



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, SEPTEMBER 20, 2000 at 9:00 a.m.

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

I Call to Order: The meeting was called to order at 9:04 a.m. by Chairman Eugene Pandula.

II Roll Call:

PRESENT: Eugene Pandula, Chairman
Elizabeth Dowdle, Vice Chairman
Jacqueline Albarran de Mendoza, Member
Ann Vanneck, Member
Jack Pyms, Member
Nikita Zukov, Alternate Member
Judy Hoffman, Alternate Member
Laurel Baker, Alternate Member
John C. Randolph, Town Attorney (arrive 9:26 a.m.)
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Ann Blades, Secretary (Excused)
Sari M. Wilkey, Member (Unexcused)

RECORDING SECRETARY: Cynthia M. Delp

III Approval of the Minutes of the August 16, 2000 Meeting:
(To include correction to Page 3: "Mr. Pandula showed samples..." should read "Mr. Saladrigas showed samples")

MOTION BY MRS. DOWDLE FOR APPROVAL OF THE MINUTES AS CORRECTED.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

IV Administration of the Oath to all persons who wish to testify: Mrs. Delp administered the oath to all those who were present and wished to testify.

V Public Hearings:

- A. Application for Certificate of Appropriateness # 17-2000, (deferred from June & July & August)
Landscape, hardscape, fenestration changes
Owner/Applicant: Marilyn Bardes
Address: 196 Banyan Road
Architect: Brower Architectural Associates
Project Description: Request approval of the following:
1. Removal of existing tennis court, gazebo, spa, pool & decking
 2. New Swimming pool, fountain and deck
 3. Fenestration changes on east elevation south wing
 4. Landscape/hardscape
 5. Any other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Please note the project was approved as presented, with the exception of the fenestration change which was deferred to the July meeting. Another deferral was granted to the August meeting and then again to the September meeting for the fenestration changes on the east elevation south wing only.

Mr. Frank stated that we are unaware whether the architect wishes another deferral of the fenestration or removal of the fenestration from the request. As the architect was not present...

MOTION BY MRS. DOWDLE FOR DEFERRAL TO THE END OF THE AGENDA.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

At the end of the meeting, the item was called again, and the architect was still not present.

MOTION BY MRS. ALBARRAN DE MENDOZA TO DEFER TO THE OCTOBER MEETING.
MOTION SECONDED BY MR. PYMS.
MOTION CARRIED UNANIMOUSLY.

- B. Application for Certificate of Appropriateness #25-99 (deferred from Oct., Nov., & December, 1999, May, July, & August, 2000)
Owner/Applicant: Mr. and Mrs. William Meyer
Address: 334 E. Vedado Road
Architect: Jeff Blakely, Landscape Architect
Project Description: Request approval of landscape and hardscape, to include driveway, dock and seawall, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

There was a motion at the October, 1999 meeting for approval of the project as presented, with the proviso that the applicant returns with an elevation of the front gates, and with the proviso that the piers are removed, and that the path leading to the driveway is done in cast stone. Motions at the November, 1999, December, 1999, and May, 2000 meetings for deferral. The last deferral was to the July, 2000 meeting.

At the July meeting, there was a motion for approval of the project, with the proviso that the applicant returns with a revised drawing implementing all of the changes discussed today, i.e., the more formal design scheme for landscape/hardscape, the more formal stucco wall instead of the fieldstone wall, spa details (either with the spa raised or placed in ground, with sufficient supporting plans and materials,) details relative to the entry light fixtures, and submission of an alternative gate design for consideration.

At the August meeting, there were approvals for the landscape/hardscape, lights at the gate posts, front door and garage and site lighting, with the condition that the lights provide no more than ½ foot candle of light measured off the site and that the fixtures be shielded. There was also a motion for deferral of the driveway gates and balconies to the September meeting.

At the last meeting, the LPC asked for a design which was not quite so ornamental. Mrs. Denise Meyer presented the new revised design for the driveway gates and balconies, and presented an elevation showing the balconies at the appropriate openings. The gates and balconies will be done in black powder coat with a wrinkle finish to appear aged.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. DOWDLE.
MOTION CARRIED UNANIMOUSLY.

