

MINUTES

LANDMARKS PRESERVATION COMMISSION EMERGENCY OPERATIONS CENTER 355 SOUTH COUNTY ROAD, 3RD FLOOR

THURSDAY, JULY 16, 2009, 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 (tape or 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:(9:30:04 a.m.)

The meeting was called to order at 9:30 a.m. by Acting Chairman, Mr. Hanley.

II. ROLL CALL:(9:30:07 a.m.)

All regular members and all alternate members of the Landmarks Preservation Commission were present, excepting Mr. Pandula, whose absence is unexcused per Mr. Elwell. Let the record show that Mr. Moore arrived at 9:33 a.m., just after roll call.

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

III. APPROVAL OF THE MINUTES OF THE JUNE 18, 2009 MEETING:(9:30:41 a.m.)

**MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. ROBERTS AND MRS. RUBIN
SIMULTANEOUSLY.
MOTION CARRIED UNANIMOUSLY.**

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:30:51 a.m.)

By Mrs. Delp

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes) (9:31:05 a.m.)

Mr. Eigelberger brought up the subject of the proposed improvements to Worth Avenue which are under review by the Worth Avenue Improvement Project Review Committee, a committee upon which he serves. Mr. Eigelberger stated that he is vehemently opposed to the proposal to reduce traffic on Worth Avenue to one lane rather than two, and is equally opposed to the reintroduction of angled parking on Worth Avenue. He advocated maintaining two lanes of traffic, angled parking on Peruvian Avenue, if necessary, and the removal of "red" curbs on Worth Avenue to increase the number of parking spaces. Bill Diamond, in light of the concerns expressed by Mr. Eigelberger and others, asked staff for clarification as to whether the angled parking concept had been already endorsed. Mr. Page reported that the committee will meet again on Monday, July 20, 2009 at 10:30 a.m. Lori Volk, though against angled parking, asked that a trial number of spaces be placed on Worth Avenue to assess how it will work. At this point, Mr. Roberts questioned why this matter did not come to the LPC, since so many of the buildings on Worth Avenue are landmarked. He spoke out strongly against angled parking. Mr. Eigelberger suggested that the LPC take a position regarding angled parking. Mr. Hanley asked that this matter be discussed further under "Other Business".

VI. APPROVAL OF THE AGENDA:

Please note that the LPC moved on to Public Hearings, without a motion for approval of the agenda, however, there were no requests for change to the agenda.

VII. PUBLIC HEARINGS:

- A. Application for Certificate of Appropriateness #7-09,
Exterior Color Change (deferred from the June meeting)
Owner/Applicant: Sterling Palm Beach, LLC (Lessee) and
Sidney Spiegel TR #31520371 and
Island Properties of Palm Beach, Inc.
Address: 340 Royal Poinciana Way, Royal Poinciana Plaza
Architect: Ann Beha Architects
Project Description: Request approval for exterior color change which is further
described as: Repaint Royal Poinciana Plaza. Color to be determined by the
Commission. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

Mrs. Golino, Mr. Eigelberger, Mrs. Rubin, Mr. Roberts, Mr. Hanley, Mr. Cooley, Mr. Rogers, and Ms. Willis declared ex parte communications.

Adam Munder of the Sterling Group and Royal Poinciana Plaza thanked the members for visiting the site regarding the choice of exterior paint color. Three color choices were discussed: Option #1 - the closest to the historic color of Poinciana Beige or Bessemer Beige; Option #2 - a lighter rendition of Poinciana Beige; or Option #3 - Yellow. Option #3 was the preferred color of the property owner. Mrs. Day testified that the best option for the landmark is to return it to the original color, but she noted that paint color can always be changed, and the LPC has considered owner preferences in the past. Lori Volk commented that the yellow will look ridiculous on such a large building. Mr. Munder noted that the yellow color, named Putnam Ivory, is actually more beige than yellow. Mr. Hanley and Mr. Cooley remarked that the LPC should not choose the color. Instead, the LPC should rule on the applicant's choice. Mr. Eigelberger countered, that historically, the LPC has always been involved with color approvals.

MOTION BY MR. EIGELBERGER FOR BESSEMER BEIGE, OPTION #1.

MOTION SECONDED BY MRS. GOLINO.

MOTION FAILED, 3-4, WITH MRS. RUBIN, MR. ROBERTS, MR. COOLEY, AND MS. WILLIS VOTING AGAINST.

After discussion, the LPC recommended that more research be done regarding the color.

MOTION BY MR. ROBERTS FOR DEFERRAL TO THE AUGUST MEETING TO ALLOW FOR MORE HISTORIC COLOR INVESTIGATION OF THE BUILDING COLOR AND THE TRIM COLOR(S).

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

Lori Volk encouraged the Sterling Group to do a pressure clean, a prime, and two coats of paint to accomplish a proper restoration.

