



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

WEDNESDAY, JULY 21, 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:(9:30:54 a.m.)

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

II. ROLL CALL:(9:30:56 a.m.)

The following members of the Landmarks Preservation Commission were present: Eugene Pandula, Chairman, William Lee Hanley Jr., Vice Chairman, Charles S. Roberts, Member, Joanna Golino, Member, Dudley L. Moore Jr., Member, Edward Austin Cooney, Member, and Alternate Members - D. Imogene Willis, Wallace Rogers, and William P. Feldkamp. William Cooley, Secretary, was absent (unexcused).

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 JUNE 16, 2010 MEETING:(9:30:58 a.m.)

**MOTION BY MR. HANLEY FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.**

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:31:07 a.m.)

By Mrs. Delp

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes)(9:31:26 a.m.)

Mr. Cooney expressed his appreciation to Mrs. Day for her efforts toward the designation of 290 South County Road (the Palm Way Building). Ultimately, the North, Northeast and East facades were landmarked by the Town Council.

VI. APPROVAL OF THE AGENDA:(9:32:02 a.m.)
MOTION BY MR. MOORE FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

VII. PUBLIC HEARINGS:(9:32:14 a.m.)

A. Reconsideration of Application for Certificate of Appropriateness #7-10 (per Town Council action 5/12/10)

Owner/Applicant: Terry Taylor

Address: 780 South Ocean Boulevard

Architect: Brasseur & Drobot Architects, P.A.

Project Description: Request approval for addition to historic structure which is further described as: The project consists of a proposed 1,038 sq. ft., one story addition to the northeast corner of the existing historic, two-story residence. The addition shall consist of a summer kitchen, patio, fireplace, and wine room accessed from the existing kitchen vestibule via covered loggia. Existing fabric awnings located at the northeast corner of the existing residence will be replaced with the new covered loggia with detailing similar to the existing loggia on the north side of the existing residence. The plate height of a small structure housing an exterior stair shall be raised to match the new loggia. Existing landscaping and hardscaping shall be removed to accommodate. The project will require a dimensional waiver for the side yard setback of the landmarked property located at 780 South Ocean Boulevard. Code Section 134-237(2)a allows for a reduced setback for expansion of a landmark building. The side yard setback reduction can be up to 65% of the underlying zoning district requirement; provided, however, that the side yard setback shall not be less than 5 feet; and, in our case, we are encroaching 4 ft. 9 in. into the 30 ft.-0 in. side yard setback as specified in Code Section 134-843 (a) (8) for the R-A Estate Residential District. This equates to reducing the 30 ft.-0 in. side yard setback to 25 ft-3 in., a 15% decrease.

Please note that this project had been deferred from the March LPC meeting to the April LPC meeting so it could be readvertised including the request for dimensional waiver. At the April meeting, the LPC approved the dimensional waiver noting that the implementation of the proposed variance will not cause negative architectural or historical impacts to the subject property; and, approved the architecture as submitted. The LPC decision was appealed: sent to the Town Council's May 12, 2010 meeting; and, at the May 12, 2010 meeting, the Town Council remanded the matter back to the LPC for reconsideration. At the May

LPC meeting, there was a motion to accept the project as submitted, together with a deferral of the landscape plan to the June meeting, especially to see how far the east hedges will go. At the June meeting, the landscape was deferred to the July 21, 2010 meeting at the request of the applicant.

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

Attorney Peter Broberg, Mr. Taylor, property owner, Jason Drobot, Architect, and Daryll McCann, Landscape Architect were present. Mr. Broberg provided a brief introduction relative to the history related to this request. It is just the landscape plan which has not yet been approved. Mr. McCann offered his presentation of the landscaping, noting that the Small Leaf Clusia hedge has been adjusted to 140 linear feet, and extends just to the West of the front facade of the adjacent neighbor's house.

MOTION BY MR. ROBERTS FOR APPROVAL OF THE LANDSCAPE PLAN AS SUBMITTED.

MOTION SECONDED BY MR. HANLEY.

When questioned about how far East the hedge is shown (further East than in the previous presentation), Mr. McCann stated that his client wants privacy and also wants to block out the view of the house to the North, which is shuttered six months of the year. Mr. Taylor is, in contrast, a year round resident, and per Mr. McCann, is not asking for anything more than any other Palm Beach resident would request.

Members commented that the neighbors could not work this out between themselves; the applicant has a right to his privacy; the Taylors have made several compromises related to this project because of the neighbor; it is the Taylors' property; no variances are needed; and, he ought to be able to do as he wishes with his landscape buffer.

MOTION CARRIED 6-1, WITH MR. PANDULA OPPOSING.

