



MINUTES
ARCHITECTURAL COMMISSION
IN THE TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD, PALM BEACH

WEDNESDAY, APRIL 25, 2012, 9:00 a.m.

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

I. CALL TO ORDER (8:59:22 a.m.)

Chairman Vila called the meeting to order at 9:00 a.m.

II. ROLL CALL (8:59:27 a.m.)

Robert J. Vila, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	ABSENT (unexcused)
Alexander C. Ives, Alternate Member	ABSENT (unexcused)
Dr. Martin Phillips, Alternate Member	PRESENT

Staff members present: John C. Randolph, Town Attorney, John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator and Cynthia Delp, Secretary to the Architectural Commission.

Let the record show that a court reporter, Jill Felicetti, was present. She was hired by Attorney James Brindell relative to the project for 445 Antigua Lane.

III. PLEDGE OF ALLEGIANCE: (8:59:53 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE MARCH 28, 2012 MEETING: (9:00:11 a.m.)

MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

V. APPROVAL OF THE AGENDA : (9:01:00 a.m.)

MOTION BY MRS. VANNECK FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

Mr. Vila stated that there has been a request to move B-031-2012 200 La Puerta Way, an application for time extension, to the front of the agenda.

MOTION BY MRS. VANNECK TO MOVE B-031-2012, 200 LA PUERTA WAY TO THE FRONT OF THE AGENDA.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (9:01:01 a.m.)

Mrs. Delp administered the oath at this time and as necessary throughout the meeting.

VII. OTHER BUSINESS: (9:01:07 a.m.) None

VIII. PROJECT REVIEW (9:01:13 a.m.)

B - 031 - 2012 Time extension

Address: 200 La Puerta Way

Applicant: J.B. & Carrie Murray

Architect: The Pandula Architects. Inc. (original); MP Design & Architecture (new architect)

Project Description: Time extension for previously approved project, including demolition of existing residence, new British Colonial style residence, and landscape/hardscape.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture

Mr. Perry explained that there have been no changes to the project since the original approval. This is the second time extension requested.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE TIME EXTENSION.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

A. **MAJOR PROJECTS - OLD BUSINESS (9:04:35 a.m.)**

B - 003 -2012 Windows and exterior improvements

Address: 1 North Breakers Row

Applicant: The Breakers Palm Beach Inc.

Architect: Tercilla Courtemanche Associates

Project Description: Window replacement and exterior improvements

Please note that at the January meeting, there was a motion for approval of the project as presented, except for the color variation which will be deferred to next month. At the February meeting, the project was deferred to March, at the applicant's request. At the March meeting, the project was deferred to the April meeting at the applicant's request.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Rene Tercilla, Tercilla Courtemanche Architects

Mr. Tercilla explained that after a thorough exploration of the various tones of yellow for the building, a very light yellow tone was selected. He passed color samples of the original yellow vs. the proposed lighter yellow. The yellow color will be applied to the balconies and on the banding in the middle. The bottom of the building will be done in a beige, while the building above that, (floors 2-6), will be painted in a lighter color (cream). Mr. Tercilla stated that this is a prototype for the other four buildings.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. KNOWLES.

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

B - 011 - 2012 Addition, Landscape/Hardscape

Address: 273 Tangier Avenue

Applicant: Judith and Ronald Berk

Architect: Jerome Baumohl, AIA

Project Description: Partial renovation of existing perimeter walls, removal of entire roof structure to accommodate the construction of a new second floor. Pool, hardscape and landscape

Please note that after hearing the project at the February meeting, it was deferred to the March meeting for re-study. At the March meeting, the project was deferred to the April meeting.

Call for disclosure of ex parte communication: Disclosures by all members present

ARCHITECTURAL PRESENTATION BY: Jerome Baumohl, AIA

COMMENTS BY: Tristan Harstan, Interior Designer

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

COMMENTS BY APPLICANT'S ATTORNEY: Maura Ziska, Attorney

Mr. Baumoehl stated that the project has been significantly revised based upon the comments from the last two meetings. Some of those changes include: Simplified the design; lowered the railing; lowered the massing of the windows; eliminated front pedestrian gates; and changed the pre-cast panels. Mr. Meroney discussed the revisions to the landscape and hardscape, especially at the front of the house, eliminating the proposed pedestrian gates and substituting landscaping in that location. Ficus hedging will be removed and replaced with Clusia hedge. In the rear, lower level trees have been introduced beneath the Royals. At the master bedroom, additional shrubs have been added. Staff noted that the crushed rock areas on the sides cannot be counted as landscaped open space; grass or mulch must be used in these areas.