B. [Application for Certificate of Appropriateness #8-09.](#)

[Addition](#)

Owner/Applicant: Mr. and Mrs. William Branstrom

Address: 440 Brazilian Avenue

Architect: MPerry Design, Inc.

Project Description: Request approval for addition to historic structure which is further described as: Removal of existing awnings on West and South sides; new loggia addition with partial master terrace above; match existing cast stone columns, stucco and barrel tile, and other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

Mr. Roberts and Mr. Hanley made ex parte declarations.

Subsequent to two informal reviews over the last two months, Michael Perry returned to the LPC today for formal approval. He testified that this project was given variance approval from the Town Council for the East side yard setback. Since last month, the design has been revised to remove the chimney and fireplace from the second floor of the terrace, in favor of a one story ventless fireplace on the first floor of the loggia. Also, the column has been centered between the doors and spacing has been adjusted.

**MOTION BY MR. EIGELBERGER FOR APPROVAL AS REVISED.
MOTION SECONDED BY MRS. GOLINO.
MOTION CARRIED UNANIMOUSLY.**

C. [Application for Certificate of Appropriateness #9-09,](#)

Landscape/hardscape

Owner/Applicant: Royal Poinciana Chapel

Address: 58/60 Coconut Row

Architect: Mario Nievera Design Inc.

Project Description: Request approval for landscape/hardscape which is further described as: Proposed new plantings and minor hardscape design, and other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

Mrs. Golino, Mr. Moore, Mr. Cooley, Mrs. Rubin, Mr. Hanley and Mr. Roberts declared ex parte communications.

Keith Williams from Mario Nievera Incorporated presented the project according to the submitted plans. Mr. Williams noted that the project includes removal of two parking spaces to allow for planting. Terraces will be connected with loose gravel pathways. Both native and non-native plant species will be used, but plant choices are being made with maintenance and water issues respected. The landscape plan will draw attention to the front facade of the cottage with a goal to have it feel like a Victorian cottage nestled in Coconut Palms and Seagrapes. Drainage concerns have been addressed on the plans per Mr. Williams.

**MOTION BY MR. EIGELBERGER FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.**

Mr. Moore reported, on behalf of the Chapel, that the construction is on schedule and under budget. The Royal Poinciana Chapel is very excited about the progress being made at Seagull Cottage.

VIII. OTHER BUSINESS:

A. Monthly update regarding conditions at the Royal Poinciana Plaza

Robert Walton, Code Enforcement Officer, and Jeff Taylor, Building Official, testified to the progress which has been made regarding the requested repairs at the Royal Poinciana Plaza. Mr. Hanley suggested that perhaps a review of the property on a quarterly basis would be preferable to a monthly review. Mr. Eigelberger suggested removal from the agenda and sponsored the following motion:

MOTION BY MR. EIGELBERGER FOR REMOVAL OF THE ITEM FROM THE AGENDA.

MOTION SECONDED BY MRS. RUBIN.

MOTION CARRIED 4-3, WITH MR. ROBERTS, MR. COOLEY, AND MR. HANLEY AGAINST.

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(10:17:46 a.m.)

Mr. Eigelberger requested that a presentation regarding proposed changes to Worth Avenue be given to the LPC at the next meeting to facilitate the LPC making a recommendation to the Town Council.

MOTION BY MR. EIGELBERGER TO PLACE THE WORTH AVENUE IMPROVEMENTS ON THE AGENDA FOR THE AUGUST MEETING.

MOTION SECONDED BY MR. COOLEY.

MOTION CARRIED UNANIMOUSLY.

Mr. Page reported that the LPC's recommendation that neither age, nor owner consent, nor architectural style should be determining factors with regard to landmark designation was upheld by the Town Council after some debate over the issue. The Town Attorney, John Randolph, had recommended against changing the ordinance in order to accommodate this policy decision as he felt changing the ordinance might predispose it to future legal challenges.

Mr. Page testified that Attorney James Brindell sent a letter suggesting several procedural changes for incorporation into the LPC process. This will be placed on the August agenda for consideration.

Mrs. Golino stated her appreciation for the Town Council's affirmation of the LPC's recommendation regarding age, owner consent, and architectural style.

Mr. Hanley thanked all those who are responsible for rescheduling the Town meetings to the Town's EOC.

After discussion, it was decided to continue to hold monthly LPC meetings at 9:30 a.m. rather than 9:00 a.m.

X. **ADJOURNMENT:(10:22:13 a.m.)**

MOTION BY MR. EIGELBERGER TO ADJOURN THE MEETING AT 10:23 A.M.

MOTION SECONDED BY MR. COOLEY.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on TUESDAY, AUGUST 18, 2009 at 9:30 a.m. in the Town's Emergency Operations Center, 3rd floor, 355 S. County Road, Palm Beach.

Respectfully submitted,

Charles S. Roberts, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd