



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, JULY 18, 2001 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 9:02 a.m. by Chairman Pandula.

II Roll Call:

PRESENT: Eugene Pandula, Chairman
Elizabeth Dowdle, Vice Chairman
Ann Blades, Secretary (arrived just after roll call)
Sari M. Wilkey, Member
Jacqueline Albarran de Mendoza, Member
Ann Vanneck, Member
Jack Pyms, Member
Judy Hoffman, Alternate Member
Laurel Baker, Alternate Member
Wendy Victor, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator
Jane S. Day, Staff Preservation Consultant

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

III Approval of the Minutes of the June 20, 2001 Meeting:
MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES AS MAILED.
MOTION SECONDED BY MRS. WILKEY.
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 today.

V

Public Hearings:

A. Application for Certificate of Appropriateness #13-2001 (deferred from June)

Facade changes

Owner: Power Love Associates

Applicant: Gucci America Inc.

Address: 256 Worth Avenue

Architect: Brower Architectural Associates

Project Description: Request approval of changes as follow:

Front Entrance Changes

1. Add metal (clad, polished Hematite) to existing cast stone door surround.
2. Back paint transom glass (putty grey) on new clear glass.
3. Add metal frame (satin Hematite) between transom and side lights
4. Add new (framed three edges, polished stainless steel) glass doors with metal door kick plates (polished stainless steel) and metal door pulls (brushed stainless steel) to new doors.

Worth Avenue Facade

1. Add metal (clad, satin Hematite) to existing wood mullion between transom and storefront window (typical of all three)
2. Back paint transom glass putty grey, (typical of all three) storefront transom windows.
3. Add sheer (cream color) curtain, pleated, 6" beyond window (2 easternmost storefronts).
4. Display window (third from east) to retain glass. Add wall approximately 6 feet beyond to create display case.
5. Add white "Mechoshade" (vertical shade) to each second floor window and door.

Gucci Via

1. Storefront same as #5 above.

Courtyard Window

1. Storefront same as #5 above.

Other associated changes as presented

Mr. Frank read a letter into the record wherein the architect requested a deferral to the September 19, 2001 meeting on behalf of his client.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR DEFERRAL TO THE SEPTEMBER MEETING.

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

B. **Application for Certificate of Appropriateness #15-2001 (deferred from June) Additions, renovation & restoration**

Owner/Applicant: Mr. Robert C. Echele

Address: 424 Brazilian Avenue

Architect: Brower Architectural Group

Project Description: Request approval of the following:

1. Expand kitchen south into existing sitting room.
2. Add balcony on second floor
3. Add loggia on ground floor
4. Add bay window in east wall of dining room
5. Renovate second floor master bedroom and study.
6. Other associated changes as presented

THIS ITEM WAS DEFERRED FROM THE JUNE MEETING.

Mr. Frank read a letter into the record wherein the architect, on behalf of his client, requested a deferral of this matter to the September 19, 2001 meeting.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR DEFERRAL TO THE SEPTEMBER MEETING, AS REQUESTED.

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

C. **Application for Certificate of Appropriateness #16-2001 (deferred from June) Improvements to south oceanfront wing**

Owner/Applicant: Breakers Palm Beach Inc.

Address: 1 South County Road

Architect: Peacock & Lewis

Project Description: Request approval of improvements to south oceanfront wing, and other associated changes as presented

THIS ITEM WAS DEFERRED FROM THE JUNE MEETING.

Staff has requested a deferral of this matter to offer additional review time.

**MOTION BY MRS. DOWDLE FOR DEFERRAL TO THE AUGUST MEETING.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.**

D. Application for Certificate of Appropriateness # 17-2001

Relocation of tree

Owner: Town of Palm Beach

Applicant: Palm Beach Trust, Frank Chopin, Trustee, on behalf of property owner at 345 North Lake Way

Address: Wells Road Scenic Vista

Project Description: Request approval of relocation of one Australian Pine Tree from the Lake block of Wells Road to the Ocean block of Wells Road, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mrs. Wilkey drove by the site. Mrs. Albarran de Mendoza met with the applicant at his office. Mrs. Hoffman walked around the site. Mrs. Victor went by the site. Mr. Pandula had a telephone conversation with Mr. Smith.