B. [Application for Certificate of Appropriateness #14-2010](#)

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

Address: 691 North County Road

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

Project Description: Request approval for rehabilitation, exterior demolition, and window replacement which is further described as: Waterproofing perimeter basement foundation wall; remove and replace adjacent hardscaping; waterproofing loggia floors (which are basement ceilings); remove and replace deteriorated floor of south loggia, replacement of existing windows, some original and some aluminum storefront (from previous replacement). New windows to be Zeluck mahogany impact rated; replacement of cast stone as required with replacement of windows due to severe deterioration, and other associated changes as presented

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

Architect Tom Kirchhoff announced that this is a tax abatement project, and presented an extensive photo archive of this 1924 Fatio home, along with photos of the house as it exists today. Last month, the roof replacement was approved. Mr. Kirchhoff explained that roof framing must be fixed; exterior walls and cast stone are in bad condition and must be addressed; the basement is leaking badly which requires excavation and repairs around the perimeter; exterior walls need to be waterproofed; and, most windows on all facades will be restored to the original Fatio design.

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

C. [Application for Certificate of Appropriateness COA-015-2010](#)

Owner/Applicant: Bath & Tennis Club Inc.

Address: 1170 South Ocean Boulevard

Architect: Glidden Spina & Partners

Project Description: Request approval for restoration, reconstruction, landscape/hardscape, demolition (interior and exterior), and exterior color change which is further described as: Decorative light fixture submittal; revision to floor, ceiling, wall at Entry/Lobby area; revisions to ceiling, walls, floor, and light fixtures at South Bar, revisions to ceiling, walls, and light fixtures at North Bar, and other associated changes as presented.

Please note this item had been reviewed informally last month and all comments were positive.

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

Danny Brown of GSP Architects announced that this is a tax abatement project. He provided a formal presentation of the items listed above, lighting and ceiling treatments, which were reviewed informally last month. He called attention to the historic lobby ceiling which was discovered during construction and the corresponding proposed lobby modifications which will restore the lobby to its original condition. Secondly, because of the need for air conditioning ductwork, the ceiling in the South Bar was dropped and modified from the previously approved design. Also, the South bar itself was re-designed to include more wood details. Mr. Brown (using the Elmo projector & allowed by the Chairman) presented a corrected drawing A12 for the alternate design for the North Bar showing a reconfiguration of the bar, a reconfiguration of the ceiling grid, the elimination of fans, and lighting changes, all which were preferred by the applicant, and ultimately the preference of the LPC.

Mr. Moore called attention to the difference in the single wooden doors on Sheet A8, and asked that they be made more similar.

**MOTION BY MR. MOORE FOR APPROVAL AS PRESENTED
INCLUDING THE REVISED SHEET A12.**

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

Nancy Murray, President of the Bath and Tennis Club, stated that the Club was so excited about the discovery of the original lobby ceiling. That find is a testament to the LPC as they provide assistance to property owners who renovate and restore properties, with the ultimate goal of preservation.

D. [Application for Certificate of Appropriateness COA-018-2010](#)

Owner/Applicant: Paul L. Maddock Jr. and the Estate of Paul L. Maddock

Address: 301-306 Maddock Way

Architect: Donald D. Daniels Inc. (Surveyor)

Project Description: Request approval for elimination of new accessory structure requirement which is further described as: Applicant is requesting Town's elimination of a condition of approval for the Landmark Estates subdivision which, per Code, requires the construction of a 2-car garage onto the "Old Church", an existing landmarked house on Lot 2, and seeks a Certificate of Appropriateness to not construct the 2-car garage onto the landmarked "Old Church".

Please note that this project had been reviewed informally last month with regard to the requested variance, and the LPC recommended to the Town Council that they "allow this historic building not to meet code...to sit like it is, with no garage."

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

Attorney Peter Broberg explained that a few years ago, the Maddock's land was subdivided into six lots, two of which held landmarked structures, Duck's Nest and the Old Bethesda Church. One of the conditions of approval for the subdivision was that a garage be placed on the "Old Church" within two years. At the end of the two year period, the applicant asked for relief from the requirement for a garage at the "Old Church". There had never been a garage on that parcel, and the current resident does not want a garage there. As such, a variance was requested from the Town Council to remove the garage condition, which was endorsed by the LPC, and approved by the Town Council. With the Council approval in place, the matter is now before the LPC for formal approval to allow the "Old Church" to remain without a garage.

**MOTION BY MR. ROBERTS FOR APPROVAL PER THE TOWN
COUNCIL DIRECTION; AND "ALLOW YOU TO DO WHAT YOU'VE
REQUESTED."**

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

E. [Application for Certificate of Appropriateness COA-017-2010](#)

Owner/Applicant: Everglades Club

Address: 350 Worth Avenue

Architect: Smith & Moore Architects, Inc.