Under commission comments, while some members were very pleased with the revisions, others still had serious concerns regarding the design. Comments expressed included: A pre-cast parapet overhangs the building; porch in rear cantilevers over the building; does not see this treatment as an improvement of the existing house; calling attention to Plan CA-4, concern with what the neighbors will see...the east and west elevations; ARCOM is to judge the architecture...keep our standards; this is not successful; the architect has made quite an effort to address previous criticisms, but the design still has a fundamental problem with a second story addition which is set back and “pops up” out of the base of the house; he is faced with keeping the bottom of the building and then “CCR-ing”, i.e., taking a slice here and there, until he meets the CCR, and that, to me, is not architecture; some of the elements work; the owners would like a second floor, but because of the code restrictions, this is the best solution; the front was my problem before, and he’s worked so hard on it, and this is what the people want.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. KNOWLES.

MOTION FAILED, 3-4, WITH MRS. VANNECK, AND MESSRS. HOMES, SAMMONS AND VILA OPPOSED.

Additional commission comments: Problem with perspective on all four elevations...it’s much better from the street, but we are responsible to protect the neighborhood; the issue is not the pop up...it is that the second floor has no relation to the first floor; no amount of detailing will fix the initial plan choice; it is insulting to owner and architect to use the term “pop up”; where are the constructive ideas to fix this?; from a general aesthetic standpoint, it is fine and fits into the neighborhood; if this is being turned down the third time, the commission should be very specific as to what they want the architect and the owners to do or this is not fair to the owners; this is the best solution to add a second floor; we are not here to design it for him.

Tristan Harstan, the Interior Designer, expressed his frustration with the code limitations and requested concrete feedback from the commission.

In continuing discussion, Mr. Baumoehl reviewed the various design options that were attempted for this project. Ms. Ziska added that a design option to turn second floor flat

roofs into terraces created setback problems. The applicant, after having met with staff several times, believes they would not be successful in obtaining variances for this project.

**MOTION BY MRS. VANNECK FOR DEFERRAL (TO THE MAY MEETING).
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED 6-1, WITH MR. ZUKOV OPPOSED.**

[B - 007 - 2012 Demolition and New Residence](#)

Address: 1191 N. Ocean Way

Applicant: Valley Property Management LLC

Architect: Dailey Janssen Architects, P.A.

Project Description: Demolition of existing two-story residence and hardscape.

Construction of new two-story Island Colonial residence with 5,352 square feet, pool, hardscape and landscape. Building, roof and trim: white

Please note that after hearing this project at the March meeting, there was a motion for approval of the demolition with the typical conditions for sodding and irrigating. There was a second motion for deferral of the architecture to the April meeting.

Call for disclosure of ex parte communication: Disclosures by all members

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects
LANDSCAPE PRESENTATION BY: Stephanie Portus, Krent-Wieland Design

Mr. Janssen and Ms. Portus reviewed the changes made to the plans since the last meeting which include, but are not limited to: lowered the peak of the roof; eliminated the chimney; changed the 1 dormer on each side of the attic space to 3 dormers; decreased height of water feature wall; and, changed Royals to Coconut Palms.

Mr. Lindgren expressed staff's concern regarding the multiple dormers in the attic space, as the attic cannot be habitable space. He encouraged the commission, with any motion for approval, to require a restrictive covenant, an attic agreement, relative to the use of that space. Mr. Janssen assured the commission that they were only there to provide light into the storage space.

Commission members took issue with the 3 dormers on each side of the attic space, preferring the original single dormer design, and the height of the garage. Concerns were also expressed relative to the landscape/hardscape: planting in a wind tunnel; planting in a utility easement; pool is overscaled; and, Clusia is too short.

Mr. Page clarified that the Town allows planting in easements on a case by case basis, but only with an easement agreement.

**MOTION BY MR. KARAKUL APPROVING THE ARCHITECTURE AS PRESENTED, WITH THE SINGLE DORMER, THE ATTIC PROVISION (AGREEMENT), AND THE ROOF LINE ADJUSTMENT; AND, TO DEFER THE LANDSCAPE FOR FURTHER STUDY.
MOTION SECONDED BY MR. SAMMONS.**

John C. Dotterer, representing Jeffrey Cole, the neighbor to the east, noted that at the last meeting, several conditions were listed which were agreed to by the applicant. It should be noted, for the record, that Mr. Dotterer asked that those conditions be included in any approval. While there was some discussion about many of the conditions having already been incorporated into the revised plans, the conditions, themselves, were not formally added to the motion.

MOTION CARRIED UNANIMOUSLY.

Let the record show that there was a short recess at 10:15 a.m. The meeting reconvened at 10:23 a.m. Prior to proceeding with additional project review, Mr. Vila reminded the members to be helpful, courteous and respectful to the applicants and their representatives.

[B - 017 - 2012 Addition](#)

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 270 Kawama Lane

Applicant: L. Frank Chopin, Esquire for Robert Nederlander

Architect: Jerome Baumohl

Project Description: Removal of the existing gable roof entrance and the addition of a new flat roof covered entry. Extend existing covered front porch approximately 22 feet across with pre-cast columns with coquina finish. Fascia and all other finishes to match existing. *Variance requested for lot coverage.*

At the March meeting, there was a motion that implementation of the proposed variance will not cause negative architectural impact to the subject property. There was a second motion for deferral of the project to the April meeting.

Call for disclosure of ex parte communication: Disclosures by Mr. Zukov and Dr. Phillips.

ARCHITECTURAL PRESENTATION BY: Jerome Baumohl

Mr. Baumohl presented revised plans pursuant to comments made at the last meeting including a simplified column design, with column spacing unchanged. It was noted that the project includes a change to the shutters. Mr. Sammons took issue with the column details, and Mr. Baumohl agreed to make those adjustments.

**MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

B - 018 - 2012 New Residence

Address: 109 Jungle Road

Applicant: Casa PB, LLC

Architect: Bridges, Marsh & Associates

Project Description: Construct new residence in a contemporary Regency style. Building Color: Chamois; Roof Color: Vermont Grey; Trim Color: Chamois

At the March meeting, the project was deferred to the April meeting at the request of the applicant's architect.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges Marsh & Associates
LANDSCAPE PRESENTATION BY: Mario Nievera, Nievera Williams Design

Mark Marsh presented the plans for this approximately 8,000 sq. ft. new residence which has been designed to accommodate the owner's extensive contemporary art collection. He stated that the style of the home is more Deco than contemporary Regency. It is a symmetrical, single story residence with accentuated volume. The house has hip roofs and one flat roofed area. The mechanical equipment and generator will be placed at the end of the north wing. Materials include French limestone, a Ludowici clay tile roof, bronze tinted Tischler windows, and a bronze front door in a geometric pattern with glass surround and a front pediment. Mr. Nievera presented the landscape/hardscape in accordance with the submitted plans and noted that much of the existing Ficus will be removed.

Commission members were quite pleased with the presentation and the project as designed. It was noted, however, that the (sliding) driveway gate design details were missing from the presentation.

Mr. Lindgren remarked that the project was noticed as a new residence without any mention of landscape/hardscape. As such, the applicant will have to come back as a new major project for the landscape/hardscape.

**MOTION BY MR. ZUKOV FOR APPROVAL OF THE ARCHITECTURE AS PRESENTED, WITH THE PROVISIO THAT THE APPLICANT RETURNS WITH FINAL LANDSCAPE AND GATE DESIGN.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

[B - 020 - 2012 Demolition and New Residence](#)

Address: 268 Jamaica Lane

Applicant: William Whitehouse, Personal Representative of the Estate of Margaret Whitehouse

Architect: Roger Janssen of Dailey Janssen Architects

Project Description: Demolition of existing one story single family residence, pool, and spa. Proposed new two-story single family residence with 4393 air-conditioned square feet with pool, spa, landscape and hardscape. Building Color: White; Roof color: Gray/green; Trim color: White.

