



**MINUTES
LANDMARKS PRESERVATION COMMISSION
AT THE
EMERGENCY OPERATIONS CENTER
355 S. COUNTY ROAD, 3RD FL**

WEDNESDAY, JUNE 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:(9:30:00 a.m.)

Chairman Pandula called the meeting to order at 9:32 a.m.

II. ROLL CALL:(9:30:17 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, Joanna Golino, Member, Dudley L. Moore Jr., Member, Edward Austin Cooney, Member, and Alternate Members - D. Imogene Willis, Wallace Rogers, and William P. Feldkamp.

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

III. APPROVAL OF THE MINUTES OF THE MAY 19, 2010 MEETING:(9:30:35 a.m.)
MOTION BY MR. HANLEY FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. COOLEY.
MOTION CARRIED UNANIMOUSLY.

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:30:46 a.m.)

By Mrs. Delp

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes):(9:31:04 a.m.) None

VI. APPROVAL OF THE AGENDA:(9:31:15 a.m.)

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

VII. PUBLIC HEARINGS:(9:31:26 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. Please note that the Taylor's attorney, Mr. Broberg, has requested that the landscape be deferred to the July 21, 2010 LPC Meeting.

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

MOTION BY MRS. GOLINO FOR DEFERRAL TO THE JULY MEETING.

MOTION SECONDED BY MR. ROBERTS.

MOTION CARRIED UNANIMOUSLY.

B. [Application for Certificate of Appropriateness #13-2010](#)

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 new barrel clay tile roof and exterior demolition which is further described as: New roof: Replace existing concrete barrel tile roof with traditional clay barrel tile roof; 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, 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. He explained that the project was started approximately 2 months ago with a different architect and contractor, neither of whom are working on the project currently. Mr. Kirchhoff is the current architect and Livingston Builders is the current contractor. In trying to keep the schedule moving forward, the new design team met with Mr. Page, Mr. Lindgren and Mrs. Day at some point prior to this meeting. Some demolition for waterproofing has begun. Today, Mr. Kirchhoff only sought approval to change the roof tile from the existing concrete barrel tile to a three-color blend clay barrel tile. He plans to return to the LPC next month with the full project to basically restore the entire exterior fabric of the house. The restoration will include, but is not limited to the following: The roof tile and sheathing has been taken off so the new roofing can be strapped down to a tie beam; repair tie beam; replace/repair cast stone; replace all windows; and, the entire basement will be excavated, waterproofed, and repaired. He discussed the history of this Maurice Fatio design, formerly the Graham Eckes School, and briefly showed original photos of the property together with a quick look at the proposed drawings for the home to be presented next month. Returning to the roof, Mr. Kirchhoff clarified that all buildings will be re-roofed with the clay barrel tile, except the pool pavilion which is already roofed with US clay tile.

MOTION BY MR. COONEY FOR APPROVAL OF THE ROOF TILES AS PRESENTED.

MOTION SECONDED BY MRS. GOLINO.

MOTION CARRIED UNANIMOUSLY.

VIII. [OTHER BUSINESS:](#)(9:42:59 a.m.)

A. [Informal Review: 1170 South Ocean Boulevard, Bath & Tennis Club, Interior Lighting](#)

Several members made ex parte declarations.

Ms. Close explained why this matter is on the agenda informally. At last month's meeting, when the Bath and Tennis project was heard, the subject of lighting was not discussed inadvertently. The lighting will be heard formally next month, but the applicant was here today for feedback. The Bath and Tennis Club must be aware that if they take any action based on the informal review today, they do so at their own risk.

Architect Keith Spina was accompanied by Mimi McMakin of Kemble Interiors. He re-stated that this is a tax abatement project, and proceeded to review each of the areas where a change in lighting fixtures is proposed. The decorative light fixtures include sconces, pendants, and surface mounted fixtures. Some existing fixtures will remain.

