

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, NOVEMBER 28, 2007 AT 9:00 A.M.

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

**PRESENTATION BY MRS. JANE DAY, STAFF
PRESERVATION CONSULTANT
11 A.M. (TIME CERTAIN)**

**EXPLORE THE ARCHITECTURAL HERITAGE OF THE
TOWN OF PALM BEACH**

I **CALL TO ORDER:** Chairman Pandula called the meeting to order at 9:03 a.m.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Patrick Segraves, Secretary
Robert Eigelberger, Member
Eileen Bresnan, Member
Hazel Rubin, Member
Charles S. Roberts, Member
D. Imogene Willis, Alternate Member
Dudley L. Moore, Jr., Alternate Member
Wallace Rogers, Alternate Member
John C. Randolph, Town Attorney (present as of Item B.)
John Page, Director of Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

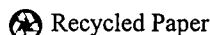
ABSENT: Veronica B. Close, Asst. Director of Planning Zoning & Building

III **APPROVAL OF THE MINUTES OF THE OCTOBER 17, 2007 MEETING:**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.

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IV **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:**
By Mrs. Delp

V **APPROVAL OF THE AGENDA:**

Mr. Pandula read the note under the "Other Business" item for 241 Seaview Avenue indicating that no informal review of this matter would be done today. He made this announcement to notify anyone in the audience, who might be present for this item, that it would not be heard.

MOTION BY MRS. BRESNAN FOR APPROVAL OF THE AGENDA, AS AMENDED.

**MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.**

VI **COMMENTS FROM THE PUBLIC:** None

VII **PUBLIC HEARINGS:**

- A. Application for Certificate of Appropriateness # 29-2007, (deferred from October)
Landscape/Hardscape/Pool
Owner/Applicant: Marion and Penelope Antonini
Address: 4 Golf Road
Architect: Mario Nievera Design
Project Description: Request approval for new pool with landscape and hardscape, and other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Please note that this item had been deferred from the October meeting at the request of the owner's attorney.

Landscape Architect, Mario Nievera, returned to the LPC regarding this project. He explained that the project had received variance approval from the Town Council last week. The variance was requested because the 40 ft. long pool, with fountain centered on the dining room, will only be 18 ft. 7" from the property line. Mr. Nievera reviewed the various gardens, terraces, and fountains as well as the other aspects of the plan.

Mr. Eigelberger questioned the zig zag wall which is encountered as one enters the garden to approach the house. Mr. Nievera responded that the zig zag approach is meant to create a sense of mystery as one approaches the house, i.e., to prolong the experience so only certain portions are visible at any one time. Ms. Rubin and Mr. Pandula spoke in favor of the design.

Mr. Nievera reviewed the palm trees planned for the site: a mixture of Alexander, Foxtail, and Cocoanut Palms; a relocated Royal Palm tree; and existing Areca Palms. He stated that the pool will be finished in marcite with a light tile pattern on the inside.

Mr. Pandula noted that the Town Council approval is contingent upon either a site drainage plan

or the construction of a retaining wall. Mr. Nievera responded that they are required to place a wall around the property.

MOTION BY MR. EIGELBERGER FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

Let the record show that Mr. Randolph arrived at this point.

B. Application for Certificate of Appropriateness # 32-2007,
Restoration, Reconstruction, Demolition, etc.

Owner/Applicant: Bath & Tennis Club, Inc.

Address: 1170 S. Ocean Blvd.

Architect: Oliver, Glidden, Spina & Partners

Project Description: Request approval for restoration, reconstruction, interior and exterior demolition, exterior color change, and landscape/hardscape which is further described as: The project consists of a remodel/restoration of the existing kitchen on the entry level, the various back of house spaces below the kitchen on the beach level, the relocation and remodel of the men and women tennis locker rooms, the tennis pro shop on the entry level, the addition of an accessible ramp adjacent to the small interior courtyard to provide an accessible route to the main floor on the entry level, the reconfiguration and enclosure of two interior exit stairs that connect the entry level and the upper level and the addition of a new air conditioning chiller system for the building at the existing spa on the entry level. The remodel will include the replacement of the existing doors at the north facing service court with raising panel fiberglass doors, a complete replacement of the existing internal flat roof kitchen, replacement of the existing aluminum windows at the kitchen, the two new stair enclosures, the addition of 12 new painted wood framed windows and doors with arched topped transoms at the relocated tennis pro shop, the south portion of the existing loggia and the newly created sloped accessible ramp (similar in design to the arched topped windows and doors of the original 1926 main building.) Also included in the remodel is the creation of an alcove entry to the new men and women tennis locker rooms along the west facade facing the tennis courts as well as the addition of a double raised panel door at the existing north wall of the existing enclosure wall of the new chiller system and two aluminum overhead coiling doors and one raised panel door in the existing north wall of the enclosed room of the air conditioning chiller system. Part of the restoration includes removing the wood spindles at the kitchen windows, stair windows, and windows at the north side of the tennis courts per the original 1926 building design. In addition, the large arched opening at the west wall of the central portion of the loggia will be reopened to the original building design. The existing concrete walk between the west facade of the building and tennis courts will be removed and replace with concrete pavers, matching the design of the concrete pavers of the original 1926 building and will include the reintroduction of landscaping along the walkway. The new walkway will be reconfigured to provide an accessible route to the tennis locker rooms by the introduction of a ramp at the south end of the walk. The top of the adjacent wall between the walk at the tennis courts will be raised approximately 16" along the ramp and the existing rail will be reinstalled. Also the existing canvas awning along the west facade over the new walkway will be reduced in length and four openings will be introduced in the remaining portion to allow for landscaping. The affected exterior portions of the building will be refinished to match the building finish and the dark green painted walls of the west facade of the building facing the tennis court will be painted to match the sand color of the main building.

Architect Keith Spina asked to make some remarks even prior to Mr. Pandula's reading of the project description. He stated that it has come to his attention that Mr. Castro, Zoning Administrator, has determined that the portion of the project concerning the chiller requires a

variance, and as such, Mr. Castro has requested that the project not be heard today. Secondly, Mr. Spina stated that Mr. Frank had determined that the project, minus the chiller area, could have been staff approved. Mr. Spina also stated, for the record, that although the application for Certificate of Appropriateness states otherwise, it is the intention of the Bath and Tennis Club to seek approval of this project as a tax abatement project. Mr. Spina indicated that the plans show removal of wood spindles from some of the windows. Since the plans were drawn, it has come to light that the spindles in question are a signature design element of Joseph Urban, and as such, will be retained. Mr. Spina stressed the importance of the project being allowed to move forward, but in light of the variance issues, asked how to proceed today.

Mr. Frank responded that while the variance for the chiller may be required, it presents no aesthetic issue for the commission, as it will be located inside the solarium walls. As for the potential for staff approval of the greater portion of this project, Mr. Frank noted that staff approvals are prohibited when tax abatement has been requested.

It was suggested that the applicant return to the Landmarks Preservation Commission (LPC) next month with updated drawings which will be subject to review as a tax abatement.

Mr. Randolph stated that while he had spoken with Attorney James Brindell regarding the project and the possible necessity for a variance, he had not spoken with Mr. Castro. He had told Mr. Brindell that he would have to refer the matter to Mr. Castro. Since Mr. Randolph believed that a final decision regarding the need for a variance had not yet been made, he hoped that the Bath and Tennis Club would not be held up unnecessarily.

Mrs. Day explained that after speaking with Mrs. Nancy Murray of the Bath and Tennis Club on Monday, Mrs. Murray elected to have the project reviewed as a tax abatement project. Mrs. Day felt that the LPC could look at the aesthetics of the building today to see if the design is in keeping with the Secretary of the Interior's Standards, and even give an architectural opinion relative to the variance, if it is determined that one is required.

It is at this point that Mr. Pandula read the project description into the record in preparation for Mr. Spina's presentation.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

Mr. Roberts stated that he had met with the architect yesterday.

Mr. Hanley stated that he sits on one of the Bath and Tennis Club's committees involved with planning for this project. He has met with both the architect and builder for the project. He has no financial gain relative to this project.

Mr. Moore stated that he is a member of the Board of Directors for the Bath and Tennis Club and has had input into the project. He has no financial interest in the project.

Mr. Pandula clarified that this is a tax abatement project.