At the March meeting, there was a motion for approval of the demolition. There was a second motion for deferral of the project to the April meeting.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Dustin Mizell, Environment Design Group

Mr. Janssen and Mr. Mizell outlined the changes made to the plans in response to comments made at the March meeting.

Mr. Lindgren read a letter into the record from neighbor, David Barton, wherein he objected to the proposed design as too massive, maxing out the site.

Commission comments: Preference to have more of the garage covered; while the design is improved, it is unfortunate that the lot is maxed out; make some accommodation in height by making the floor structure thinner between the first and second floor.

**MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED, WITH
BLOCKING THE GARAGE DOOR AS PROPOSED.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.**

[B - 022 - 2012 Walls and gates](#)

Address: 1255 South Ocean Boulevard

Applicant: Thomas Peterffy

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

Project Description: New privacy walls and vehicle gates. This design was presented for informal review in September 2011.

At the March meeting, the project was not heard, but was deferred to the April meeting at the request of the applicant.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Daniel Kahan, Smith and Moore Architects

Mr. Kahan clarified that zoning issues relative to the plat of the Blossom Estates prevented the walls and gates from having formal approval in September 2011. Since that time, the necessary amendment to the subdivision agreement was approved by the Town Council, and so, the matter returned today for formal approval. The proposal includes a 6 ft. high privacy wall with cast stone cap, and bronze vehicle gates, with a verdigris finish, at the north end of the property. Gas lanterns hang from the gate piers.

Commission comments pointed out that the various gates all have differing designs. It was recommended that the yard trash gate, shown as wood, be treated differently, and Mr. Kahan pledged to paint it to match the wall. Other suggestions for change were made, but the following motion was made and passed.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED, WITH THE GATE PAINTED.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

Please see the next project, also for the address of 1255 S. Ocean Boulevard.

B. **MAJOR PROJECTS - NEW BUSINESS (11:19:10 a.m.)**

B - 030 - 2012 Revisions to previously approved residence

Address: 1255 South Ocean Boulevard

Applicant: Thomas Peterffy

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

Project Description: Revisions to the previously approved new two-story residence.

Landscape and hardscape revisions will also be presented. Please note that the project was presented to, and approved unanimously by ARCOM at the September 2011 meeting under Case #B-067-2011.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Daniel Kahan, Smith and Moore Architects

LANDSCAPE PRESENTATION BY: Jorge Sanchez, Sanchez and Maddux

Mr. Kahan presented a revised design for this project, a traditional Italian villa, which effectively reduces the size of the home by approximately 20% (12,000 sq. ft. reduced to 9800 sq. ft.). Basically, the owners would like less square footage interiorly to gain more landscaped area. It should be noted that a model was presented, and Mr. Kahan clarified that the boardwalks shown in the model were not being presented for approval today, though they are being explored for future approval. Mr. Sanchez stated that the only change to the landscape/hardscape is that the existing Banyan tree will remain in its existing location, rather than being moved as originally planned. The commission was pleased with the placement of the house, and the preservation of open spaces.

**MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

[B - 029 - 2012 Gate](#)

Address: 300 Dunbar Road

Applicant: Dean O'Hare

Architect: Jim Lucas, ACI Architectural Consultants, Inc.

Project Description: Addition of gate arms to existing gate posts and wall. Gate arms to be 20'-0" in length and will be dark green to match the decorative aluminum used on the front door and main gate of the residence.

Call for disclosure of ex parte communication: Disclosures by Mr. Sammons and Dr. Phillips.

ARCHITECTURAL PRESENTATION BY: Roger Hansrote, ACI

Mr. Hansrote presented two operable gates at the existing front privacy wall to match the existing pedestrian gate design.

Under commission comments, the commission took issue with the width of the gates, the gate rollers, the design of the gates, and the fact that when the gates are in the open position, they will be seen way above and behind the existing balustrade.

**MOTION BY MR. KARAKUL FOR DEFERRAL (TO THE MAY MEETING)
FOR RE-STUDY.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

[B - 032 - 2012 Additions](#)

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE

Address: 50 Middle Road

Applicant: Joseph M. Pizza

Architect: Roger P. Janssen, Dailey Janssen Architects, P.A.

