



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

WEDNESDAY, APRIL 20, 2011, 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:(9:32:36 a.m.)

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

II. ROLL CALL:

Edward Austin Cooney, Chairman	PRESENT
William P. Feldkamp, Vice Chairman	PRESENT
William O. Cooley, Member	PRESENT
Dudley L. Moore, Jr., Member	PRESENT
Jacqueline Albarran, Member	PRESENT
William J. Strawbridge Jr., Member	PRESENT
Leslie Diver, Member	ABSENT (excused)
D Imogene Willis, Alternate Member	PRESENT
Wallace Rogers, Alternate Member	PRESENT
Rachel Lorentzen, Alternate Member	PRESENT

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

Mr. Cooney announced that in light of the absence of Ms. Diver, Ms. Willis would be voting today.

III. APPROVAL OF THE MINUTES OF THE MARCH 16, 2011 MEETING:(9:32:41 a.m.)

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. MOORE.
MOTION CARRIED UNANIMOUSLY.

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:32:52 a.m.)

Mrs. Delp administered the oath at this time and as needed throughout the meeting.

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes)(9:33:06 a.m.)

Robert Moore, 420 Santa Fe Road, testified that he had spoken last month relative to a restriction which he recalled (as former Director of Planning, Zoning & Building) had been attached to the drive-thru at the First National Bank relative to signage in that location. After further research, Mr. Moore has determined that no condition was memorialized in any agreement relative to a prohibition of signage for the drive-thru.

Mr. Cooley stated, at this point, that he will be absent from the May meeting as he will be involved in a court case out of state. He requested an excused absence. Let the record show that later in the meeting, Mr. Cooley corrected his earlier statement to indicate that he will be present at the May meeting, but absent from the June meeting due to involvement in the aforementioned legal proceeding.

VI. APPROVAL OF THE AGENDA:(9:36:20 a.m.)

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE AGENDA.

MOTION SECONDED BY MS. WILLIS.

MOTION CARRIED UNANIMOUSLY.

VII. DESIGNATION HEARINGS:(9:36:33 a.m.)

Item 1: 272 Wells Road

Owner: Heather Wyser-Pratte

Please be advised that Ms. Wyser-Pratte has requested a deferral to the November 2011 meeting, and has waived her right to a final decision within 30 days.

Dr. Day testified that she had spoken with Ms. Wyser-Pratte personally, and also read a letter into the record, dated March 22, 2011, from Ms. Wyser-Pratte confirming her request for a deferral to the November meeting, together with waiving her right to a final decision within 30 days.

MOTION BY MRS. ALBARRAN THAT LANDMARKING CONSIDERATION OF 272 WELLS ROAD BE DEFERRED TO THE NOVEMBER MEETING, WITH THE PROVISIO THAT THE OWNER RECOGNIZES HE/SHE IS WAIVING HIS/HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MS. WILLIS.

MOTION CARRIED UNANIMOUSLY.

VIII. PUBLIC HEARINGS:(9:38:40 a.m.)

A. Application for Certificate of Appropriateness #005-2011

Renovations and Alterations

Owner/Applicant: Little Broad Beach Partners, LP

Address: 95 North County Road

Architect: Bridges Marsh & Associates

Project Description: Proposed renovation and alteration to existing Post Office as follows: The exterior is to remain as is with the exception of replacing the doors and windows to match existing, removing ramps used by Post Office in rear and providing steps and railing at the rear loading area. The existing lobby will remain completely intact. The interior of the two stories is to be remodeled to house offices for business use. The existing two-story space will become two floors with a central atrium lit by skylights. Other associated changes as presented

Mr. Cooney explained that the variances related to this project had been deferred at the Town Council meeting; thus, a deferral from this LPC meeting is in order.

MOTION BY MR. COOLEY FOR DEFERRAL TO THE MAY MEETING.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #006-2011

Accessory Structure

Owner/Applicant: Terry Taylor

Address: 780 South Ocean Boulevard

Architect: Brasseur & Drobot Architects, P.A.

Project Description: Request approval for new accessory structure which is further described as: The project consists of a proposed 4,800 square foot tennis court at the southwest corner of the property. A 10'-0" high fence shall be installed around the tennis court and a 10'-0" high Ficus hedge shall be planted around the outside of the fence. Other associated changes as presented

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

Architect Jason Drobot of Brasseur & Drobot Architects presented the tennis court (48 ft. x 108 ft.) to be surrounded by a 10 ft. high fence and Ficus hedge. The tennis court will be oriented in an east/west direction, similar to the tennis court shown in a 1982 photo of the property (that tennis court previously removed). No lighting is proposed for the tennis court.

Dr. Day testified that tennis courts are easily reversible, and the LPC has a history of allowing them. This court, though tight on the property, has been reduced in size since originally submitted, and the lighting has been removed. There is no negative impact to the landmarked house. It was noted that there were no negative comments from neighbors relative to the tennis court.

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

Mr. Feldkamp questioned why the tunnel work at this property was permitted during the season. Mr. Page will check on this with Public Works. Mr. Cooney suspected that it was due to turtle restrictions.

Mr. Cooney asked Mr. Drobot to advise this client and his future clients that the LPC prefers to see comprehensive projects for landmarked sites, rather than reviewing several separate projects.

MOTION SECONDED BY MR. COOLEY.

MOTION CARRIED UNANIMOUSLY.

C. [Application for Certificate of Appropriateness #007-2011](#)

Rehabilitation

Owner/Applicant: Atrium Revocable Trust and Theodore T. Tarone Jr. Tr

Address: 210 Via Del Mar

Architect: Thomas M. Kirchhoff, AIA, PA

Project Description: Request approval for rehabilitation, interior and exterior demolition, exterior color change, and landscape/hardscape which is further described as: The existing landmarked residence is a 1928 Treanor & Fatio Norman style home. The applicant seeks to rehabilitate the landmarked structure to reflect the lifestyle of the family. The proposed work will retain the location, character, and detailing of the existing principal rooms. These include the entry hall, living room, loggia, and library. Interior improvements include a remodeled master suite and modifying the staff area to include guest bedrooms. Exterior improvements include the modification of the existing second floor balcony on the west facing elevation. Return brick color to original painted white brick. The landmarked nature of the structure will be maintained. Other associated changes as presented.

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

Architect Tom Kirchhoff and Landscape Architect Jorge Sanchez of Sanchez and Maddux presented this request. Mr. Kirchhoff described the changes proposed for this 1928 Treanor and Fatio French Norman style home. He stated that most of the changes will occur in the interior. Exteriorly, the second floor rear window/balcony will be changed to two sets of French doors and a wider balcony. The exterior brick will be returned to white (whitewash). Mr. Sanchez addressed the landscape/hardscape noting: the brick areas on the east and west sides of the house are incorrect for this house; the project decreases the amount of hardscape around the pool and at the west terrace and increases landscaped area; the project includes a tongue and groove pedestrian gate and changes to the material and configuration of walkways; materials include Dominican Coral, broken coquina for the walkways, Herpel soda finished stone and bricks to match the wall of the house.

Mr. Lindgren reported that currently, the code requirement for front yard landscaped open space is not being met at this site, and stated that if this project is approved, a condition is necessary to require that the new walkway cannot increase the nonconformity of the front yard landscaped open space. The design must be adjusted accordingly. Mr. Sanchez then presented (on ELMO) an updated paper drawing showing an adjustment to the walkway which was already done.

Dr. Day discussed the history relative to the designation of this property; noted that this was the first tax abatement project in the Town; and, discussed how the landmarking process has worked so well for this property. She registered her support of today's presented project as well.

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

IX. OTHER BUSINESS:(10:12:15 a.m.)

A. Follow-up Item: Brazilian Court Service Gate

The service gate was approved with COA #5-2003; however, no true details of the gate were provided on the plans other than "solid aluminum service gate (black/green)," and the gate was never built. The gate must be built as part of the previously approved COA, so we need to have the Commission review the proposed gate details and approve them. The gate is now proposed to be made of pecky cypress, which mirrors another gate already on the Brazilian Court site and the applicant feels is more appropriate to the architecture of the Brazilian Court.

Please note that this item was deferred from the March meeting.

Call for disclosure of ex parte communication: Mrs. Albarran and Mr. Cooney made ex parte declarations.

Gregory Bonner of CSC Brazilian LP stated that after further review of this matter, the property owner would still like the gates done in reclaimed pecky cypress. The gate will be a sliding gate on metal framework, but will have pecky cypress on both sides. Mr. Bonner presented a sample of reclaimed pecky cypress as well as a sample of fake pecky cypress, which can be painted or stained. Mrs. Albarran supported the use of real pecky cypress, stating that in her experience, older or reclaimed pecky cypress holds up very well. Mr. Moore, who raised the concerns about pecky cypress last month, stated that the pecky cypress is acceptable provided it is maintained. He asked that it be reflected in the record that the LPC expects that the gate will be maintained.

**MOTION BY MR. FELDKAMP FOR APPROVAL OF THE BRAZILIAN COURT
SERVICE GATE IN PECKY CYPRESS AS PRESENTED.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.**

**X. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING
ZONING & BUILDING DEPARTMENT DIRECTOR:(10:19:33 a.m.)**

Mr. Strawbridge stated that he had been contacted by Dr. Day and Gene Pandula relative to 330 Island Road, a 1939 Treanor and Fatio Monterey design which is a property on Dr. Day's list of 90 properties. Dr. Day provided a brief presentation relative to the property. She noted that the new owners are clients of Mr. Pandula and are very enthusiastically volunteering this property for designation.

**MOTION BY MR. STRAWBRIDGE TO PLACE 330 ISLAND ROAD "UNDER
CONSIDERATION" FOR LANDMARK DESIGNATION.
MOTION SECONDED BY MR. COOLEY.
MOTION CARRIED UNANIMOUSLY.**

Mr. Cooney expressed his appreciation to Dr. Day and to Mr. Pandula for working with these owners.

Dr. Day reported that two Fatio properties in the estate section will be coming to ARCOM for demolition. 254 Jungle Road is on Dr. Day's list of 90 properties. The other property is 221 El Vedado Road by Treanor and Fatio and is not on the list of 90 properties. Dr. Day re-stated that ARCOM has no criteria for denial of a demolition request. With that as a given, she requested that demolition reports, a requirement for ARCOM demolition applications, be substantive and that photo documentation be obtained to provide an archival record. There was a discussion as to how to best achieve that goal...change the ARCOM ordinance to require these items, or, alternately, update the ARCOM application to make these procedural requirements; and, as a matter of policy, to have staff carefully review the quality of demolition reports and to require photo documentation of the existing building (interior and exterior). Mr. Lindgren responded that ARCOM could condition any demolition approval with a requirement that there be full photo documentation of the property. It was suggested that perhaps Dr. Day be permitted to take the photos of a property, rather than the applicant who is seeking demolition. Chairman Cooney and Attorney Randolph reiterated the Town Council's position that the LPC needs to be proactive relative to designating worthy properties, rather than attempting to stall demolition requests that have already been filed.

MOTION BY MR. COOLEY REQUESTING THAT THE TOWN COUNCIL AMEND THE ARCOM ORDINANCE TO REQUIRE A PHOTOGRAPHIC LAYOUT RECORD OF ANY PROPERTY SLATED FOR DEMOLITION.

After further discussion, Mr. Randolph commented that he did not feel that an ordinance amendment was necessary, and that staff could ensure that the suggested requirements are submitted and satisfied. It was suggested that the ARCOM application indicate that "this information is requested for historical, or archival purposes."

MOTION WITHDRAWN BY MR. COOLEY.

Discussion relative to 851 North Lake Way (on the Palm Beach Country Club property)

Dr. Day stated that she was contacted by Reg Stambaugh (former Director of the Preservation Foundation) relative to 851 North Lake Way, a frame vernacular house probably from the late 1800's, which is being discussed for demolition. She stated that this structure is listed in the Master Site Files, but is not highly recommended as an example of the frame vernacular style because it has been altered substantially over time. Recently, however, Dr. Day has learned more about the Stambaugh family and its importance within the Town of Palm Beach and surrounding areas. The family would like to place the property "under consideration" for landmarking, but a case number has already been assigned by Mr. Castro relative to the demolition and plans for new construction. Dr. Day did not feel it was within the jurisdiction of the LPC, now, to go forward to landmark it.

Joette Stambaugh Kean, sister of Reg Stambaugh, testified that she recently learned of the plans to demolish the building. She stated that this building has always been important to her family, and to the community because it is one of the last remaining pioneer homes in Palm Beach. She asked that the property be placed "under consideration" for landmarking. Her great great grandfather, Samuel Stambaugh, her great grandfather, Noah Stambaugh, and her grandfather were all in this house. Their occupation of the house preceded the road (North Lake Way) cut through the now, Coral Cut. Her great grandfather was responsible for much of the infrastructure of West Palm Beach. Although modified over time, the building is important and significant to Palm Beach, according to Ms. Kean. She stated that the

family is very excited to have recently found photos of the family and the house from the early 1900's.

