in lieu of 25-foot minimum required; b) an east side yard setback of 0.5 feet in lieu of 10-foot minimum required; and c) a south rear yard setback of 5.3 feet in lieu of 15-foot minimum required.

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

Mr. Hanlon explained the variances that they are seeking a favorable recommendation to the Town Council for the project.

Mr. Marsh presented the proposed modifications to the property. He presented a site plan, existing photos, existing floor plans, existing and proposed elevations, renderings and discussed the materials to be used.

Commissioners Comments: Many of the Commissioners were in favor of the changes and thought the changes were well done.

Ms. Albarran suggested to restudy the roofline on the addition on the east elevation. Mr. Marsh agreed.

A representative from Fernando Wong Outdoor Living Design presented the proposed landscape and hardscape plan from the property.

Ms. Hufty questioned the type of trees. A clarification was made to determine the trees to be used.

A motion made by Ms. Albarran and seconded by Ms. Hufty that the implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Motion carried with all in favor.

B. Informal Review - Application for Certificate of Appropriateness #055-2016

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 233 Clarke Ave.

Owner/Applicant: Austin and Gwendolyn Fragomen

Architect: Jacqueline Albarran/SKA Architect + Planner, Inc.

Project Description: New second story extension in rear of main house. Demolition of deteriorated existing guest house/garage. New guest house and attach two car garage. Add covered terrace and pergola to new guest house. Replace all windows and doors with new impact to match existing. Roofs and all details to match existing. Correct existing previously submitted height information. Entire presentation to match previously approved design (April 2016).

VARIANCE INFORMATION: The applicant requests to demolish a non-conforming landmarked two story guest house/garage (1,422 sq. ft.) and rebuild a new guest house/garage (2,460 square feet) in the same general location. The following variances are required: 1) to allow an overall height of 20.5 feet in lieu of the 15-foot maximum allowed; 2) to allow a two story accessory building on a lot that is under 20,000 square feet in the R-B Zoning District in lieu of the one story maximum allowed.

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

Ms. Albarran declared a conflict for the project and left the dais to present the project to the Commissioners.

Ms. Ziska explained the variances that they are seeking a favorable recommendation to the Town Council for the project.

Ms. Albarran stated that the intention was to raise the existing two-story garage/guest house in its original footprint. Since the existing building is in disrepair, she is requesting to build a new two-story garage/guest house identical to what had been previously approved. She presented the existing and previously approved floor plans, roof plan, and elevations and identified all of the proposed modifications.

Mr. Silvin asked about the sale of the house relative to its landmarked status. Ms. Albarran replied.

A motion made by Mr. Silvin and seconded by Ms. Hufty that the implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Motion carried with all in favor.

C. [Informal Review - Application for Certificate of Appropriateness #056-2016](#)

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 3 Pelican Ln.

Owner/Applicant: Mr. Dana Landry

Architect: Patrick W. Segraves, A.1.A./SKA Architect + Planner

Attorney: Maura Ziska

Project Description: Interior renovation of first floor kitchen, demolition of part of wall, kitchen wall and addition of 33 S.F. bay window breakfast area.

VARIANCE INFORMATION: The applicant is requesting a variance to allow the construction of a 33 square foot addition with a street side yard setback of 26.16 feet in lieu of the 35-foot minimum required.

Call for disclosure of ex parte communication: None

Ms. Ziska explained the variances that they are seeking a favorable recommendation to the Town Council for the project.

Mr. Segraves presented the proposed project to the Commission. He presented interior photos, a site plan, an aerial map, existing and proposed floor plans, elevations and details of the proposed new window.

Mr. Cooney asked a question about the existing windows. Mr. Segraves stated they would be matching the existing windows and using a copper roof on the window.

Motion by Ms. Albarran and seconded by Mr. Silvin that the implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Motion carried with all in favor.

X. [DESIGNATION HEARINGS](#)

[Item 1: 89 Middle Road \(Amendment\)](#)

Owner: 89 Middle Road LLC

Call for disclosure of ex parte communication: Disclosure by Mr. Cooney and Ms. Hufty and Albarran.

Emily Stillings, MurphyStillings, LLC, stated that this hearing was to propose an amendment to a landmarked designated property. Ms. Stillings provided a history of the designation to the Commission and discussed the reasons for the proposed amendment. Ms.

Stillings also provided a history of the residence and showed the Commissioners the proposed boundary change. Her opinion was that the proposed amendment would not have a negative impact on the landmarked property and would help to preserve the property.

Mr. Strawbridge asked about the landmark designation's relationship to the garage structure on the property. Ms. Stillings responded.

Mr. Silvin asked about the windows on the first floor and their shape.

Jane Day. Research Atlantic, representing 89 Middle Road LLC, responded to Mr. Silvin's question and provided a history of the existing windows. Ms. Day also provided a history of the garage as well. A discussion continued about the garage structure and original plans for the main house.

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this amendment designation hearing. Ms. Churney stated that the Town does have proof of publication.

A motion was made by Ms. Albarran and seconded by Mr. Silvin that the designation report be made part of the record. Motion carried with all in favor.

A second motion was made by Ms. Albarran and seconded by Mr. Silvin that the amended designation for 89 Middle Rd. be recommended to the Town Council for approval. Motion carried with all in favor.