Mr. Spina described the project as essentially a kitchen restoration and repair project in this 1920's building. Upon early examination, structural problems were noted resulting in the entire kitchen floor being removed. All work will occur within the existing building envelope. Plans include moving the men's tennis locker room, the pro shop, and the women's locker room. Mr. Spina reviewed the proposed floor plan which introduces some additional kitchen storage. Exteriorly, on the East wall, the wood spindles will remain; windows will be replaced; hurricane tracks will be removed. Louvers will be inserted for the kitchen area water heaters. A restroom and the door leading to it will be removed. Currently, there is no air conditioning in the kitchen; thus, the need for the chiller. Exhaust hoods will be replaced, but on a different part of the roof,

so they cannot be seen. On the North wall at the service court, the window spindles will remain and new impact windows will be installed. Deteriorated doors will be replaced with like doors. Windows will be CGI impact rated aluminum windows with nice muntins. Tischler doors with half round transoms may be used if they are not cost prohibitive. If so, GCI doors will be used instead. At the tennis loggia, there is a series of arches and cast stone columns. Wooden French doors with transoms on the East side of the tennis loggia will be matched on the West side. (There are currently no doors on the West side.) The central arch and some of the other arches of the tennis loggia had been blocked up with wood frame and stucco. The proposal includes opening up all of the arches. New doors with transoms will be placed on the four arches on the North side to serve the tennis pro shop. All others will be left open. On the West elevation of the tennis loggia, landscaping (cocoanut palms and bougainvillea) will be installed to improve the elevation. The awning will be modified to allow for the new cocoanut palms. The men's and women's locker rooms will be relocated to the area which was formerly the women's locker room. The proposal also includes two (2) new stairs going through all three floors of the Club, and an accessible ramp.

The chiller plant is in an area of the building which is fully enclosed on four sides, but is open to the sky. The only exterior change to the building as a result of adding the chiller is the addition of one more pair of doors. Mr. Spina stated he was not prepared to address the zoning code issues relative to the introduction of the chiller into this already non-conforming structure, but indicated that he and the attorneys for the Club have interpreted the Zoning Code such that no variance is needed. Mr. Frank remarked that since the introduction of the chiller causes no substantial change to the appearance of the building, staff would recommend that the LPC make a motion recommending to the Town Council that the variance does not negatively affect the landmarked structure.

Lastly, Mr. Spina discussed the area below the kitchen at the beach level which houses the "back of house" spaces. In this area, the floor will be removed and a new concrete floor will be installed with concrete columns. The utilities in this area, some of which are unsafe, will be updated and cleaned up. Some service doors with louvers will be added.

Mr. Spina added that the green paint on the exterior at the tennis area will be changed to match the existing color of the building. Windows will have a slight grey tint within white aluminum frames.

Commission members made several suggestions:

1. The window spindles should not be painted. They should be allowed to go grey.
2. Rather than one large awning, consider no awning over the center arch and two small awnings to either side.
3. Substitute a more erect and salt/wind tolerant palm for the cocoanut palms.

MOTION BY MR. ROBERTS TO APPROVE THE PROJECT TOGETHER WITH THE RECOMMENDATION TO THE TOWN COUNCIL THAT THE VARIANCE, IF REQUIRED, ~~DOE~~ NOT NEGATIVELY AFFECT THE LANDMARKED STRUCTURE.

DOES

Mr. Randolph suggested that two different motions be made: a recommendation regarding the variance, and a second one related to the proposed changes to the architecture.

MOTION BY MR. ROBERTS THAT THE LANDMARKS PRESERVATION COMMISSION HAS NO OBJECTION TO THE VARIANCE, AND THAT THE COMMISSION RECOMMENDS THAT THE VARIANCE IS NOT INCONSISTENT WITH THE LANDMARK ARCHITECTURE AND INTEGRITY OF THE PROJECT.

**MOTION SECONDED BY MRS. BRESNAN AND MR. EIGELBERGER
SIMULTANEOUSLY.**

MOTION CARRIED UNANIMOUSLY.