Attorney Jacqueline Miller and Architect Jeffery W. Smith presented this request with the assistance of photo boards. Ms. Miller explained that the tree, located in the public right-of-way, is owned by the Town, but interferes with the driveway of the new home at 345 North Lake Way. The home at 345 North Lake Way is well under construction. Ms. Miller maintained that the tree, itself, is not a specimen tree and is not landmarked as an individual tree, but is part of a vista of trees which is landmarked. She stated that although at one time there was an effort at symmetry relative to the Australian Pines along the street, that is no longer the case. There are missing trees, but this is not obvious as one looks down the street because the vista is still there. She indicated that it was obvious that trees had either been relocated or removed as driveways were constructed along Wells Road.

The applicant was questioned as to why this problem with the tree was not anticipated earlier, at the beginning of the project. Mr. Smith stated that the tree never showed up on the survey because it is not on the client's property. Ms. Miller stated that although the obvious solution to this problem would be to move the driveway, that would be extremely difficult due to the grading of the land, the gate/security system, and the placement of the porte cochere, a major design theme of the house. The Town selected the specific location where the tree could be moved. Ms. Miller commented that the new site for the tree shows an apparent gap in the vista, so that moving the tree actually enhances the vista.

Wendy Victor stated that as one walks the street, you can see where other trees have been moved due to driveways. She suggested that if the tree is allowed to be moved, the applicant should plant an additional young tree to supplement the vista. She added that ARCOM should not approve house designs in the future where landscaping is at risk.

Mr. Frank noted that ARCOM did review this project, and the applicant stated that there would be no problem with the trees. Mr. Smith stated that no one in his architectural firm made such a statement. Perhaps the landscape professional made the assertion. In response to Ms. Miller's earlier statement, Mr. Frank noted that the Australian Pines are not specimen trees, but they are part of a landmarked vista, and as such, each tree is landmarked.

Mr. Moore offered some background information. As it had been brought up that some

younger trees were planted across the street from this property, Mr. Moore stated that they were planted after Mr. Harris built his home. This was prior to landmarking the vista. Mr. Harris's trees were planted about the same time as the State opted to ban Australian pines as invasive species, illegal to plant. Shortly thereafter, the Town landmarked the vista. If planting young trees is going to be a condition of approval for this project, Mr. Moore cautioned the members that young trees may not be able to be planted as there may be a problem with the State. Mr. Moore did not feel the State would have any objection to relocating the tree. However, if the tree would die after being relocated, Mr. Moore was not sure whether the State would allow it to be replaced. Mr. Randolph stated that if the tree dies after moving it, the State's immediate answer probably would be that it could not be replaced in kind. To argue that point could take years, as was illustrated with another community.

Mrs. Hoffman stated that this is setting a bad precedent. The trees have been there for a long time and everyone knows they are landmarked. The driveway should never have been allowed to be designed this way. Mr. Moore noted that the Director of Public Works approves all driveway cuts in the Town. The Public Works department does not, however, regularly attend the ARCOM and/or LPC meetings. The design professional is responsible to secure approvals for all that must be done on a given site.

Discussion turned to survivability of the tree, if moved. Mr. Joe Ugi, of the Town's Public Works Department, testified that there is a 60% chance that the tree will not survive if moved now, and a 40% chance that the tree will not survive if moved in March (probabilities per Mr. **HAEHLE** **Haley**, Town Horticulturalist). Ms. Miller's landscape professionals (not present) disagree with the above. As a result of these differing opinions, the LPC asked for more information relative to probability of survival, if moved.

Mr. Pandula, recognizing that over time, trees may become diseased and die, asked what a suitable replacement would be for the Australian Pines. Mr. Ugi responded that Podocarpus would be the likely substitute per the Town's horticulturalist, Mr. **HAEHLE** **Haley**.

