

MINUTES
ARCHITECTURAL COMMISSION
AT THE
EMERGENCY OPERATIONS CENTER
355 SOUTH COUNTY ROAD, PALM BEACH

WEDNESDAY, FEBRUARY 24, 2010, 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 (CD) 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(9:00:00 a.m.)

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

II. ROLL CALL(9:00:00 a.m.)

All regular members and all alternate members of the Architectural Commission were present, excepting Ms. Diver (unexcused) and Mr. Karakul (absence pending classification.) In the absence of those two members, all remaining members served as voting members for purposes of today’s hearings.

Let the record show that two court reporters were present: Robin L. Merker for the 1100 North Ocean Boulevard project (hired by Attorney James Greene), and Rachele Cibula for the 2315 South Ocean Boulevard project (hired by Attorney Ray Royce.)

III. PLEDGE OF ALLEGIANCE(9:00:11 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE JANUARY 27, 2010 MEETING(9:00:31 a.m.)

MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES, CORRECTING THAT SHE BE RECORDED AS "MRS." VANNECK RATHER THAN "MS".
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

V. [ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY](#):(9:01:00 a.m.)

Mrs. Delp administered that oath to all those who wished to testify. The oath was administered several times during the meeting, as needed.

VI. **OTHER BUSINESS**

None

VII. [PROJECT REVIEW](#)(9:03:11 a.m.)

A. **MAJOR PROJECTS - OLD BUSINESS**

[B72/09 Addition](#)

Address: 234 Via Linda

Applicant: Jonathan Gladstone

Architect: SKA Architects

Project Description: First floor renovation and second floor addition to existing one-story Bermuda style home

This project was approved at the September meeting with the proviso to bring the landscaping plan back for review. The project was deferred to the November meeting at the architect's request, and was similarly deferred to the December 18, 2009. January 27, 2010, and February 24, 2010 meetings.

Call for disclosure of ex parte communications: Mr. Feldkamp made an ex parte declaration.

Architect Pat Segraves introduced Landscape Architect Steven Dauber to present the landscape/hardscape for this project. Mr. Dauber stated that additional landscaping has been added across the back; that 288 sq. ft. of existing hardscape has been removed; that 3 Alexander Palm triples will be added to the front; and, described the other landscape material to be used. Mrs. Vanneck requested that more be done to soften the impact of the second story from the street, but Mr. Dauber stated there is no room for more in the front planting bed.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

[B81/09 New Residence, Landscape & Hardscape](#)

Address: 264 Country Club Road

Applicant: JDM Investments, LLC

Architect: Rustem Kupa Architect

Project Description: Construct a new two-story single-family residence with two-car garage, pool and pool area trellis structures, including hardscape and landscape.

This project was deferred from the October meeting to the November meeting for restudy, and was deferred from the November meeting to the December meeting at the request of the property owner. At the December meeting, the project was deferred to the January

meeting at the request of the property owner. At the January meeting, the commission deferred the project for re-study.

Call for disclosure of ex parte communication: None declared

Jonathan Moss, property owner, stated that he and his architect are addressing the comments made at last month's meeting, but are not ready yet to make a presentation. As such, he requested deferral to the March meeting.

**MOTION BY MR. SMITH FOR DEFERRAL TO THE MARCH MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

B91/09 Addition

Address: 615 Crest Road

Applicant: Richard Richman

Architect: Bridges, Marsh & Associates

Project Description: Addition of new second story over existing eastern garage wing, in same style as existing structure

Please note that at the December meeting, this project was deferred to the January 27, 2010 meeting at the request of the attorney, Maura Ziska. At the January meeting, after review, the commission deferred the project to the February meeting.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Mark Marsh revisited the design which was presented last month, and then contrasted it with the revised design presented today. Originally, a 1,066 sq. ft. addition had been presented, while today's presentation requests approval of a 330 sq. ft. addition over the existing staff day room. The elevation is impacted by moving the facade out by 14 feet. The garage mass is left as it exists.

Mr. Lindgren stated that last month there were three letters of objection to the previous design scheme. Today, he read an e-mail of support for the revised design, as written by neighbor Patrick Henry.