Mrs. Meyer stated that she has, in the past, been asked to bring back as many of the original details of the original house. In that spirit she presented a wood overlay to the garage doors, so they appear as they did originally.

MOTION BY MRS. DOWDLE FOR APPROVAL OF THE WOOD OVERLAY TO THE GARAGE DOORS.

MOTION SECONDED BY MR. PYMS.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #20-2000, (deferred from June and July 2000)

Owner/Applicant: New Ventures of Palm Beach County LLC, Laura Andre
Address: Lot 11, Vita Serena, a/k/a Clarendon Ave., a/k/a 300 Lake Park Drive
a/k/a 11 Lake Park Drive

Architect: Everett H. Jenner

Project Description: Request approval of the following:

1. Raise existing building up to meet FEMA minimum of 7.0 NGVD
2. Add 2nd master suite at second floor
3. Raise and re-shape pool and add pool pavilion
4. Raise garage building to adjust for road and site
5. Build new roof above open air cabana bath (existing)
6. Any other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

There was a motion at the June meeting for deferral of the project to the July meeting with the applicant taking note of the concerns and recommendations expressed. At the July meeting, an additional deferral was requested to the September meeting.

As neither the applicant nor his representative was present when the item was called....

MOTION BY MRS. ALBARRAN DE MENDOZA FOR DEFERRAL TO THE END OF THE AGENDA.

MOTION SECONDED BY MRS. DOWDLE.

MOTION CARRIED UNANIMOUSLY.

After moving on to "Other Business," (record to follow), the presentation was heard for Item C.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mr. Pandula, Mrs. Albarran de Mendoza and Mrs. Vanneck individually spoke with Ms. Moira Ziska, attorney for the owner.

Mr. Pandula called for the comments from the last meeting when this project was heard, June, 2000.

Mr. Frank read from the record as follows: *"Mrs. Albarran de Mendoza was very concerned about the positioning of the cabana roof, feeling that it is too much of a structure and overshadows the existing decorative gate, viewed as a very important historical gate. Mr. Zukov commented that the second floor addition really takes away from the main building and would only be possibly acceptable if pushed way back. Mrs. Albarran de Mendoza felt that the addition should be separated from the rest of the house, i.e., read like an addition, and if approved, the windows should be totally different in style or spaced the same as the existing windows. Mr. Pandula commented as such: That this proposal is "way off the mark;" the house has lost its character; the plans do not include floor plans or west and north elevations; the plans need more detail as to height, etc.; the pool area is not balanced either as to axis; this is just an attempt to gain more volume; the roof above the outside bath really "kills" the gate; "what you've done there hurts the house significantly."*

"Mr. Jackman was asked whether this is a tax abatement project. He replied that he did not know."

Mrs. Delp administered the oath to Mr. Jackman who was not present earlier.

Mr. Skip Jackman was present today as the architect was out of the country. **For the record, Mr. Jackman stated that his client does intend to apply for the tax abatement.**

Since the last meeting, changes have been made to the plans. They have eliminated the connection between the two buildings so one will have to go outside when moving from the main house to the garage; the historic gate was moved to the south to get it away from the proposed covered cabana bath; embellishment around the second floor addition was removed and the second floor of the addition was pushed back eight (8') feet. The pool has been re-centered, on an opening, by sizing it down.

To reiterate, the building will be raised from its present 3.95' elevation to 7.0'. This is in concert with the town raising the street and tending to drainage problems. The boat basin will be raised to 5'. The garage will also be raised, but will ultimately be lower than the main house.

Mr. Pandula commented that the drawings submitted were confusing, and asked Mr. Jackman to walk through the plans explaining the existing vs. the new. Mr. Jackman explained that the exterior walls will remain in place; the kitchen must be re-built due to a floor collapse, and the exterior embellishments will be replicated. Interiorly, walls will be opened up and arches created. All floors will be re-done as the existing ones are wavy, and historically correct tile will be installed. Many

repairs are needed as the house has been in disrepair for quite some time. In summary, interiorly an open floor plan will be created...it will no longer be a series of formal rooms. On the second floor, the plans show the creation of "his" and "her" bath, dressing and closet areas for the master bedroom. There is a plan to enclose the existing porch on the second floor to accomplish "his" bath. This would be done by placing glass inside the existing columns.