MOTION BY MR. PYMS TO APPROVE THE RELOCATION OF THE TREE, AND REPLACEMENT OF THE TREE WITH A DIFFERENT, YET COMPARABLE SPECIES IF THE TREE DOES NOT SURVIVE THE MOVE.

MOTION FAILED FOR LACK OF A SECOND.

MOTION BY MRS. DOWDLE FOR DEFERRAL TO THE AUGUST MEETING FOR MORE INFORMATION FROM THE TOWN'S ARBORIST RELATIVE TO THE BEST TIME TO RELOCATE THE TREE, A SUGGESTED REPLACEMENT TREE, ETC.

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

VI Other Business:

A. Discussion relative to Resolution No. 37-01

**A RESOLUTION OF THE TOWN OF PALM BEACH,
PALM BEACH COUNTY, FLORIDA, ESTABLISHING
A FEE FOR APPLICATIONS BY THE OWNER(S)
OF RECORD FOR LANDMARK STATUS AND/OR
FOR TAX EXEMPTIONS FOR HISTORIC PROPERTIES**

Mr. Moore stated that staff has discussed this subject at length, and also with several LPC members. He explained that there are three ways that a property can be designated: 1) By nomination by an LPC Member, 2) By staff nomination, or, 3) By the property owner requesting that the property be studied for landmark designation. In recent history, the town has seen an increased number of applications by owners to designate their properties in order to take advantage of the tax exemptions and relief from FEMA requirements (a benefit to landmarked properties). The resolution referenced above was indeed reviewed and approved by the Town Council and is an ordinance in effect. It addresses the situations where owners bring forward their properties for designation, resulting in Town staff expending time, effort and money in order to process the application. In staff discussions relative to this matter, several concerns have been raised about the ordinance. LPC members have also raised concerns about the ordinance, as well as Mrs. Earl from the Preservation Foundation. As such, staff will take another look at the ordinance for possible changes. Mr. Moore stated that Wendy Victor had done research into what other communities charge for similar actions. Mrs. Day will review this information.

The ordinance also provides for a fee for landmark designation, only when the property is brought forward by an owner, without LPC or staff sponsorship. This fee will be re-studied as well. There is another issue relative to this matter, however. That concerns an owner requesting a tax abatement form to be filled out by the Town of Palm Beach. The Town Council is clear that we are not going to provide that service free of charge, as the forms are extensive and complicated. In the past, our consultant has been compensated for the completion of these forms directly by the property owner. This will be changed so that the fees are paid to the Town, and the Town, in turn, will then compensate Mrs. Day.

Mrs. Wilkey commented that, in her opinion, the resolution and resulting ordinance is very unfriendly, and was irresponsibly enacted. The Landmarks Preservation Commission was not informed about this resolution prior to its enactment as an ordinance. Landmark owners were not aware of the ordinance. This is not a question of economics as funds are available for many other programs in the Town. She does not believe fees should be charged, as they will discourage persons from being part of the landmark program. Discouraging landmarking would encourage the more frequent occurrence of the "mega-mansions" which are the subject of the R-B study going on currently. She regards the ordinance as "totally unfair." Mrs. Blades agreed with Mrs. Wilkey stating she was appalled that this ordinance was enacted without the LPC's knowledge. Mrs. Hoffman commented that while it might be fair to charge for the completion of tax abatement forms, there should be no fee to designate a property as this would cause the Town to lose its architectural historic significance.

Mrs. Baker questioned whether there was a possible Conflict of Interest with the Town preparing the tax abatement forms, feeling that perhaps an attorney or accountant would be better suited to do this work. Mr. Moore responded that the forms are very complicated and require a great deal of research. Owners and their hired professionals have typically not been able to find persons who are capable of completing this work. Thus, the task has fallen on our consultant, Mrs. Day. It is the way she will be reimbursed for this service which will be changed.

Again, Mr. Moore pledged that staff will re-look at the ordinance and the associated fees, and after reviewing Mrs. Victor's research, could bring it back to the LPC first for comments prior to taking it to Town Council. This will take some time, however. Mr. Randolph offered an alternative that if the LPC wants its comments and concerns passed on to the Town Council, the Town Council could ask that the resolution be abated until such time as the matter has been re-studied.