H. [Application for Certificate of Appropriateness #053-2016](#)

Address: 89 Middle Rd. (FKA 91 Middle Rd.)

Owner/Applicant: 89 Middle Road LLC

Architect: Harold J. Smith/Smith and Moore Architects, Inc.

Landscape Architect: Keith Williams/Nievera Williams Design

Project Description: The project consists of site alterations, including driveway reconfiguration, other hardscape and landscape changes. These changes correspond to the amendment to the Designation Report.

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

Mr. Smith presented the proposed modifications to the project site. He presented a site plan, an aerial photo, existing photos, which included an old site plan and a site plan for the new driveway.

Keith Williams presented the landscape and hardscape improvements. Mr. Williams discussed materials to be used and showed the Commissioners the existing landscape and hardscape photos, elevations and a rendered site plan.

Mr. Cooney asked about the plans for the former curb cut. Mr. Williams responded.

Some of the members asked about the future entry to the house. Mr. Williams responded.

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

Item 2: 132 Clarke Avenue

Owner: John H. Gooch; Peter W. Fink Tr.; John H. Gooch Tr.; Blake W. Gooch Tr.; John H. Gooch Tr Titl Hldr

Please note: This project was deferred to the January 18, 2016 during Item V., Approval of the Agenda.

Item 3: 434 Seaspray Avenue

Owner: Andrea and Christopher Kaufmann

Call for disclosure of ex parte communication: None.

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this landmark designation hearing. Ms. Churney stated that the Town does have proof of publication.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this residence. Ms. Murphy discussed the Romanesque-style compound arch as well as other significant features of the home that lend a distinctive appearance to the William Eckler home. Ms. Murphy provided a history of the home for the Commissioners, including information on the original owners of the home. Ms. Murphy testified that the building meets 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; and

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Mr. Cooney asked if the owner had been contacted. Ms. Murphy stated that they made several attempts to contact the owner but were unsuccessful in their attempts.

Ms. Drake asked about the windows on the side of the home. Ms. Murphy responded. There was a discussion about whether the Commission should landmark a house without having access and seeing the home in its entirety. Mr. Cooney responded and stated many homes have been designated in this fashion.

There was a discussion whether photos found online are allowable for designation purposes. John Randolph, Town Attorney, stated that if it is available to the public, it would be allowable.

Mr. Cooney open the discussion for public comment and there was none.

A motion was made by Ms. Drake and seconded by Ms. Albarran that the designation report be made part of the record. Motion carried with all in favor.

A second motion made by Ms. Drake and seconded by Mr. Silvin that 434 Seaspray Avenue be recommended to the Town Council designation as Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161. Motion carried with all in favor.

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

Mr. Page reviewed the 2017 LPC meeting dates with the Commissioners and indicated that some meetings were rearranged due to some of the holidays and Town Council meeting dates.

Mr. Silvin stated he attended the Planning and Zoning Commission meeting where the Comprehensive Plan was discussed. He pointed out that the landmark designation process was discussed at that meeting and encouraged other members to attend other Commission meetings.

Mr. Silvin discussed the beautiful landmark properties and stated his appreciation for the owners going to great lengths to restore their homes.

Mr. Silvin asked about future changes at Mar-A-Lago. Mr. Page stated that the Town has not been contacted about any changes.

Ms. Hufty stated she provided two names of renovation specialists to the Four Arts for the restoration of the columns and arches.

XII. ADJOURNMENT

Motion made by Ms. Albarran and seconded by Ms. Hufty to adjourn the meeting at 12:48 p.m. Motion carried with all in favor.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, December 21, 2016 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Rd. Palm Beach.

Respectfully submitted,



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 <u>Sánchez, Jorge</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>Landmarks Preservation Commission</u>	
MAILING ADDRESS <u>239 Southland Rd</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ <u>Town</u>	
CITY <u>Palm Beach</u>	COUNTY <u>Palm Beach</u>	NAME OF POLITICAL SUBDIVISION: <u>Town of Palm Beach</u>	
DATE ON WHICH VOTE OCCURRED <u>11-16-16</u>		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, Jorge Sanchez, hereby disclose that on November 16, 20 16:

(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:

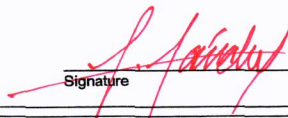
COA-040-2016 Hearing
100 Bradley Place

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

11/16/16

Signature



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.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME - FIRST NAME - MIDDLE NAME <i>Albarran, Jacqueline</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>324 Royal Palm Way #227</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY <i>Town</i>	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION <i>Town of Palm Beach</i>	
DATE ON WHICH VOTE OCCURRED <i>November 16, 2016</i>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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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

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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:

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jacqueline Albarran, hereby disclose that on November 16, 20 16:

(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-04B-2016 Hearing
270 Algoma 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

11/16/16

Signature



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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

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MAILING ADDRESS <i>324 Royal Palm Way #227</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>
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DISCLOSURE OF LOCAL OFFICER'S INTEREST

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(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-055-2016 hearing
233 Clarke Ave.
continuing conflict

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Date Filed

11/16/16

Signature



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