Mr. Smith noted that one of the plan sheets shows a new one story building which was not presented by Mr. Marsh. Mr. Marsh responded that the owner may seek approval of that building in the future, but it is not part of today's request. Mr. Smith requested that Mr. Marsh make a comprehensive presentation, rather than piecemeal requests.

Some commission commentary: This ruins the house; a hip roof would make it better; the addition disturbs the symmetry of the house; change the south facing window because it is too heavy...remove the balcony; too much mass; or, (referring to the original design) perhaps drop the height of the garage so the garage with a second story would be truly subservient to the house.

MOTION BY MR. ZUKOV TO APPROVE THE PROJECT WITH THE CHANGE TO A HIP ROOF AND THE REMOVAL OF THE BALCONY ON THE SOUTH FACING WINDOW, AND TO MATCH THAT WINDOW TO THE OTHER ONE IN THE SAME ROOM.

MOTION DIED FOR LACK OF A SECOND.

MOTION BY MR. STAWBRIDGE FOR DEFERRAL TO THE MARCH MEETING, WITH THE UNDERSTANDING THAT THE ARCHITECT SHOULD STUDY A HIP ROOF AND CHANGES TO THE SOUTH FACING WINDOW, AND TRY TO LOWER THE TIE BEAM.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED 5-2, WITH MR. FELDKAMP AND MR. ZUKOV OPPOSING.

[B2/10 Addition and Demolition](#)

Address: 1342 North Lake Way

Applicant: Joseph Sambuco

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

Project Description: Demolition of existing one-story library and loggia; new two-story addition at same location; enclosure of existing second floor balcony; new one-story awning; and, replacement of existing railings and other architectural features

Call for disclosure of ex parte communication

Please note that at the January meeting, there was a motion for approval of the front facade as presented, to include replacement of all cast stone balustrade with metal Chippendale railings, skim-coat the existing cast stone columns with plaster and paint them white, replace the entry door assembly, and add shutters to flank the French doors and the garage window. There was also a second motion for deferral of the west facade. **PLEASE NOTE THAT THE ARCHITECT HAS REQUESTED DEFERRAL TO THE MARCH MEETING.**

MOTION BY MR. SMITH FOR DEFERRAL TO THE MARCH MEETING.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B. **MAJOR PROJECTS - NEW BUSINESS:**

[B4/10 Demolition and New Construction](#)

Address: 212 Caribbean Road

Applicant: Doug Buck and Bobbie Lindsay

Architect: SKA Architects/Patrick W. Segraves

Project Description: Demolition of existing one-story structure. Guest house, pool, and rear landscaping to remain. Construction of new two-story island style home to be approximately 5,300 square feet.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Pat Segraves provided a brief history of the existing home and made a request for

demolition of the house. It should be noted that the existing guest house and pool, along with specific existing landscaping, as stated, will remain.

MOTION BY MR. SMITH FOR APPROVAL OF DEMOLITION OF THE EXISTING STRUCTURE, WITH THE TYPICAL REQUIREMENT FOR SODDING AND IRRIGATION.

**MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

Mr. Segraves stated that the new house will have 4,500 square feet on an 18,000 square foot lot. It is a two-story home with single story wings and a three-car side-loaded garage. He referred to it as an Island style home. Landscape Architect Steve Dauber provided a preliminary landscape plan. Existing large trees will be retained and most will be kept in the same location. New landscape material will fill in and freshen the existing landscape.

Mrs. Vanneck expressed concern over the Alexander Palms in the front, and requested that Mr. Dauber "soften it and make it more natural". Mr. Dauber will abide by that request.

Mr. Lindgren noted that he had spoken with a few of the neighbors; that they did not voice opposition to the project; and, that one of them was concerned with drainage issues. After review of the plans, Mr. Lindgren assured the neighbor that the drainage was properly addressed and should not present a problem. There was no one in the audience who wished to speak relative to this project.

The home will be Tuscan yellow with blue shutters, with a terra cotta concrete tile roof and windows/balcony railing in bronze and/or dark wood stain.

Some commission member comments: Balcony loggia in back overly heavy; too many styles; windows jammed up against the eaves; "not too studied, not too perfect...a nice little North end house."

**MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. SMITH.
MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.**

[B5/10 Landscape](#)

Address: 770 South County Road

Applicant: 770 South County Road L.P.

