

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, NOVEMBER 19, 2003 AT 9:00 A.M.

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

I **Call to Order:** Chairman Pandula called the meeting to order at 9:02 a.m.

II **Roll Call:**

PRESENT: Eugene Pandula, Chairman
Sari Wilkey, Vice Chairman
Ann Blades, Secretary
Ann Vanneck, Member
Judy Hoffman, Member
Patrick Segraves, Member
Wendy Victor, Alternate Member
William Lee Hanley Jr., Alternate Member
Robert T. Eigelberger, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Jane Day, Staff Preservation Consultant

ABSENT: Jack Pyms, Member (Unexcused)

RECORDING SECRETARY: Cynthia M. Delp

III **Approval of the Minutes of the October 15, 2003 Meeting**

MOTION BY MRS. BLADES FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

IV **Administration of the Oath to all persons who wish to testify:** By Mrs. Delp

Comments by Mr. Robert Moore, Director of Planning, Zoning & Building

Mr. Moore distributed copies of a page from the Strategic Plan, Governance Actions, and asked the LPC members to review Item A3, Boards and Commissions. He explained that the Town Council has adopted the recommendations of the Strategic Planning Board, as follows:

- Clarify commission and board "missions" to provide for greater coordination, consistency with policies and the Strategic Plan, clarity of purpose and authority, etc.
- Define requirements relating to levels of experience and/or mandatory courses applicable to the expertise relevant to each board and commission.
- Consider providing additional training to enhance the effectiveness of boards and individuals.
- Interview procedures and/or requirements.

The Town Council is seeking the input of the LPC members with regard to these subjects. In fact, an LPC workshop will be scheduled and devoted to gathering such feedback for eventual transmission to the Town Council. After discussion, the LPC elected to hold this workshop immediately after the conclusion of regular business on December 17, 2003, the LPC regular meeting date.

V Public Hearings:

- A. Continued Public Hearing for 455 North County Road
relative to Deterioration by Neglect
Owner: 123 LLC
Address: 455 North County Road

Please note that this matter was heard at the September 17, 2003 regular meeting and the additional September 25, 2003 meeting of the Landmarks Preservation Commission, and was continued to the November 19, 2003 meeting.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Attorney Frank Lynch was present on behalf of the new owner, 123 LLC. He reported that the building permits relative to this restoration/renovation were assigned to J.F. Brennan as General Contractor. In fact, Mr. Tim Benitz of J. F. Brennan was present today as well. The property is cleared except for a specimen tree, and "No Trespassing" signs have been posted together with chaining off the property. Safety rails have been installed along the staircases and balconies. Structural engineers and environmental consultants have been brought in to check the status of the wood on the property. The environmental consultants have reported that all the wood is wet, and much mold has set in. As a result, the bulk of the wood must be removed and replaced, and that work starts today. The contractor is meeting with the Building Department today as to how to proceed with the project. Mr. Lynch anticipated that temporary doors could be in place with the structure closed up by the end of February. Mr. Lynch stated that the new owner has given the contractor a very tight construction schedule, and he assured the LPC that the property will not sit without continuing construction.

Mr. Moore added that the Town Council has authorized the extension of the building permits with the proviso that the applicant reports back to the Town Council on a quarterly basis relative

to the status of the job. Mr. Lynch indicated that he would be willing to return to the LPC on a quarterly basis as well. As such, he would return to the LPC at the February 2004 meeting.

MOTION BY MRS. VANNECK TO DEFER THIS PUBLIC HEARING TO THE FEBRUARY 2004 LPC MEETING AT WHICH TIME A JOB STATUS UPDATE WILL BE GIVEN; TOGETHER WITH A REQUEST FOR PICTURES TO ILLUSTRATE THE PROGRESS OF THE JOB.

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

455 North County Road: The re-zoning application - Information only

Mr. Lynch stated that the new owner has assumed the previously filed application to re-zone the property from R-AA to R-B, as filed by the former owner. The current owner, however, will modify that application to re-zone the property from R-AA to R-A with the intention of only creating one (1) additional 30,000 square foot lot, which would be sold.

