



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

THURSDAY, SEPTEMBER 16, 2010, 9:30 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 Cynthia M. Delp, Secretary to the Landmarks Preservation 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:(9:30:57 a.m.)

Chairman Pandula called the meeting to order at 9:30 a.m.

II. ROLL CALL:(9:30:58 a.m.)

The following members of the Landmarks Preservation Commission were present: Eugene Pandula, Chairman, William Lee Hanley Jr., Vice Chairman, William O. Cooley, Secretary, Charles S. Roberts, Member, Dudley L. Moore Jr., Member, Edward Austin Cooney, Member, and Alternate Members - D. Imogene Willis, Wallace Rogers, and William P. Feldkamp. Ms. Willis was a voting member today.

Staff members present were John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, Jane S. Day, Ph.D., Staff Preservation Consultant, and Cynthia Delp, Secretary to the Landmarks Preservation Commission. John C. Randolph, Town Attorney, was absent.

III. APPROVAL OF THE MINUTES OF THE AUGUST 18, 2010 MEETING:(9:31:19 a.m.)

MOTION BY MR. COOLEY FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. COONEY.

MOTION CARRIED UNANIMOUSLY.

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:32:37 a.m.) By Mrs. Delp

V. [COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: \(Please limit comments to 3 minutes\)\(9:32:39 a.m.\)](#)

Mr. Cooney took this opportunity to thank the Town Council for extending Dr. Day's contract with the Town. He also thanked staff, particularly Dr. Day, for working expeditiously to file a grant application with the State, by the filing deadline, relative to the Memorial Park Fountain.

VI. [APPROVAL OF THE AGENDA:\(9:32:50 a.m.\)](#)

**MOTION BY MR. COONEY FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.**

VII. [PUBLIC HEARINGS:\(9:33:04 a.m.\)](#)

A. [Certificate of Appropriateness #020-2010](#)

Hardscape

Owner/Applicant: Mr. and Mrs. David Koch

Address: 150 S. Ocean Boulevard

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

Project Description: Request approval for landscape/hardscape which is further described as: Hardscape modification. Remove existing parking court brick panel insets. Remove existing perimeter cast stones with grass strips. New concrete paving to match cast stone color. Coquina cast stone imprint paving border to remain. Note: all work occurs within the walled area of the parking court. Other associated changes as presented.

Call for disclosure of ex parte communication: There were no ex parte declarations.

Architect Tom Kirchhoff presented this request for a change in the paving pattern of the service drive off Clarke Avenue. The existing paving will be replaced with plain concrete, but the banding around that area will be retained. The concrete paving will facilitate the play of the Koch's children, providing a smoother surface.

MOTION BY MR. ROBERTS FOR APPROVAL OF THE PROJECT AS SUBMITTED.

**MOTION SECONDED BY MS. WILLIS AND MR. HANLEY
SIMULTANEOUSLY.**

MOTION CARRIED UNANIMOUSLY.

B. [Application for Certificate of Appropriateness #021-2010](#)

Addition

Owner/Applicant: Cathleen McFarlane Estate

Address: 456 Worth Avenue

Architect: Smith Architectural Group

Project Description: Request approval of addition to historic structure which is further described as: New second story infill addition of 42 square feet. New fenestration at front entry. Other associated changes as presented.

Call for disclosure of ex parte communication: There were no ex parte declarations since last month's informal review.

Architects Jeffery W. Smith and Leslie Pierce presented this project. Mr. Smith reported that unanimous approval of the variance was obtained from the Town Council at yesterday's meeting. No changes to the design were made since the informal review. Mr. Smith showed the reference for the wreaths shown in the design, since the wreaths had been mentioned last month. Mr. Feldkamp suggested that the front stoop be pulled out.

**MOTION BY MR. COOLEY FOR APPROVAL WITH THE CONDITION
THAT THE FRONT STOOP BE PULLED OUT.**

MOTION SECONDED BY MR. ROBERTS.

MOTION CARRIED UNANIMOUSLY.

C. [Application for Certificate of Appropriateness #023-2010](#)

Landscape/Hardscape

Owner/Applicant: Harriet Cohen, James S. Cohen & Robert B. Cohen

Address: 691 North County Road

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

Project Description: Request approval for landscape and hardscape. Other associated changes as presented.

Call for disclosure of ex parte communication: Mr. Pandula made an ex parte declaration.

Architect Tom Kirchhoff and Keith Williams of Mario Nievera Design Inc. presented this request for landscape/hardscape. The project will modify and restore four areas on the property: 1) Motor court on the North side; 2) East ocean terrace; 3) Interior courtyard; and 4) South pool garden and South pool. Mr. Williams noted that these four areas are only part of the site, and the remaining areas of the site will return to the commission at a later date for landscape/hardscape approval. Elements of the plan include, but are not limited to the following: Maintain gravel driveway (though less gravel) with flush coral curb; Florida coral; brick; fountains; Seagrapes on the North property line; increased planting against the house; Cocoanut Palms; Seagrapes; Bougainvillea, expanses of lawn; Large and small pots with trees/plants; planters at corner of pool with palm trees; various terraces; and, remove existing pool terrace material and replace with coral, together with reducing amount of paved area at pool.

MOTION BY MR. COONEY FOR APPROVAL OF THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. COOLEY.

There was some expressed concern over the complicated, multiple paving pattern changes. Mr. Williams responded that the paving was deliberately varied so no paved area would appear too large. He felt that outdoor furniture will mitigate the concerns about the paving.

MOTION CARRIED UNANIMOUSLY.