Architect: John Lang, Lang Design Group

Project Description: Revisions to previously approved landscape plans

Call for disclosure of ex parte communication: Mrs. Vanneck made an ex parte declaration.

John Lang, Landscape Architect, presented these changes to a previously approved landscape/hardscape plan. Mini-gardens have been added off each guest room and the open loggia; a tree has been placed in the main motor court; a fountain has been added in the front; and, some hardscape has been eliminated in the front motor court as well.

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

B6/10 Addition

Address: 1100 North Ocean Boulevard

Applicant: 1100 North Ocean Boulevard Trust

Architect: The Lawrence Group Architects

Project Description: A two-story addition with garage space in the basement on the south side of the main house in similar architectural elements as the existing main house.

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Architect Eugene Lawrence referred to the project which was denied at the December 2009 meeting, and stated that today's presentation is a new design which attempts to address the objections to the original denied design. He reviewed the site, the neighborhood, the existing landscape conditions, and various views of the existing house and property. The proposed addition has now been moved to the north, and to the west as far as possible, and is now sited almost 28 feet from the property line to the south. Other changes include: the whole mass of the addition has been dropped by 3 feet; the chimney has been made smaller (Note: later testimony was given that the chimney would be deleted) ; some fenestration changes; and, a balcony has been eliminated. Details will match the main house. Jeff Blakely, Landscape Architect, reviewed the landscape plan and testified that fifteen additional cocoanut palms have been added to buffer this property from the Castle property to the south. In addition, a second Seagrape hedge line is planned to create a wind buffer. Mrs. Vanneck suggested that overhead sprinklers be used to inhibit plants from "browning out". Bougainvillea or flame vine will espalier across the face of the garage.

Attorney Paul Rampell, Attorney James Greene, Landscape Architect Morgan Wheelock, and Architect Tom Kirchhoff were present on behalf of the Castles (neighbors to the south). Mr. Rampell indicated that he would also make comments on behalf of two other neighbors, Gina Borman, 1086 North Ocean Boulevard, and Rena and B. William Holman, 1090 North Ocean Boulevard.

Throughout his presentation, Mr. Rampell introduced several documents into the record: An original and a copy of a court transcript of the December 18, 2009 ARCOM hearing of Item B84/09 for 1100 North Ocean Boulevard; Affidavits from Gina M. Borman, 1086 North Ocean Boulevard, Rena Holman, 1090 North Ocean Boulevard, and B. William Holman, 1090 North Ocean Boulevard; Affidavits from former members of the Architectural Commission who served on the commission during 1996 when the original approval for this home was granted, as follows: Laurel Baker, Sally Gingras, Bruce Helander, Ethel Kinsella, Marvin Rosenberg, John H. Schuler, and Floyd Wideman; and, copies of approved ARCOM plans for 1100 North Ocean Boulevard, as approved June 26, 1996.

Mr. Rampell testified that his clients are opposed to this project for all of the same reasons they were opposed to the project which was denied at the meeting held on December 18, 2009. Architect Tom Kirchhoff offered a presentation, expressing his opinion that this submittal is not significantly different than the project denied in December. Mr. Rampell testified that his clients, the Castles, owned their property when ARCOM approved the original plans for the house built by the Smiths in 1996. The Castles maintain that it was understood, at that time, that the area where the proposed addition is sited was to be reserved for a tennis court or open space. He presented the aforementioned affidavits from neighbors and former ARCOM members at this juncture. It was Mr. Rampell's position

that the issue had been decided in 1996; that this was further ratified in December 2009, and should be respected; that owners have rights, but neighbors also have rights; and, he requested that ARCOM deny the current application.

Attorney Greg Young offered comments in rebuttal. He maintained that ARCOM must balance the rights of this property owner/applicant with those of neighbors; that a removal of property rights (for this owner), without compensation, is not sanctioned by law; that this is a new and different application; that there were no deed restrictions placed on the 1996 approval and there is nothing in the Town records imposing those restrictions, and, that the December 2009 denial of a different project does not prejudice this application (referring to Pages 72/73 of the aforementioned court reporter's transcript).