Mrs. Victor stated that she was present at the meeting during which the ordinance was passed, despite the concerns expressed. After that, she went on line with the National Trust for Historic Preservation relative to this subject. After explaining the terms of the newly passed ordinance, she received the following reply from Mary Hanbury - "This is a new one for me. (The fees) Incredible. Is this an effort to milk the well to do, kill the preservation program backhandedly, or both? I noticed from the last survey that 500 out of 600 commissions surveyed did not charge for Certificates of Appropriateness, and there was no information on landmarking fees. I've heard of \$150.00 fees for Cof A's. Nothing in the \$1000 - \$2000 range." Mrs. Hoffman noted that only two towns on Mrs. Victor's list charge for tax abatement, and the maximum fee charged is \$ 250.00.

Mr. Pandula said the issue is...is the Town obligated, without assessing a fee, to spend its resources considering anything that is brought in? Upon questioning, Mrs. Day noted that in her nine years with the Town, there have only been few cases where owners have come forward and said they wanted to be a landmark because they need the tax abatement or relief from FEMA regulations. Mr. Frank added that, to date, no projects have been assessed a fee for landmarking.

Mrs. Polly Earl, Director of the Preservation Foundation stated that the Preservation Foundation had sent a letter to the Town Council expressing objection to the ordinance. She also forwarded documentation to the LPC members offering some figures relative to tax abatement. She requested that someone competent to do this type of work be obtained to produce a firm set of figures. As to the process of landmarking, Mrs. Earl stated that the only way to start the process of having a property landmarked is via an LPC vote to place it "under consideration." She suggested that perhaps the owner should be made to provide the initial information regarding the project, i.e., the construction date, architect, history, etc. prior to any such vote taking place.

Mr. Frank responded that staff must still do some preliminary research before bringing it to the LPC for a vote. Should this be done without a fee? Mrs. Day added that when she becomes aware that there is interest in possibly designating a property, she goes to the Master Site Files for information, makes a site visit, takes slides, and then attempts to obtain sponsorship from

an LPC member. After all this, the matter may be placed informally on the LPC agenda to be placed "under consideration" for landmark designation.

① Mrs. Day said the larger problem is the work associated with tax abatements. It is not just a matter of filling out the form. There are meetings with owners, architects, lawyers, etc. There is extensive paperwork at the end of the project. Regardless of who prepares the tax abatement paperwork, the Town or an owner's representative, the Town is obliged to be sure it is correct prior to its submission at the County Commission. These are the reasons behind the fee approved by the Town Council...so that the users of the tax abatement program are paying for the benefit rather than having the costs absorbed by all the residents. She thanked Mrs. Victor for her research, "good raw data" to be used in re-studying this issue.

Mrs. Victor stated that any costs associated with designating a property should be included in the Town's budget to support owners who want to do this.

Let the record show that Mrs. Blades left the meeting at 10:16 a.m.

Mr. Pandula stated that 20 years ago, owners did not voluntarily designate their properties. Since, that is no longer the case, it would be better not to charge a fee to designate a property. He did not believe that the proposed fees would generate sufficient funds to really make a difference. Thirdly, the bigger picture is that promoting landmarking deters the mega-mansions and preserves the character of the Town. Just from his involvement as Chairman in meetings with staff relative to LPC issues, he has determined that the tax abatement issues demand a lot of time, effort and research.

① Mrs. Wilkey stated that it appears that this is a question of economics. The Town spends money on all sorts of issues. Landmarking is very important. The Town reaps the benefit of a landmarked property, not just the property owner.

Mrs. Day added that even if there is a fee established for tax abatement, the owner will still reap the benefit of reduced taxes, i.e., positive gain. The fee should not deter an owner from applying for tax abatement. Mr. Moore stated that the Town Council wants owners to pay their fair share to seek tax abatement, a financial benefit from the Town.

Mrs. Earl ~~Tax~~ ^{delete} stated that tax abatements and relief from FEMA regulations are true benefits to the landmark property owner, but the Town benefits as well. She asked everyone to remember the role that landmarked houses play in preserving the character of the Town when considering these fees.