Mr. Zukov questioned whether the applicant would consider moving the first floor east wall of the kitchen back 8' as well as the second floor. Mrs. Vanneck commented that the east elevation is very massive, and a bathroom on a balcony is inappropriate. Mrs. Hoffman agreed that the balcony bath is out of character and inappropriate. Mr. Zukov stated that the addition, as shown on the west elevation, fights the main building. Mrs. Albarran de Mendoza asked to see the existing west elevation, but Mr. Jackman did not have that elevation with him. She commented that the windows on the second floor of the addition are too large and out of proportion. Mr. Pandula agreed that the elements of the addition fight the rest of the building.

Mr. Jackman responded that the balcony could be left open if that is what the LPC desires. The interior will have to be modified to effect that change. Likewise, the roof over the cabana bath can be eliminated if that is the pleasure of the LPC.

Mr. Frank stated that when tax abatement is an issue, the private spaces such as bedrooms are suitable for changes, but the public spaces like the living room and dining room should stay the same. At this property, there are many changes planned interiorly to the first floor which may or may not meet the Secretary of the Interior's standards. Staff needs more time to evaluate this.

Mrs. Day offered her opinion as Staff Preservation Consultant. She commented that the LPC does need to see both existing and proposed elevations all the way around the building; the second story addition changes the entire massing, when massing is very important to the Secretary of the Interior's Standards...i.e., the addition cannot detract from the main bulk of the house; a clear representation of the interior changes is needed; staff will look for original plans on this house, since the applicant has been unsuccessful in finding them; and in light of today's presentation, she recommended deferral.

Additional LPC comments follow:

Mr. Zukov: Your design does not work with the existing house.

Mr. Pandula: The design is completely out of character. Nothing relates. Try turning the pool 90 degrees to try to achieve the same size pool.

Mrs. Hoffman: Photos of the interior would be helpful. Existing and proposed elevations needed.

Mrs. Vanneck: A pool normally centers on a room, not one opening.

Mrs. Albarran de Mendoza: The pool positioning is still a problem. Additions, normally change the mass of a house, so a change in mass is unavoidable if additions are permitted to landmarked structures.

Mr. Moore noted, for the record, that when the applicant came to the Town Council for variance approval, the applicant ultimately withdrew the front yard variance as it relates to the pool.

Mr. Frank stated that the roof over the cabana bath would appear to require a variance, and after

checking the records, he could not find evidence that one had been obtained.

Mr. Jackman responded that they will be glad to re-study the pool; and enough negative commentary has been heard about the roof over the cabana that they will eliminate the roof.

MOTION BY MRS. VANNECK FOR DEFERRAL TO THE OCTOBER MEETING.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

As the commission was waiting for Item C's applicant to arrive, they moved on to Other Business.

VI Other Business:

Mrs. Jane Day, Staff Preservation Consultant, commented that during the summer months, Veronica Close, Assistant Director of Planning, Zoning & Building, announced that there would be a workshop in October, at the regular meeting, dealing with the Secretary of the Interior's Standards, especially as they relate to tax abatement projects. The reason for the workshop is that there are so many tax abatement projects being presented in recent months. If the regular business at the October meeting is over early enough, they will move right into the workshop. If it is otherwise, the meeting will adjourn for lunch and return at approximately 1:30 p.m. The workshop should take approximately one hour, and will include a visual presentation.

Mr. Pandula asked whether a handout relative to tax abatements can be developed to give to applicants together with their application for Certificate of Appropriateness. Mrs. Day stated that such information has been available upon request in the Building Department for quite some time, but this information is currently being updated and revised. Mrs. Dowdle requested that we take a look at the Town's tax abatement projects, approved thus far, during this workshop. Mrs. Day stated she could accommodate this request.