Attorney Randolph was asked to comment regarding the affidavits which were submitted. He provided his legal opinion regarding the affidavits and other issues. In addition to other comments, Mr. Randolph stated that the law is clear that a person does not have a right to views across another person's property, and there is no Declaration of Use agreement in place relative to this property as a result of the 1996 ARCOM approval.

Attorney James Greene testified that there is no transcript of the 1996 hearing, and that is the reason for the affidavits. He also contended that a denial of this project would not deny this property owner all beneficial use of his property, and therefore, could not be considered a "taking".

There was some discussion relative to whether a DEP approval was in place relative to this project. Mr. Young testified that DEP is currently reviewing the project.

Mr. Randolph, in response to a question, stated that there is no language in the Architectural Commission ordinance which would prevent a project from returning to ARCOM within the same year, but it has been the practice that such projects would not return unless they were substantially different.

Commission members made comments as to whether the affidavits from former ARCOM members would affect any decisions made today; as to whether the project was substantially different and should be heard; and as to Mr. Randolph's statement that a neighbor does not have a guarantee of views across a neighbor's property. After these comments, members offered comments relative to the architecture. Some of these follow: the addition should be cohesively attached to the structure; pull the addition back further to the north and west to respect the arc that the loggia has already established; make the rooflines and oceanside fenestration match; make it look like an addition to the house, not a separate structure; make it subservient to the main house; clean up the fenestration; and, the west side does not relate to the main house.

**MOTION BY MR. ZUKOV FOR DEFERRAL TO THE MARCH MEETING.
MOTION SECONDED BY MR. STRAWBRIDGE.
MOTION CARRIED UNANIMOUSLY.**

Let the record show that there was a short recess from 11:13 a.m. to 11:20 a.m.

B7/10 Landscape/Hardscape

Address: 2315 South Ocean Boulevard

Applicant: Donna Ward

Architect: Parker Yannette Design Group

Project Description: Final landscape, hardscape, and landscape lighting

Call for disclosure of ex parte communication: Several members made ex parte declarations.

Steve Parker of Parker Yannette Design Group Inc., Landscape Architects, presented this request along with Daniel Cahan of Smith and Moore Architects. Attorney Maura Ziska, and Walt Jenkins, landscape lighting designer. Mr. Parker stated that the preliminary landscape approval was given in October of 2008, and today, final landscape approval is requested. He provided the statistics relative to open space, total perimeter landscape, and front yard landscape open space for this project which indicate that the proposed plan clearly exceeds established minimum requirements. He reviewed the landscape plan including relocating Sabal Palms, removing poor quality existing plant material, planting two layers of ficus hedge, having Cocoanut Palms and Seagrapes along the north property line and at several other locations, and other plant materials as shown on the plans. Walt Jenkins reviewed landscape lighting, indicating that site lighting (any uplight) will have a maximum of 50 watts/fixture, and no site lighting will affect any of the neighbors.

Mr. Feldkamp noted that the owner of this property has placed several trees (later identified as 10 trees) on the property of the neighbor to the north, the Harbour House, but that action is not under the purview of the Architectural Commission.

Mr. Lindgren read a letter from Morgan Wheelock Inc. into the record which presented various objections to the proposed plan and to the trees which Ms. Ward planted on her neighbor's property.

Attorney Ray Royce, representing the Harbor House, stated his client's objection to the proposed project and also to the trees which are already in place (planted by Ms. Ward on the neighbor's property.) The Harbour House wants the trees removed and the area restored to grass. Attorney Maura Ziska objected to any discussion of the trees which were planted by Ms. Ward on the Harbour House property, and asked that comments only be made relative to the landscape plan being presented for the Donna Ward property. Attorney Royce raised objections to plant material on the Ward property which might present a liability to the Harbour House due to falling cocoanuts and palm fronds. He questioned how Ms. Ward intends to have maintenance done on her plant material without impacting the Harbour House property, and expressed concern on behalf of his client regarding stormwater run off. He entered correspondence into the record: A letter from Morgan Wheelock Inc. dated February 22, 2010, a letter from Donna Ward dated July 21, 2009, and a letter from Alvin Milberg, President, Harbour House dated January 8, 2010. He introduced Don Skowron of Morgan Wheelock Incorporated to provide testimony relative to the project from the perspective of a landscape professional. Regarding this proposal, he discussed topics of shade line, plant success/failure, plant selection, and plant maintenance, with his remarks in opposition to the proposal as designed.