Staff clarified that while the Planning and Zoning Commission, and ultimately the Town Council, will rule on the re-zoning issue and the number of lots allowed, the LPC has jurisdiction relative to approving subdivision of landmarked property. Subdivision is possible with LPC approval, and indeed, staff cited other landmarked parcels where subdivisions have been approved by the LPC. Mr. Moore commented that he knew of no way that the applicant could obtain re-zoning approval, and use it, without also obtaining subdivision approval. Staff noted that any new structure built on the proposed 30,000 sq. ft. lot would be under LPC jurisdiction.

Aside from these issues, Mrs. Vanneck commented that it is wonderful that the lot is cleaned now and the landmarked house is visible against the ocean.

Mr. Lynch stated that he will return to the LPC in the future seeking approval of the pool, tennis court and landscaping, and any other changes which may be needed. Mr. Lynch will have to return to the LPC relative to subdividing the property, and in that regard, Mr. Pandula asked him to prepare a presentation dealing with the history of the site, and the relationships of the buildings so a landmark decision can be made.

Mr. Eigelberger asked Mr. Lynch to consider the wisdom of depleting the value of the landmark as one parcel by trying to carve off land for placement of a \$ 3,000,000 home with no ocean view along North County Road, a busy street. He urged Mr. Lynch to ask his client to retain the property as one parcel to enhance the estate and maintain privacy.

Mr. Randolph suggested that such comments are quite appropriate to be given at the Planning and Zoning Commission and Town Council levels. He added that the LPC is in a stronger position if the property does not receive approval on the re-zoning. The LPC could designate a member to represent such LPC concerns at the Planning and Zoning Commission on Monday, December 1, 2003.

MOTION BY MRS. WILKEY TO APPOINT MR. PANDULA TO REPRESENT THE LPC'S CONCERNS AT THE PLANNING AND ZONING COMMISSION.

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

There was further discussion relative to the proposed re-zoning. Mr. Moore commented that if the LPC would permit a subdivision, a change to the R-A zoning district would allow more property to remain with the landmarked house than by keeping the R-AA zoning. Mr. Pandula acknowledged that the applicant is free to file any sort of application he may choose. Mr. Lynch responded to assure the LPC that his client is only seeking two lots on the parcel, one new 30,000 sq. ft. lot and one 90,000 sq. ft. lot. Mr. Eigelberger mentioned that through issuing an easement to the National Trust, certain tax incentives could become available to Mr. Lynch's client which could allow the preservation of the green space, and be more financially beneficial to the owner than by selling off the 30,000 sq. ft. lot. In conclusion, Mr. Pandula expressed the LPC's gratitude to Mr. Lynch's client for rescuing the landmarked house.

VI Other Business:

Informal Review: Air Handling Unit on the Brazilian Court Hotel

Mr. Pandula stated that he had met with Richard Leja of the Lawrence Group relative to this matter. Mr. Leja stated that this air handling unit (AHU) is very visible on the Australian Avenue elevation, especially since the recent renovations to the hotel. The AHU has been there since former renovations were done in 1995/1996, and the unit has been replaced since that time in the same location. Now, because of recent landscape changes, the AHU is very visible and has become an eyesore.

Mr. Frank provided a history relative to this problem. He stated that the first AHU appeared on the roof without LPC approval. It was ultimately painted yellow to match the hotel, and the matching paint, together with landscaping, was sufficient to hide the unit. Some time later, a permit was obtained to change out the AHU. The replacement unit, however, is larger. Staff was called out to check the condition. The problem was not so much the size of the unit, but the pipes and grills, etc.

Mr. Leja offered several possible suggestions to alleviate the condition:

- 1) Place a removable aluminum shield, painted to match the building, across the front of the AHU to hide the pipes and grills (Australian elevation)
- 2) Add another 18' tree in the area fronting the AHU to fill in the canopy.(Australian elevation)
- 3) On the courtyard elevation, where the unit is also very apparent, mask the AHU with additional landscaping and a sheet metal shield painted yellow to match the building.