Mrs. Dowdle questioned whether the properties going for tax abatement would have been renovated anyway, even if there was no tax abatement available. Mr. Moore responded that a better question would be would they have been renovated or would it be more economical to demolish the property and re-build. He commented that the Town of Palm Beach is atypical in this abatement program because renovation vs. demolition is such a question here. The tax abatement could be considered another tool to save the typical older home. So, it is an incentive to renovation, and the other incentive is related to the retention of gross square footage.

Mr. Frank commented that the State of Florida views the tax abatement program as a revenue generator as it prompts renovations which in many cases are quite large. The abatement period is only for 10 years, so after that time, the homeowner would be taxed on the increased value of the property.

To clarify, Mrs. Day stated that the tax abatement program is not purely a Town of Palm Beach issue. Any resolution relative to tax abatement must first be passed by the Town Council, then by the County and then it moves on the tax office. The program allows the LPC to hold the applicants to the strictest and highest standards of review.

Mr. Moore commented that there has been an interesting turnaround with respect to homeowners

now wanting to be landmarked, which was often not the case in the past. Of course, the tax abatement program has greatly affected that increased interest. So, as such, the LPC has the ability to be even more selective as to which properties merit landmark designation. Also review of interiors of landmarked properties has now become an issue due to the tax abatements.

Mr. Moore reminded the members of another workshop to be held on October 2nd at 9:30 a.m. It is a joint workshop of the Zoning, Landmarks, and Architectural Commissions relative to the completion and results of the R-B study in the north end of the island. Attendance, though encouraged, is not mandatory for commission members. Packets of information have already been distributed to the members of the three commissions. The workshop will afford an opportunity for members to ask questions of the zoning consultants. It is assumed that commission members will read the material and come to the workshop prepared for discussion. It is possible that the meeting could last the length of the day.

VII Adjournment:

MOTION BY MRS. DOWDLE TO ADJOURN AT 10:10 A.M.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on **WEDNESDAY, October 18, 2000** in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach at 9:00 a.m.

Respectfully submitted,


Eugene Pandula, Chairman
LANDMARKS PRESERVATION COMMISSION

cmd

TOWN OF PALM BEACH

ATTENDANCE RECORD (2000)

MEMBERS	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Jeffery W. Smith	P	P	P	***Resigned***	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Eugene Pandula	P	P	P	P	P	P	P	P	P			
Elizabeth Dowdle	U	P	P	P	P	P	P	P	P			
Sari M. Wilkey	P	P	P	P	P	P	P	U	U			
Jacqueline Albarran de Mendoza	P	P	E	P	P	P	P	P	P			
Ann Vanneck	P	P	P	P	P	P	P	P	P			
Ann Blades	P	P	P	P	P	P	P	P	E			
Jack Pyms	see below-----			P	P	U	P	P	P			
ALTERNATES	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Nikita Zukov	P	P	P	P	E	P	P	U	P			
Judy Hoffman	P	P	P	P	E	P	P	P	P			
Jack Pyms	P	P	P	(appt. as regular member)								
Laurel Baker	n/a	n/a	n/a	E	P	P	P	P	P			

LEGEND: P = Present
 E = Excused Absence
 U = Unexcused Absence
 A = Absence Pending Classification as "Excused" or "Unexcused"

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS (2000)

MEMBERS	1/ 00	2/ 00	3/ 00	4/ 00	5/ 00	6/ 00	7/ 00	8/ 00	9/ 00	10/ 00	11/ 00	12/ 00
Jeffery W. Smith		VPD2										
Eugene Pandula	V1			V1 VPD1								
Elizabeth Dowdle												
Sari M. Wilkey												
Jacqueline Albarran de Mendoza												
Ann Vanneck												
Ann Blades												

ALTERNATES	1/ 00	2/ 00	3/ 00	4/ 00	5/ 00	6/ 00	7/ 00	8/ 00	9/ 00	10/ 00	11/ 00	12/ 00
Nikita Zukov												
Judy Hoffman												
Jack Pym												

LEGEND: V = One Voting Conflict during a meeting
V2 = Two Voting Conflicts during a meeting
V3 = Three Voting Conflicts during a meeting
And so on...

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 renovation project. ONLY COUNT ORIGINAL DECLARED CONFLICT FOR ONGOING PROJECTS PER JOHN C. RANDOLPH, TOWN ATTORNEY)