Mrs. Dowdle commented that it is the symbolic act of enacting this ordinance which is at issue because of the message it sends to landmark owners about the program. She thanked staff, Mrs. Victor and Mrs. Earl for their research efforts.

Mr. Moore stated that staff will bring back a report to the LPC after further study.

VII Adjournment:

MOTION BY MRS. VANNECK TO ADJOURN AT 10:31 A.M.
MOTION SECONDED BY MRS. DOWDLE.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on
WEDNESDAY, AUGUST 15, 2001 in the Town Council Chambers, 2nd floor, Town Hall,
360 South County Road, Palm Beach at 9:00 a.m.

Respectfully submitted,



Ann Blades, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2001

MEMBERS	1/01	2/01	3/01	4/01	5/01	6/01	7/01	8/01	9/01	10/01	11//01	12/01
Eugene Pandula	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	___	___	___	___	___
Elizabeth Dowdle	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_U_</u>	<u>_P_</u>	___	___	___	___	___
Sari M. Wilkey	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	___	___	___	___	___
Jacqueline Albarran de Mendoza	<u>_E_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	___	___	___	___	___
Ann Vanneck	<u>_P_</u>	<u>_P_</u>	<u>_U_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	___	___	___	___	___
Ann Blades	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	___	___	___	___	___
Jack Pyms	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	___	___	___	___	___

ALTERNATE MEMBERS	1/01	2/01	3/01	4/01	5/01	6/01	7/01	8/01	9/01	10/01	11/01	12/01
Nikita Zukov	<u>_P_</u>	<u>_Resigned_</u>										
Judy Hoffman	<u>_U_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	___	___	___	___	___
Laurel Baker	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	___	___	___	___	___
Wendy Victor			<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_U_</u>	<u>_P_</u>	___	___	___	___	___

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 2001

MEMBERS	1/01	2/01	3/01	4/01	5/01	6/01	7/01	8/01	9/01	10/01	11/01	12/01
Eugene Pandula	___	___	___	___	___	___	___	___	___	___	___	___
Elizabeth Dowdle	___	___	___	___	___	___	___	___	___	___	___	___
Sari M. Wilkey	___	___	___	___	___	___	___	___	___	___	___	___
Jacqueline Albarran de Mendoza	___	___	___	___	<u>V</u>	___	___	___	___	___	___	___
Ann Vanneck	___	___	___	___	___	___	___	___	___	___	___	___
Ann Blades	___	___	___	___	___	___	___	___	___	___	___	___
Jack Pyms	___	___	___	___	___	___	___	___	___	___	___	___

ALTERNATE MEMBERS	1/01	2/01	3/01	4/01	5/01	6/01	7/01	8/01	9/01	10/01	11/01	12/01
Nikita Zukov	___	<u>Resigned</u>		___	___	___	___	___	___	___	___	___
Judy Hoffman	___	___	___	___	___	___	___	___	___	___	___	___
Laurel Baker	___	___	___	___	___	___	___	___	___	___	___	___

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 ORIGINAL DECLARED
 CONFLICT PER JCR, TOWN ATTORNEY)

THURS, 8/9

CINDY,

VERY SORRY SO LONG
IN GETTING THIS BACK — WE
HAVE BEEN AWAY.

A FEW CORRECTIONS:

① P. 5, 3RD PARAGRAPH, 4TH SENTENCE — THE TOWN TREE
MAN IS SPELLED ~~HAELE~~ HAEHLE I
THINK; ALSO 4TH P. ^(HAEHLE) END OF 3RD
SENTENCE; IS HE THE ARBORIST
OR HORTICULTURIST OR BOTH?
DOES IT MATTER? JOE UGI
WOULD KNOW

REC AUG 10 1968

(over)

P. 8 7TH # "MRS ECK
TAX STATED" DOESN'T MAKE
SENSE — OMIT THE "TAX"
AFTER "MRS ECK"?

MARY THANKS, AS
ALWAYS!

BEST!

Ann