Project Description: (1) Replace existing 432 sf awning structure with enclosed a/c structure on existing footprint; (2) construct a new 28 sf enclosed storage closet; (3) Construct a new 48 sf unenclosed covered side porch. *Variance for cubic content ratio requested*

Call for disclosure of ex parte communication: Disclosures by several members

VARIANCE PRESENTATION BY: Attorney Peter Broberg

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

Prior to the presentation, Dr. Phillips noted that for safety reasons, Palm Beach homes should be required to display house numbers, as it is often difficult to find a particular address.

Mr. Broberg discussed the variance issues relative to the project. Mr. Janssen noted that all of the work is to the rear of the property. He and Mr. Meroney presented the project in accordance with the submitted plans, and as described above. Mr. Meroney stated that all of the existing landscape will remain, and some of the existing hardscape areas will be reshuffled to accommodate the changes.

MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED, WITH TWO CORRECTIONS TO THE COLUMN(S) AND RAILING.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

[B - 033 -2012 Landscape/Hardscape](#)

Address: 445 Antigua Lane

Applicant: 416 Brazilian Avenue LLC

Architect: Parker-Yannette Design Group Inc.

Project Description: Resurface a portion of existing cul-de-sac and install landscaped island

Call for disclosure of ex parte communication: Disclosures by all members

ATTORNEY FOR THE APPLICANT: M. Timothy Hanlon

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects P

LANDSCAPE PRESENTATION BY: Chuck Yannette, Parker-Yannette Design Group I

OTHER PERSONS WHO TESTIFIED: Paul Brazil, Director of Public Works, Suzanne Frisbie, Property Owner, Anne and Bill Metzger, neighbors, Eugene Pandula, architect, Attorney James Crowley, representing Antigua Lane neighbors, and Alan Stopek, Landscape Architect

Attorney Hanlon introduced this project as a modification of the existing landscape plan for the new home at 445 Antigua Lane. He noted that Antigua Lane is a unique, private street; that the parcel to be landscaped in this application is a portion of the fee simple lot owned by the Frisbies at 445 Antigua Lane; that the parcel to be landscaped is subject to an easement created by the plat, giving the right of ingress/egress to the other residents of Antigua Lane; that the parcel to be landscaped is owned 100% by the Frisbies, subject only to the easement; that 100% of the decision making and costs for improvement and maintenance is the responsibility of the Frisbies; that according to the Fire Marshal, there

are no fire safety issues presented by this application; that an asphalt driveway is not appropriate for an R-A zoned property; that the Frisbies have tried to reach consensus with the neighbors; that the Frisbies offer to execute and record an agreement to maintain the proposed landscaped area for perpetuity; that there is precedence for the proposal; and; that the proposal meets ARCOM code requirements. Mr. Hanlon read a letter of support, dated April 16, 2012, into the record from the representative of Miles Nadal, the property owner of Lot 6 on Antigua Lane.

Chuck Yannette presented the proposal to replace the existing asphalt with a clay brick driveway with coral stone border, with an island in the middle. Four Coconut Palms and accent plants are proposed for the island.

Roger Janssen, project architect, stressed the importance of the paving and landscaped island as an arrival to this residence, a proposal which had always been intended as part of the project.

Mr. Lindgren read several e-mails and letters into the record: 1. A letter received 4/17/2012 from Mr. and Mrs. Metzger, 433 Antigua Lane, objecting to the project; 2. A letter dated 4/15/2012 from Thomas Pournaras, 409 Antigua, objecting to the project; 3. A letter received 4/20/12 from Hope Gropper, 417 Antigua Lane, objecting to the project; 4. E-mail dated 4/20/12 from Morgan Wheelock, Landscape Architect, objecting to the project; and 5. A letter from the Garden Club of Palm Beach indicating that the Garden Club does not endorse the project.

Paul Brazil, Director of Public Works, testified that Public Works has concerns relative to the proposal. He recommended that a removal agreement be required with regard to any repairs which might need to be done to the sanitary sewer lateral in that area, such that the owner is responsible for removing the paving/landscaping to allow the repairs and then is also responsible to replace the paving and landscaping after the repairs are complete. He requested a second agreement such that if any of his equipment picking up garbage and yard trash reasonably damage the paving or landscape when traveling across it, the Town is held harmless for the repairs. Mr. Hanlon interjected that all of those conditions are acceptable to the Frisbies.

Mr. Randolph cautioned the members not to become entwined in the legal matters relative to this project, as those matters were researched prior to today's meeting. He encouraged the members to review the project according to the ARCOM ordinance, and noted that the property owner has the right to do what they want to their property as long as they do not violate the ingress/egress easement.

Attorney James Crowley, with Gunster Yoakley, addressing the commission on behalf of the other property owners on Antigua Lane, made several points, some of which follow: He disagreed with Mr. Randolph's opinion relative to the easement; maintained that the Frisbies, (when the house was approved), stated they would abandon the cul de sac improvements, making this proposal a surprise to the neighbors; maintained that the proposal affects easement rights and violates the plat; maintained that the island makes

that area of the street unavailable to other residents; maintained that a variance should be required; stated that the proposal violates Section 106 of the code which prevents obstructions from being placed in a private street; stated that the proposal may subject other Antigua Lane property owners to liability; and maintained that the proposal does not meet ARCOM's criteria for approval.

Eugene Pandula, architect, provided his objections to the project as an expert witness. He stated that this proposal extends the 445 Antigua property to the east; that this project does not contribute positively to the street; and, that ARCOM would set a dangerous precedent to approve this project, because other property owners might want to extend their own individual paving patterns out into the common street, an action that would be contrary to the fabric of the neighborhood.

Anne Metzger, 277 Esplanade Way, offered remarks on behalf of she and her husband, the Groppers, and Mr. and Mrs. Pournaras. She stated that Antigua Lane is being threatened; that paving half of a cul de sac is unpleasing and divisive; that the Frisbies, as a neighborly gesture, should repave Antigua Lane with fresh asphalt when the construction is complete; that the proposal creates a problem with neighbors; and that the project should be denied. Bill Metzger, 277 Esplanade Way, offered in kind comments with those made by his wife.

Alan Stopek, Efflorescence, Landscape Architect, maintained that the proposal is contrary to the grace and charm of Antigua Lane; that it is too dissimilar; that it will cause confusion; that it runs counter to the balance of the road; and, that approving it sets a dangerous precedent.

Attorney Crowley called attention to ARCOM criteria #4, #6, and #7.

Mrs. Frisbie, the property owner, showed examples of other Palm Beach homes which she and her husband have built and/or remodeled to make her point that none of them were overdone or insensitive to the neighborhood. She maintained that it would be unfair to require a property owner of an R-A zoned property to have an asphalt driveway.

**MOTION BY MR. ZUKOV FOR DEFERRAL.
MOTION DIED FOR LACK OF A SECOND.**

Mr. Vila asked the members to consider the aesthetics of the proposal at hand...a half circle paved in one material and the other half left in asphalt, together with an odd-shaped planting bed. Commission comments: The addition of an island is a unifying element to the street; dividing the circle creates disunity and discord; two issues...the paving (questionable) and the island (fine); the island is a wonderful addition to the end of a cul de sac; island planting is fine with the exception of the Agaves; the brick pavers are discordant; the island makes sense; dividing the circle is offensive; there is historic use of asphalt in the town; opposed to bifurcation of the circle; the uniformity of the lane is important; a full circle with additional greenspace would enhance everyone's property.

Mr. Hanlon reported that he has discussed the matter with the Frisbies. They have agreed to withdraw the paver portion of the application, if the commission will consider just the landscaped island for approval today. The Frisbies also agree to execute a recordable agreement to maintain the landscaping for perpetuity.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE PLANTING CIRCLE ON THE PROPERTY OF THE FRISBIES, AS PRESENTED, WITH THE EXCEPTION OF THE AGAVES.

MOTION SECONDED BY MR. ZUKOV.

MOTION AMENDED TO INCLUDE THE PROVISION FOR THE HOLD HARMLESS, AND WITH THE PROVISIO THAT THE TOWN HAS FINAL APPROVAL OF THE LOCATION OF THE ISLAND IN CONSIDERATION OF TRAFFIC CIRCULATION.

MOTION RE-STATED BY MRS. VANNECK FOR APPROVAL WITH THE STIPULATION THAT THE TOWN BE ALLOWED TO LOCATE THE CIRCLE...THE ISLAND; THAT THE PAVERS ARE DENIED; THAT THE OWNER OF 445 ANTIGUA LANE IS RESPONSIBLE FOR MAINTAINING THE ISLAND IN PERPETUITY, AND THAT THEY HOLD THE TOWN HARMLESS FOR ACCIDENTAL WHATEVER, AND THAT THEY HAVE TO REMOVE THE ISLAND TO ALLOW THE TOWN TO SERVICE THE SEWER SANITARY SITUATION.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

At this point, Mr. Vila called for a one hour lunch break, but commission members elected to dispense with the lunch break and move forward with the agenda.

[B - 034 - 2012 New Residence](#)

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE

Address: 657 Island Drive

Applicant: 657 Island Drive Trust - Maura Ziska, Trustee

Architect: Smith and Moore Architects, Inc., Peter Papadopoulos & Daniel Kahan

Project Description: New two-story residence. Final landscape, hardscape and swimming pool. *Variance for lot coverage requested.*

Call for disclosure of ex parte communication: Disclosures by several members

Let the record show that Mr. Karakul declared a conflict with regard to this project as he is the property owner. Dr. Phillips will be voting in his stead.

VARIANCE PRESENTATION BY: Attorney Maura Ziska

ARCHITECTURAL PRESENTATION BY: Peter Papadopoulos & Daniel Kahan, Smith and Moore Architects

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Ms. Ziska discussed the variance requested for lot coverage, and stated that no neighbor objections have been received for this project. Mr. Papadopoulos and Mr. Kahan presented a Contemporary, symmetrical, one-story home with a two-story guest wing, and two side-loaded garages on either side of the house, with the rear of the house opening up completely to the western vista. There is an intention to make the house as “green” as possible, with low profile solar panels, “green” roof areas, and geo-thermal a/c systems. The view of the front of the home is obscured by very tall layered hedges. There is a 52 ft. long pool along the lakefront. Keith Williams presented the landscape/hardscape in accordance with the submitted plans. He stated that the landscape design is very simple and clean...a tailored look.

MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

Mr. Lindgren stated that two letters were received in support of the project.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY DR. PHILLIPS.

MOTION CARRIED UNANIMOUSLY.

[B - 035 - 2012 Addition](#)

Address: 148 Peruvian Avenue

Applicant: Marc and Elise Lefkowitz

Architect: Smith and Moore Architects Inc., Peter Papadopoulos

Project Description: New two-story addition to existing one-story Bermuda styled home

Please be advised that the architect has requested deferral to the May meeting.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE MAY MEETING.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

[B - 036 - 2012 Gates](#)

Address: 754 S. County Road

Applicant: Bruce & Robbi Toll

Designer: Best Metal Work Inc.

Project Description: Gates to be installed 25 feet back from street across both driveways

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Bruce Toll, Property Owner

Mr. Toll indicated that the gates are necessary for security reasons. There will be two black gates, one main gate and one service gate, situated 25 ft. back from the street. The cantilevered gates will roll behind existing landscape material. The property owner was asked to have the gates powder coated rather than painted.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

C. **MINOR PROJECTS - OLD BUSINESS** (1:36:20 a.m.)

A - 009 - 2012 Awning and signage

Address: 238 Worth Avenue

Applicant: Burton Handelsman, Property Owner, for MacKenzie-Childs (Store Manager: Renee Bakarian)

Architect: Jason P. Drobot, R.A.

Project Description: Addition of a fabric awning and signage

After hearing the project at the March meeting, the project was deferred to the April meeting. Please note that the architect has requested deferral to the May meeting.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE MAY MEETING.

MOTION SECONDED BY MR. HOMES.

MOTION CARRIED UNANIMOUSLY.

D. **MINOR PROJECTS - NEW BUSINESS:**

A - 007 - 2012 Landscape/Hardscape

Address: 210 Ocean Terrace

Applicant: Joe Mcdevitt

Architect: Environment Design Group

Project Description: Demolition and replanting of existing landscape...demolition and new construction of existing driveway and pool patio...addition of new 12 ft. x 12 ft. gazebo in rear yard.

Call for disclosure of ex parte communication: Disclosures by several members

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

Mr. Meroney explained that the property owner has requested a reconfiguration of the existing front driveway to allow for less hardscape and more landscape. In the rear, the deck around the pool will be re-addressed and a new gazebo, with overhang, will be introduced. Other design elements include replacing diseased Ficus on the sides of the property with Clusia, introduction of lattice panels to be planted, a tiled bench and urns. Landscape material will be re-worked in the front and rear per the submitted plans, including relocation of existing trees and installation of new landscape material.

It was noted that the planting plan shows hedges and a fence in an easement which will require an easement agreement.

Let the record show that Mr. Zukov left the meeting at 2:00 p.m.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED, WITH THE CAVEAT THAT YOU HAVE TO HOLD THE TOWN HARMLESS FOR THE PLANTING IN THE EASEMENT.

MOTION SECONDED BY MESSRS. SAMMONS AND KARAKUL SIMULTANEOUSLY.

MOTION CARRIED UNANIMOUSLY.

[A - 012 - 2012 Awnings](#)

Address: 1090 North Lake Way

Applicant: 1090 N. Lake Way LLC

Architect: Thomas M. Kirchhoff, AIA, P.A.

Project Description: New retractable awnings at cabana and main house

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

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff

Mr. Kirchhoff requested approval for 3 new retractable white awnings, integrated into the structure, on the main house and on the newly approved cabana.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

[A - 013 - 2012 Landscape](#)

Address: 276 Jamaica Lane

Applicant: Strathy (as listed on application)

Architect: Efflorescence, Alan Stopek

Project Description: A revisit of hedge condition from July 27, 2011 meeting

Mr. Lindgren offered some history relative to this project, since neither Mr. Stopek nor the property owners had arrived. When the garage was approved in July of 2011, there was a condition that the applicant promised to keep the hedges intact near the garage and at the property line. The hedges were Ficus hedges and were in good shape in July of 2011. Later, however, White Fly took its toll on the hedges and they were removed, thereby violating the ARCOM condition. The project architect was contacted to resolve the issue. He contacted the owners, but the matter dragged on and on with no resolution. Mr. Lindgren consulted with Code Enforcement relative to this issue. The owners hired a landscape professional, who has been unable to procure 12 ft. tall landscape material to

replace that which was removed. Mr. Lindgren would not staff approve a different landscape material at a different height which brought us to today's hearing.

MOTION BY MRS. VANNECK TO MOVE THIS ITEM TO THE END OF THE AGENDA, WAITING FOR THE APPLICANTS TO ARRIVE.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

Call for disclosure of ex parte communication: Disclosures by several members

Mr. Lindgren read a letter into the record from a neighbor, Cynthia Amling, 277 Jamaica Lane, in support of the proposed project.

LANDSCAPE PRESENTATION BY: Alan Stopek, Efflorescence

Mr. Stopek provided additional history relative to this situation. He explained that since he has been unable to find 12 ft. landscape material, the applicant is proposing Ficus hedges, properly treated, at a height of 6-7 feet. The property owner, Mrs. Strathy, testified that they were in Canada and were unaware of the problem with the hedge, and further, did not intentionally try to destroy the hedge.

MOTION BY MR. KARAKUL TO ALLOW A HEDGE AT 6-7 FEET, BUT ENCOURAGING 7 FEET, AND TO ENCOURAGE THE HEDGE TO GROW...TO GET BACK TO COMPLY WITH WHAT WAS DETERMINED BEFORE.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

IX. **COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE):** None

X. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (1:58:55 a.m.)**

Mr. Page advised the members about a new ordinance (effective April 2, 2012) approved by the Palm Beach County Commission relative to lobbyist identification, and distributed copies of the ordinance to them. Mr. Page provided minimal information about the intent of the ordinance, a definition of the term "lobbyist" and the need for certain documentation associated with lobbyists. Mr. Page indicated that Mr. Randolph will have an orientation session with the members in the near future to discuss this further.

Let the record show that at this point, Project A-013-2012 was taken up again as all parties were present. See above for a full account.

XI. ADJOURNMENT:

MOTION BY DR. PHILLIPS TO ADJOURN THE MEETING AT 2:43 P.M.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, May 23, 2012 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road, Palm Beach, Florida.

Respectfully submitted,

Robert J. Vila, Chairman

ARCHITECTURAL COMMISSION

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