VIII. OTHER BUSINESS:(9:54:59 a.m.)

Code Enforcement Presentation/Discussion relative to Landmarked Buildings

Code Enforcement Manager Raychel Houston, Rob Walton, Lead Code Enforcement Officer and Major Rick Howe provided a PowerPoint presentation to address the concerns of the LPC members, as expressed at last month's meeting, relative to maintenance of landmarked buildings. Within the presentation, Ms. Houston described how codes are effected, i.e., the process; described current staffing; showed the roster of the Code Enforcement Board; described the violation or complaint process; listed the goals, objectives, and priorities of Code Enforcement; provided code enforcement statistics; listed common violations; explained the Code Watch Program; and stressed the importance of calling 227-7080 to report violations.

Mr. Moore expressed his view that Town employees should be more pro-active and more aggressive to monitor violations. He cited the examples of NO PARKING signs which are no longer legible, and situations where it is clearly evident that bushes are overgrown onto pedestrian sidewalks. He did not feel it was the responsibility of citizens to report these issues, but asked that the Town employees be more vigilant in this regard.

Dick Kleid, 2660 South Ocean Boulevard, offered his total support of Mr. Moore's comments. He stated that he had hoped with moving Code Enforcement to the Police Department, that there would be more effort by the patrol officers to report such issues, but so far Mr. Kleid was disappointed with the progress in this regard. He remarked that typically police officers look upon their jobs as enforcement of laws with respect to crime. Mr. Kleid has been told, by the Police Chief, that patrol officers are receiving education so they may function better in this capacity.

Mr. Walton reported that at least 1-2 violations are reported to him on a daily basis from the patrol officers. Street signs, on the contrary, are the responsibility of the Public Works Department. Of course, all Town departments work together whenever possible to address Town issues of concern.

Mr. Cooley questioned whether Code Enforcement would become involved if agreements between the Town and a property owner are not honored in part or in full. Mr. Walton responded that if the agreement is a recorded agreement, and the terms of the agreement were not honored, Code Enforcement would become involved. Mr. Cooley followed up by stating that there is an agreement in effect, called the 1979 agreement, between the

Town and the Royal Poinciana Plaza, but sections of that agreement are not being enforced. Mr. Walton would not comment on the particulars of this case, but indicated that he is aware of the situation; that he has recently attended a meeting with PZ&B staff regarding the subject; and that since redevelopment is not moving forward, Code Enforcement will become involved again.

A discussion ensued, similar to the one at last month's meeting, about how LPC members should proceed if they notice a potential code violation on a landmarked building. Mr. Pandula commented that he did not feel it was appropriate to bring up these issues in a public forum at an LPC meeting without using the Code Enforcement tool first. He was concerned with potentially negatively impacting the very good public relations of the Landmarks Preservation Commission which has taken some 30 years to develop. Mr. Walton encouraged members to contact him or other Code Enforcement staff at 227-7080 to address these issues. Messages can be left anonymously. Some members felt it was appropriate to bring up these issues immediately within an LPC meeting; others felt that there are code procedures in place and this option should be used first...then, if no satisfaction is obtained, it would be appropriate for discussion at an LPC meeting.

Mr. Page encouraged members to contact him or John Lindgren if and when violations are noticed. PZB staff will then coordinate with Code Enforcement to resolve the issue. He cited the example of the gates at the loading dock of the Brazilian Court Hotel, which was brought up during an LPC meeting. Staff has since worked in concert with Code Enforcement to take action with the property owner to effect the installation of the gates, as was required by the LPC some years ago.

Bill Diamond commented that LPC members have a dual role in this regard...one as citizens to report violations to Code Enforcement, and another to discuss violations as LPC members within a meeting. He saw no conflict between the two and supported both measures.

Mr. Page and Mr. Lindgren again encouraged members to contact them to report any violations seen. PZB staff will then coordinate with Code Enforcement staff to rectify the problem. Mr. Walton stated that it is always the goal of Code Enforcement to work with residents to achieve voluntary compliance first, but if that is not successful, Code Enforcement will move forward to correct the issue and that may involve fines and/or other punitive measures.

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(10:37:23 a.m.)

Mr. Page reported that staff has completed a grant application for the Memorial Fountain, and has obtained Town Council approval for that matching grant application. This will be a major restoration of the fountain. The Town has applied for \$ 350K in State funding that would have to be matched locally with \$ 264K. Results of the grant application are forthcoming in November, and the money would actually be received next year.

Secondly, the Brazilian Court Hotel loading dock gate should have been installed years ago, but was not installed. Staff has contacted the property owner and has directed them to obtain the necessary permits to do so within approximately 60 days. Staff will continue

follow up on this issue, and if compliance is not achieved, the matter will be turned over to Code Enforcement.

Lastly, in light of budget concerns, changes to Town operations are being considered. One of those changes is decreasing the number of Town board/commission meetings. Monthly, bi-monthly and/or quarterly meetings will be considered by the Town Council in the future. Mr. Cooley felt this subject might be placed on the upcoming agenda so the LPC can provide an opinion to the Town Council and Town Manager relative to this issue.

X. ADJOURNMENT:

**MOTION BY MR. COONEY TO ADJOURN THE MEETING AT 10:42 A.M.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.**

**The next meeting of the Landmarks Preservation Commission will be held on
Wednesday, October 20, 2010 at 9:30 a.m. in the Town Council Chambers, 2nd floor,
Town Hall, 360 South County Road, Palm Beach.**

Respectfully submitted,

William O. Cooley, Secretary
LANDMARKS PRESERVATION COMMISSION

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