Secondly, Mr. Spina reported that during demolition in the lobby, a beautiful ceiling was revealed which is an important piece of the history of the building. It is proposed that the plans be changed to accommodate the new ceiling, which will involve the restoration of the original shape of the room, and will include some fenestration changes.

Mr. Spina also showed some proposed changes to the ceilings in the North Bar (re-design of the ceiling grid to facilitate lighting) and South Bar (to facilitate mechanical and fire sprinklers).

The LPC's comments were positive with regard to all that Mr. Spina presented informally. The project will be heard formally at the July meeting.

B. [Informal Review: 306 Maddock Way a/k/a 549 North Lake Trail \(Old Bethesda Church\)](#) (In conjunction with Variance #8-2010 with Subdivision Modification)

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".

Paul Castro, Zoning Administrator, explained that several years ago, the Landmark Estates subdivision was approved for 6 lots and a cul-de-sac, but was approved with conditions; one of those being that both of the existing homes in the subdivision were required to have a two-car garage. Since the subdivision approval, the applicant attempted to request a variance to eliminate the required garage on Lot 2 (the old Bethesda by the Sea Church)...to be exempted from that condition. At that time, the LPC recommended that the variance did not take away from the integrity of the landmarked structure, and as such, supported the variance. The Town Council, however, required the garage. The applicant negotiated with the Town Council which required the applicant to construct a garage within 2 years of recording the plat, working with the LPC to design a garage. That time has now expired, and the applicant is again requesting exemption from the requirement for a garage.

Peter Broberg, attorney for the applicant, testified that the church became a residence in 1927, and there has been no garage on the property since that time. Mr. Broberg testified that he has spoken with Dr. Day about this, and it was her opinion that this property should not have a garage. He maintained that there is no problem with parking at this property, and there is likewise no good location to architecturally place a garage.

Commission Comments: This is a decision for the Town Council; it may be possible to connect a garage to the church with a trellis, or attach it to the church; perhaps Lot 3 should have been made smaller when the subdivision lines were drawn; the aesthetics rule in this situation; would recommend to eliminate the requirement; shouldn't we at least see a design option with a garage; if we have to entertain a design option with a garage, it is too early to make a recommendation to the Town Council today; the building should stay in a pristine fashion; if we make deals with the Town Council (the subdivision), we need to stick to them.

Mimi McMakin, who resides in the Old Bethesda Church, testified that her family supports landmarking; that there is something magical about the old church; that she would appreciate if the members came to the old church to have a look at the site even before there is any design of a garage; that she does not want a garage, and would hate to see the property changed; and, that maybe in this case, the rules do not have to be followed when it comes to a really unique structure.

Commission Comments continued: I can't think of too many churches that come with garages; a two-car garage on an old church would look silly; why is this here...there are decisions that need to be made by the Town Council; you could show us an attempt at placing a garage there, and then we could make a recommendation to the Town Council; where would a two-car garage be placed...wherever you put it, it will interfere with the view of the landmark, or it will crowd the circle; and, why would we make them spend the money to do the drawings for a garage if the owner doesn't want it.

Mr. Castro commented that this situation was self-created by the applicant when the lot lines were drawn. Lot 3 could have been made smaller to give Lot 2 more space, which would have provided space for the code-required garage.

INFORMAL MOTION BY MR. ROBERTS TO HELP THE TOWN COUNCIL ARRIVE AT A DECISION NOTING THAT THE LPC RECOMMENDS THAT THE TOWN COUNCIL AMENDS THE DEAL THAT WAS MADE; THAT THEY ALLOW THIS HISTORIC BUILDING NOT TO MEET THE CODE...TO SIT LIKE IT IS, WITH NO GARAGE.

Mr. Randolph noted that this is the same recommendation that the LPC made the last time, two years ago, and now the Town Council will make the ultimate determination.

MOTION SECONDED BY MR. MOORE.

More comments: The problem started with the subdivision and the way Lot 3 was

drawn; as is, there is no place to put a garage; yes, this is self-imposed; the south lot line of Lot 2 is in the wrong place; it could be revised; the question is do we want a garage on a landmarked old church?...no, we don't; access was an issue when this was discussed two years ago; the position of a specimen fig tree figured into the setting of the lot lines two years ago.

Ms. McMakin added that the footprint of the historic property of the old church has never changed.

MOTION CARRIED UNANIMOUSLY.

C. [Discussion relative to the Flagler Statue](#)

Mr. Roberts stressed the importance of the Royal Poinciana area which has been given so much attention and study. He had done some research, and passed the results of his research to Mrs. Delp for distribution to the members. His purpose, with regard to the statue, was to encourage the LPC members to begin to give serious consideration as to where the statue should most appropriately be placed, not to wait until 2-3 years has elapsed, when the statue comes out of storage for final placement.

All agreed that the LPC approved the statue's placement in the first median island for the Centennial Celebration, after which it will be placed into storage until such time as the bridge is completed. At that time, the statue's final placement will come back to the LPC for approval of its permanent location.

Bill Bone, Chairman of the Centennial Committee, 322 Pendleton Lane, agreed with the temporary placement of the statue and the later final placement to be determined by the LPC.

Mr. Roberts indicated that he has hired a landscape firm to present some ideas about how the street, median, statue might look.

Members questioned who will pay to move the statue...the Town? the donor? Further, who will pay for the plans to be presented for the final placement of the statue? It was noted that DOT will not design for the statue when they design for the bridge, nor would that involvement be desired.

Ms. Close noted the concerns of the LPC related to the process for the future. Staff will look into this and report back to the commission at the next meeting.

Dick Kleid, 2660 South Ocean Boulevard and member of the Centennial Commission, commented that we do not know what the area will look like after the bridge construction, so it is premature now to try to choose a final destination for the statue. For now, the temporary location of the statue, as approved, is in place, with final placement to be determined by the LPC at a later date.

Members agreed that this is a great opportunity to make significant improvements to this important gateway to the Town.

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(11:04:45 a.m.)

Report regarding new Flagler Memorial Bridge: Mr. Pandula provided a report relative to the progress related to the new bridge on Royal Poinciana Way. He was very pleased that DOT is going to re-write the bid instructions to include aesthetics as a criteria for selection, and that aesthetics have been attributed more points (contracts awarded on point basis). Ultimately, the evaluation committee, with two non-voting members...one from Palm Beach and one from West Palm Beach...will evaluate the aesthetics submitted by bid. The bridge will eventually come to the LPC for approval.

Comments by Chairman Pandula relative to electronic submissions: Mr. Pandula expressed his concern about privacy issues for his clients, Town Residents, if Town Council, ARCOM, and/or Landmarks submissions, i.e., the plans, are posted on the Town's website. He was also concerned, as a professional architect, about copyright protection of his intellectual property, i.e, his architectural designs. Mr. Randolph stated that staff will pass on these concerns to the Town Council, and noted that there is no State law requiring submissions to be placed online. Alex Ives of the Preservation Foundation stated that the Preservation Foundation will echo these concerns at the upcoming Town Council meeting. He drew a distinction between plans for commercial properties and plans for residences.

X. ADJOURNMENT:(11:18:51 a.m.)

MOTION BY MR. COONEY AND MR. HANLEY TO ADJOURN THE MEETING AT 11:20 A.M.

MOTION SECONDED BY MR. ROBERTS.

MOTION CARRIED UNANIMOUSLY.

The members were taken over to Town Hall for an orientation on the new Chambers and its equipment.

The next meeting of the Landmarks Preservation Commission will be held on **Wednesday, July 21, 2010 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.**

Respectfully submitted,

Willliam O. Cooley, Secretary
LANDMARKS PRESERVATION COMMISSION

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