**MOTION BY MR. ROBERTS TO APPROVE THE PROJECT AS SUBMITTED WITH
THE CHANGES, AS DISCUSSED, REGARDING THE SPINDLES AND THE OTHER
ITEMS DISCUSSED.**

Mr. Eigelberger expressed a desire to see more information on the details related to this project, i.e. the windows and doors, the pavers, the cast stone, the awning(s). **Mr. Frank recommended that the applicant return next month for further review of the project as a tax abatement project, and to present the details as requested.**

**MR. ROBERTS ACCEPTED THE MODIFICATION TO HIS MOTION FOR A
DEFERRAL TO NEXT MONTH FOR FURTHER REVIEW OF THE PROJECT AS A
TAX ABATEMENT PROJECT AND FOR REVIEW OF THE DETAILS AS
MENTIONED.**

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

Mrs. Day remarked that this is a good project which combines restoration of the arch at the tennis loggia with the rehabilitation of the kitchen so that it may serve the Club for many years to come. She stated that staff supports the project, provided the window spindles are retained.

VIII OTHER BUSINESS:

- A. Informal Review: 241 Seaview Avenue, Palm Beach Day Academy
(In association with Special Exception #15-2007 with Site Plan Review and
Variances)

Addition of west field parking lot and drop-off area, consisting of 35 initial parking spaces and six additional parking spaces to be completed once relocatable classroom is removed.

Please note that since the project has been modified, staff is recommending that no informal review of this matter be done. The applicant has revised the plans to eliminate the need for variances. As such, informal review is unnecessary, and the project will be heard at the December meeting of the Landmarks Preservation Commission for approval of Certificate of Appropriateness.

**IX COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND
PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:**

Mr. Pandula introduced Mr. John Page, the new Director of Planning, Zoning and Building, to the LPC members.

Mr. Pandula passed the gavel to Mr. Hanley and asked staff to consider placing the home at 212 Australian Avenue "under consideration" for landmark designation. He explained that this is a

Mediterranean Revival home built in the mid 1920's by E. B. Walton. The home retains much of its character and the owner has expressed interest in having it landmarked. Mrs. Day noted that this is not a tax abatement project. The owner has already restored the home, and would like it landmarked.

MOTION BY MR. EIGELBERGER THAT THE PROPERTY AT 212 AUSTRALIAN AVENUE BE PLACED "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.

**MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.**

Mr. Hanley asked what process allowed all of the street signs to be changed. Mr. Hanley felt that the new, larger, green and white signs change the character of the Town as they would be more appropriate for a city. Mr. Frank responded that this was handled by the Department of Public Works, but offered that staff will look into this matter, if that is the desire of the LPC. Mr. Hanley requested information on how this happened and how it can be remedied. Other members agreed with Mr. Hanley, and agreed that the signs change the character of the Town.

Mr. Eigelberger inquired about the Volk house across from the Kennedy house, which had pickets and pillars in the front of the house. He recalled that he had asked the architect, Jeffery Smith, when the project came before the LPC, whether the pickets and pillars would be retained. Mr. Smith, according to Mr. Eigelberger, stated that they would be retained, but now there is a solid wall fronting the property. Mrs. Day offered to investigate this matter and report to the LPC at the December meeting.

Mr. Frank gave a report relative to 455 North County Road. He stated that the owner has received the figures relative to his insurance claim for the fire damage at 455 North County Road. The owner is planning to restore the building to its landmark integrity. No new approvals from the LPC are required as the same LPC approved plans will be used for the restoration. He now needs permission from the Town Council to extend the length of the permit. Staff is very pleased that the owner is taking this position and that the landmark will not be lost.

Mr. Frank reported that ARCOM has changed its standards for staff approval of lighting. The former 80 KW maximum for staff approvals has been replaced with a foot candle review. For residences, 2.5-3 foot candles of lighting can receive staff approval. For commercial properties, a maximum of 8 foot candles is acceptable for staff approval. If either of those thresholds are exceeded, commission review is required.

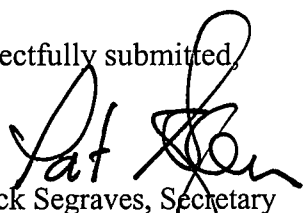
X **ADJOURNMENT:**

THE MEETING WAS ADJOURNED AT 10:08 A.M. WITH A MOTION SPONSORED BY MR. EIGELBERGER. THERE WAS NO SECOND TO THE MOTION, BUT ALL WERE IN AGREEMENT.