Mr. Randolph, though he wasn't exactly sure about the process of "being given an ARCOM case number", advised that they (the applicants) are already in the application process and the LPC would be reacting to that, as opposed to having been proactive previously to get this on the list and perhaps, placed "under consideration." Mr. Lindgren added that although the application has not yet been filed, both he and Mr. Castro had been contacted regarding the demolition and new construction; that Mr. Castro issued a case number to the applicant relative to review of the project by Town Council; and, that an ARCOM case number was issued (to the applicant's attorney, without the attorney supplying a description of the project to Mrs. Delp.) Mr. Page added that Mr. Castro expects the application yet this week. Mr. Castro testified that the applicant has already had their pre-application meeting with him; the application was complete; they were given a case number; they are in the process... the land development process for demolition and reconstruction of a new caretaker's quarters at a similar location. Mr. Castro noted that the applicant has already done quite a bit of work and has expended substantial funds to get to this point.

There was a difference of opinion as to what point in time is regarded as the "start" of the application process (when the subject is discussed at a meeting with staff, or when a case number is given in conjunction with a pre-application meeting with Mr. Castro, and/or when an ARCOM case number is given, or, when the application is actually filed with the Town), that is, if that "start" is regarded as the point at which the LPC should no longer take action to place a property "under consideration". Mr. Randolph stated that if challenged, a court would have to decide (the "start" point), but direction has been given to the LPC in the past that "once something is in the loop, or the horse is already out of the barn, it is not fair for you to place something "under consideration".

Both Dr. Day and Mr. Castro stated that neither of them had spoken with the Palm Beach Country Club relative to landmarking the building.

Commission members discussed this further, and differing opinions were expressed relative to this issue. Mr. Cooley asked how the LPC can preserve the property. Mr. Randolph responded that the LPC can 1) place it "under consideration"; or, 2) without placing it "under consideration", LPC staff and/or members could speak with the property owners to determine how the structure might be saved.

MOTION BY MR. COOLEY TO PLACE IT (851 NORTH LAKE WAY) "UNDER CONSIDERATION" AND THEN REQUEST THAT THE CHAIRMAN AND DR. DAY MEET WITH THE MANAGEMENT OR BOARD OF THE COUNTRY CLUB RELATIVE TO SAVING IT OR MOVING IT.

Prior to a second, commission members discussed the issue further, still with differing opinions. Mr. Castro questioned Mr. Randolph as to what happens to the special exception application if the building is placed "under consideration". Mr. Randolph responded that the applicant's special exception application would be stalled, not able to move forward.

MOTION SECONDED BY MR. STRAWBRIDGE.

Dr. Day noted that if the property is placed "under consideration" she will have to do a study of the property and prepare a Designation Report to be considered in the fall, when designation hearings are permitted. The property would be under the jurisdiction of the LPC if placed "under consideration". Any request for demolition and new construction would be reviewed by the LPC rather than ARCOM. Mr. Randolph indicated that this property owner would be held up from proceeding with an application

for demolition and new construction until after the designation hearing takes place in the fall. Mr. Randolph added that if new information becomes available between now and then, in the off season, the LPC is not prevented from removing the “under consideration” status. After further discussion, Chairman Cooney called for a roll call vote.

MOTION FAILED, 3-4, WITH MR. FELDKAMP, MR. MOORE, MS. WILLIS, AND MR. COONEY OPPOSED.

Mr. Cooney indicated that he and Dr. Day will discuss how to proceed with the Country Club to see where they stand on this matter.

Dr. Day stated that she had been contacted by the Florida Department of State to encourage public input in the Florida Statewide Comprehensive Historic Preservation Plan evaluation happening this spring and early summer in Tallahassee. Members who would like to participate in the meetings can participate at the local level at the Broward County Historical Commission in Fort Lauderdale on May 11, 2011 from 5:30 p.m. to 7:30 p.m. Dr. Day has the contact information and will forward it to the members.

XI. ADJOURNMENT:(11:22:09 a.m.)

Chairman Cooney adjourned the meeting (without motion) at 11:22 a.m. as there was no other business for discussion.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, May 18, 2011 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Edward Austin Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

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