Mrs. Vanneck commented that plants will survive in this location if they are properly maintained and accustomed to their location. She recommended that along that north perimeter, plants should be staggered in height; the soil must be treated; the present concrete footer must be sealed; and, plants should be sprinkled from above. Later in the

meeting, Mrs. Vanneck recommended against the Canary Island Date Palms due to salt tolerance, but Mr. Parker responded that they believe these trees will survive and want to use them. It was also suggested that a mixed variety of clusia be used.

Paul Castro, Zoning Administrator, testified, in response to a question, that the Sea Lord Hotel, a four story building with a basement, was formerly located on the Donna Ward property.

Mr. Randolph gave his opinion relative to liability concerns due to falling cocoanuts and palm fronds in response to a question from Mr. Feldkamp.

The commission was clear that the owner must be responsible to replace whatever plant material does not survive.

MOTION BY MR. VILA TO APPROVE THE DESIGN OF THE PROJECT WITH THE CONDITION THAT THE PLANT MATERIAL AT THE NORTH PROPERTY LINE BE REVIEWED IN AN EFFORT TO SATISFY THE NEIGHBOR'S CONCERNS REGARDING FLYING PLANT MATERIAL, AND APPROVAL TO REPLACE THE SEAGRAPES WITH A MIXED VARIETY OF CLUSIA.

**MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

Mr. Feldkamp chastised the Harbour House for not planting any landscape buffer of their own for the many years prior to this, going back to the days when the Sea Lord Hotel was still in place.

[B8/10 New single family dwelling](#)

Address: 1695 North Ocean Way

Applicant: Andrew Gordon/Christopher Browne

Architect: Graham Gerald

Project Description: This is a request for a second 1 year extension for this project involving a new two-story single family house, retaining walls, modern design

Call for disclosure of ex parte communication: None declared

Attorney Paul Rampell stated that the reason for the request for time extension is that one of the owners is deceased and the other is currently ill.

**MOTION BY MR. ZUKOV FOR A ONE YEAR TIME EXTENSION.
MOTION SECONDED BY MR. STRAWBRIDGE.
MOTION CARRIED UNANIMOUSLY.**

[B9/10 Time Extension](#)

Address: 516 South Ocean Boulevard

Applicant: Mr. & Mrs. Robert Feldman

Architect: MP Design & Architecture, Inc.

Project Description: 12 month time extension of previously approved new two-story residence, final landscape and hardscape

Call for disclosure of ex parte communication: None declared

Caroline Forrest, representing M Perry Design and the property owner, requested a one year time extension for this project. The client is looking at bids for the project, and is deciding how they would like to proceed. Ms. Forrest indicated that the property is being maintained.

MOTION BY MR. ZUKOV FOR APPROVAL OF A ONE YEAR TIME EXTENSION.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

C. **MINOR PROJECTS - OLD BUSINESS**

D. **MINOR PROJECTS - NEW BUSINESS**

VIII. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)

IX. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT:(12:12:17 a.m.)

Mr. Page brought up the issue of persons who are qualified to make presentations before ARCOM and the Landmarks Preservation Commission. After some discussion, the commission approved of the new language.

Mr. Page announced that the Town Council has determined that members of the boards and commissions will be required to take an oath of office as they commence service. This will take place next month after the upcoming ARCOM appointments.

Mr. Page announced that this is Mr. Feldkamp's last meeting, and recognized him for his excellent service to the Architectural Commission and to the Town.

Mr. Lindgren brought up the subject of whether a project can return to the commission within the same year, and suggested that the code be amended to clarify the issue. This will be placed on next month's agenda for discussion.

X. ADJOURNMENT:(12:21:38 a.m.)

MOTION BY MRS. VANNECK TO ADJOURN THE MEETING AT 12:29 P.M.

MOTION SECONDED BY MR. VILA.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be on Wednesday, March 24, 2010 at 9:00 a.m. in the Emergency Operations Center, 3rd floor, 355 South County Road, Palm Beach, Florida.

Respectfully submitted,

William P. Feldkamp, Chairman
ARCHITECTURAL COMMISSION

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