The LPC members offered several solutions consisting of additional landscaping, moving the unit west onto another roof section together with an architectural element, removing the unit and replacing it with three smaller units, hiding it with a parapet, and creating a bigger architectural element like a balcony or balustrade to hide the unit. It was suggested that the members go to the site, on an individual basis, to view the existing condition prior to the time this item is heard formally by the LPC.

Glazer House, 1200 South Ocean Boulevard

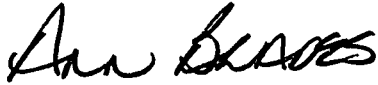
Mr. Frank stated that the LPC had previously reviewed a conceptual plan to add on to the existing landmarked house. The house is secured from the elements. No further plans have been submitted to the town to date.

VII Adjournment:

**MOTION BY MRS. WILKEY TO ADJOURN THE MEETING AT 10:30 A.M.
MOTION SECONDED BY MRS. VANNECK
MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, December 17, 2003 at 9:00 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,



Ann Blades, Secretary
LANDMARKS PRESERVATION COMMISSION

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**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2003

MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11//03	12/03
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Eugene Pandula	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>
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Elizabeth Dowdle	<u> P </u>	<u> P </u>	(Term expired 3/03)									
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Sari M. Wilkey	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> U </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>
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Ann Vanneck	<u> P </u>	<u> P </u>	<u> P </u>	<u> E </u>	<u> P </u>	<u> U </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>
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Ann Blades	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> U </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> E </u>	<u> U </u>	<u> P </u>	<u> </u>
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Jack Pyms	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> U </u>	<u> </u>
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Judy Hoffman	<u> P </u>	<u> E </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>
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Patrick Segraves	<u> P </u> Alt.	<u> P </u> Alt.	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>
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ALTERNATE MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
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Wendy Victor	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> U </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>
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William Lee Hanley Jr.	<u> n/a </u>	<u> n/a </u>	<u> P </u>	<u> P </u>	<u> E </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>
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Richard Krock	<u> n/a </u>	<u> n/a </u>	<u> E </u>	(Resigned 4/8/03)								
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Mario Nievera	<u> P </u>	<u> P </u>	(Did not seek re-appointment)									
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Robert T. Eigelberger	<u> n/a </u>	<u> n/a </u>	<u> n/a </u>	<u> n/a </u>	<u> n/a </u>	<u> P </u>	<u> P </u>	<u> U </u>	<u> P </u>	<u> P </u>	<u> P </u>	<u> </u>
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LEGEND: P = Present
 E = Excused
 U = Unexcused
 A = Absence Pending Classification as "excused" or "unexcused"

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

RECORD OF VOTING CONFLICTS 2003

MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
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Eugene Pandula	___	___	___	___	___	_V_	___	___	___	___	___	___
Elizabeth Dowdle	___	___	(Term expired 3/03)									
Sari M. Wilkey	___	___	___	___	___	___	___	___	___	___	___	___
Ann Vanneck	___	___	___	___	___	___	___	___	___	___	___	___
Ann Blades	___	___	___	___	___	___	___	___	___	___	___	___
Jack Pyms	___	___	___	___	___	_V_	VPD1	VPD1	VPD1	___	___	___
Judy Hoffman	___	___	___	___	___	___	___	___	___	___	___	___
Patrick Segraves	Alt.	Alt.	___	___	___	___	___	___	___	___	___	___

ALTERNATE MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
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Wendy Victor	___	___	___	___	___	___	___	___	___	___	___	___
William Lee Hanley Jr.	___	___	___	___	___	___	___	___	___	___	___	___
Richard Krock	___	___	___	(Resigned 4/8/03)								
Mario Nievera	___	___	(Did not seek reappointment)									
Robert T. Eigelberger	___	___	___	___	___	___	___	___	___	___	___	___

LEGEND:

V	=	One Voting Conflict during a meeting
V2	=	Two Voting Conflicts during a meeting
V3	=	Three Voting Conflicts during a meeting

VPD	=	Voting Conflict Previously Declared (This category to be used when a conflict has Been declared at a previous meeting, and the Changes being reviewed are part of an ongoing project. ONLY COUNT ORIGINALDECLARED CONFLICT PER JCR, TOWN ATTORNEY)
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