MRS. DAY'S PRESENTATION WAS SCHEDULED TO BEGIN AT 11:00 A.M.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, December 19, 2007 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,


Patrick Segraves, Secretary
LANDMARKS PRESERVATION COMMISSION

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PRESENTATION BY MRS. JANE DAY, STAFF PRESERVATION CONSULTANT
11 A.M. (TIME CERTAIN)

EXPLORE THE ARCHITECTURAL HERITAGE OF THE TOWN OF PALM BEACH

Mr. Pandula welcomed the attendees to this special presentation by Staff Preservation Consultant, Mrs. Jane S. Day. Mr. Frank read Mrs. Day's credentials into the record and introduced Mrs. Day. Mrs. Day stated that she is privileged to work in the Town of Palm Beach and referred to Palm Beach as a "textbook of architectural styles and what happens to a community when there is good organic planning that happens over the time period of the city's growth." Mrs. Day began with a slide presentation and lecture regarding the various architectural styles in the Town of Palm Beach, i.e., Frame Vernacular, Bungalow, Mediterranean Revival, Mission, Moorish, Norman Tudor, Bermuda or British Colonial, Art Deco, Monterey, Neo-Classical Revival, Beaux Artes, and Plateresque.

Within her lecture, Mrs. Day stated that the Art Jury preceded both ARCOM and the Landmarks Preservation Commission. It had been formed after the 1928 hurricane. This hurricane did major damage in the Town, which resulted in a great number of repair and new construction projects. At this time, the Town fathers started the Art Jury to attempt to regulate building in the Town, to protect property owners and the beauty of Palm Beach. Members of the original Art Jury were Addison Mizner, Marion Sims Wyeth, and Maurice Fatio. The Art Jury promoted conservatism in the Town's architecture, much like ARCOM and the Landmarks Preservation Commission today.

Mrs. Day discussed the State of Florida Master Site File forms. These forms are completed for all structures over 50 years old, regardless of whether the structure is landmarked. The site file forms represent an inventory of historic structures. This inventory process is required as part of the Town's Comprehensive Plan, and an update of the files is done approximately every five years. The master site files are working documents. As such, they can be updated at any given time with new and corrected information.

Next, Mrs. Day focused on the Tax Abatement Program. In 1997, the State of Florida passed an amendment to the State Constitution granting municipalities the ability to offer tax relief for historic properties. To date, the Town has had 27 projects that have gone through the review process required for tax abatement. When tax abatement is approved and in place, it is a covenant that goes with the deed, and in fact, is saleable with the property. After a period of ten years of abatement, the taxes revert back to full value. She noted that tax abatement can be granted, but can also be retracted, if a property owner deviates from the Secretary of the Interior's Standards. Tax abatement review includes not only the outside of landmarks, but the interiors as well. Mrs. Day stated that the tax abatement program is a good program benefitting landmark property owners and helping to protect the Town's historic resources. Mrs. Day cited several of the tax abatement projects and discussed how the tax abatement program was a benefit to the property owners involved, and helped to save these landmarked structures.

Mrs. Day noted that over her years as consultant to the Town, almost \$400,000 in grant monies have been received by the Town from the State of Florida. Some of this money was used to repair the Memorial Fountain, update the site files, and to fund a summer intern program, to name a few. Palm Beach is the only city in Florida to receive an award from the Florida Trust for Historic Preservation for the Town's Landmark program, which is served by the Landmarks Preservation Commission.

Regarding landmark properties, in general, Mrs. Day noted that kitchens, baths, and private rooms can change, even in tax abatement projects. Palm Beach landmarks can be renovated for modern lifestyles. The job of preservationists in the Town is to save the historical resources that are available, for once they are demolished, they are lost forever. Mrs. Day noted that the Town's landmark ordinance does not require owner consent, although that is always the goal. While other parts of the country and the world are very strict with their landmarks, the Town of Palm Beach is less strict than most places. The Town's Landmarks Preservation Commission is very user friendly, offering teaching and a free exchange of ideas to assist property owners.

The presentation concluded at 11:57 a.m.