Project Description: Request approval for addition to historic structure, demolition (exterior), and awning which is further described as: The project consists of a 6.5 foot southward extension of an existing second floor balcony at Apartment A-2. The existing canvas awning will be removed and a larger canvas awning matching the pattern and color will be installed. The existing railing will be relocated or reproduced to match. Other associated changes as presented.

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

Architect Harold Smith announced that this is a tax abatement project. In addition to the project description listed above, the project includes removal of an existing awning frame and pressure treated wood deck; and, temporary removal of south railing in hopes to re-use it; and removal of parts of the railing at the fire escape stair. The new awning (tan and green) will be slightly higher by 8", and will have a lower pitch. Instead of a plaster ceiling under the extended balcony, pecky cypress is proposed.

MOTION BY MR. COONEY FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

VIII. [OTHER BUSINESS:\(10:30:05 a.m.\)](#)

A. [Staff update relative to the Flagler Statue](#)

Mr. Page reported that according to a motion made at the April 13, 2010 Town Council meeting, the LPC will make the final determination as to the permanent location of the Flagler Statue. Thus far, the Town Council and the LPC have approved the temporary location of the statue. He noted that the chosen design/build firm for the Flagler Memorial Bridge will have to coordinate their plans with the Town, with regard to the permanent location of the Flagler Statue. Mr. Page received confirmation that all costs relative to the Statue, for both the temporary and permanent location of the statue, will be covered privately.

B. [Staff updated relative to electronic submissions](#)

Mr. Page reported that in conjunction with electronic submission of development review applications, the Town Manager has determined that plans which are submitted for Town Council, ARCOM or LPC review will not be posted on the Town's website. This reverses his previous position. The only information which will be posted will be the application itself.

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(10:37:13 a.m.)

Mr. Page offered an update relative to the Memorial Fountain in response to a member's request. It is recognized that the fountain has deteriorated over the years and is in need of repair. The Public Works Department will determine the full scope of the repairs needed for a full restoration. In the interim, some repairs have made, but a full restoration is in order. Public Works has consulted with some vendors and preliminary estimates range from \$ 400K to \$ 500K, and would have to be budgeted. Private donations could be solicited to assist with the funding of the project. Further work is not scheduled at this time.

Mr. Moore recommended that an amortization schedule be established to handle the costs associated with the maintenance/repairs required for Town-owned landmarked property, and for the maintenance of the Town's historic specimen trees; i.e., there should be a program established to ensure that the funds are budgeted and available when needed.

Chairman Pandula noted that there is a possibility for the Town to obtain a Special Category State Grant to help defray the costs related to the Memorial Fountain restoration. Dr. Day added that the Town has "certified local government" status, and as such, the Town stands a good chance to be awarded grant funding for the project. She explained that the Town must appropriate \$ 50K in order to seek \$ 350K for a given project. Due to timing, the earliest possible date we could receive the grant money would be 2012. So, Public Works should continue maintenance in the interim. Mr. Page authorized Dr. Day to proceed with the grant application for the fountain.

Mr. Page mentioned that it has been suggested that the small street at the north end of Town Hall be abandoned and turned into green space. The Town Council has approved that concept, and the Town will immediately move forward to install curbs, sod and irrigation and seek bids for that work. The design of the additional green space will come to the LPC at some future date. Mr. Moore recommended pedestrian access through the green space and removal of east/west curbing.

Mr. Cooney commented that the condition of the Memorial Fountain is depressing and frustrating. The landscaping there is deteriorated and uninteresting. This is an example of the problems which result when deferred maintenance is practiced, especially with historic properties. He encouraged Public Works to practice routine maintenance. Councilman Diamond commented that Public Works was instructed to develop an inventory of maintenance needed on landmarked structures.

Mr. Cooney requested another update on the Memorial Fountain next month.

Mr. Cooney called attention to other areas of concern: 1) North Fire Station - undergoing window replacement. Are they impact? Then can shutters and shutter boxes be removed?; 2) Coral Cut Pump Station - landscape is once again overgrown and lots of weeds are evident. The Town is responsible for this maintenance and should set the standard for other property owners; 3) 1102 North Ocean Boulevard - beach parcel in poor condition - update needed.

X. **ADJOURNMENT:(10:57:28 a.m.)**

**MOTION BY MR. COONEY TO ADJOURN AT 11:00 A.M.
MOTION SECONDED BY MR. MOORE.
MOTION CARRIED UNANIMOUSLY.**

**The next meeting of the Landmarks Preservation Commission will be held on
Wednesday, August 18, 2010 at 9:30 a.m. in the Town Council Chambers, 2nd floor,
Town Hall, 360 South County Road, Palm Beach.**

Respectfully submitted,

Eugene Pandula, Chairman
LANDMARKS PRESERVATION COMMISSION

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