



MINUTES
LANDMARKS PRESERVATION COMMISSION
IN THE TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD, PALM BEACH
WEDNESDAY, FEBRUARY 9, 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:(9:31:59 a.m.)

Chairman Pandula called the meeting to order at 9:31 a.m.

II. ROLL CALL:

Eugene Pandula, Chairman - PRESENT
William Lee Hanley Jr., Vice Chairman - PRESENT
William O. Cooley, Secretary - PRESENT
Dudley L. Moore, Jr., Member – ABSENT (unexcused)
Edward Austin Cooney, Member - PRESENT
William P. Feldkamp, Member - PRESENT
D Imogene Willis, Alternate Member – ABSENT (pending classification)
Wallace Rogers, Alternate Member - PRESENT
Rachel Lorentzen, Alternate Member – PRESENT

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

III. APPROVAL OF THE MINUTES OF THE JANUARY 19, 2011 MEETING:(9:32:03 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:(9:32:04 a.m.) By Mrs. Delp

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes)(9:32:20 a.m.)

Mr. Cooney provided a few acknowledgements: 1) Great lecture series at the Preservation Foundation “*Architects on the Architects*”; 2) Thanked the Preservation Foundation and the Colonial Dames of America for erecting the historic marker at the Little Red School House; 3) Lectures at the Society of the Four Arts; and, 4) Open House at the Palm Beach Hotel in conjunction with the Palm Beach Centennial and for the unveiling of a plaque adding the Palm Beach Hotel to the National Register of Historic Places.

VI. APPROVAL OF THE AGENDA:(9:33:58 a.m.)

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

VII. PUBLIC HEARINGS:(9:34:12 a.m.)

None

VIII. OTHER BUSINESS:

A. Informal Review (In conjunction with Variance #5-2011)

****LPC TO MAKE A RECOMMENDATION TO TOWN COUNCIL RELATIVE TO THE VARIANCE****

Subject Property Address: 860 S. Ocean Blvd.

Owner: John J. Cafaro, as Trustee of the John J. Cafaro Revocable Family Trust

Project Description: Installation of a parterre garden with marble fountain and statues in front yard (Variance to permit a statue/fountain which is 14 ft. in height in lieu of the 12 ft. maximum permitted)

Call for disclosure of ex parte communication: None declared

Attorney M. Timothy Hanlon addressed the commission explaining the owner’s request for a high quality, hand-carved, travertine marble fountain and statues, indicating that the fountain and statues are already in place at the site. He testified that the owner was not aware that these site additions required LPC review, and that the owner apologizes for their premature installation. Mr. Hanlon had met with Dr. Day regarding this issue. He reported that Dr. Day was concerned about the height and the mass of the fountain; that it might detract from the beautiful front facade and door; and, suggested that the top part of the fountain be removed.

Dustin Mizell, Landscape Architect, presented the proposed parterre garden in the front of the house (aforementioned fountain in the center of same). The garden, including loose stone paths and low clipped hedges, has a very formal design and was inspired by a tapestry.

Dr. Day testified that this home was designed by Julius Jacobs in 1929. She reported that a tax abatement (2001-2011) is in place for this property, so all projects must be reviewed with the Secretary of the Interior's Standards in mind. Also any interior renovations undertaken this year must be reviewed by the LPC. She showed several historic aerial photographs of the property showing a very informal front yard. Dr. Day called attention to the already placed statues of Roman soldiers which flank the front door of the home, and the other two travertine soldier statues placed eastward in the front yard. As for the fountain, Dr. Day recommended that the top of the fountain be removed, because the fountain should not compete with one of the most elaborate homes in town. That would leave the bottom portion of the fountain with the horses as a better solution, since she found historical reference for the horses in the balcony brackets on the house.

Mr. Cooney noted that this matter is before the LPC as a result of Code Enforcement Board action in November which required LPC review to take place.

Mr. Hanlon acknowledged that the property owner has agreed to remove the top of the fountain, which would negate the need for a variance. Mr. Hanlon indicated he will withdraw the variance request. Mr. Mizell was amenable to re-designing the garden, still retaining its formal character, but not as formal as this parterre design.

Commission Comments: Make the garden asymmetrical so as to not compete with the front door; not a fan of the fountain...far too ornate...it detracts from the façade; the entrance was more understated historically; the parterre garden is out of character as well...overly paved; reduce the height; make the landscape not so specific; look at the original landscape...it was very native, a great backdrop to a formal house; taking the top off makes it much less obtrusive; reduce the amount of stone by one-third; reduce the ornate quality; the statues detract from the house too; and, the statues can be moved, like a decoration.

Dr. Day clarified that no tax abatement was applicable for this project.

Mr. Hanlon wanted to make it clear, for the record, that his client, as a result of the Code Enforcement action, was resigned to remove all of the fountain and statues if that was required. The Code Enforcement Board responded that removal was not necessary provided the owner entered into the LPC review process. Since Mr. Hanlon could not withdraw the variance request today, Mr. Randolph advised the LPC to make a motion relative to the variance.

MOTION BY MR. COOLEY THAT THE PROPOSED PROJECT CAN BE DESIGNED IN AN ARCHITECTURALLY SUITABLE MANNER WHICH CONFORMS TO THE TOWN OF PALM BEACH CODE OF ORDINANCES WITHOUT THE NEED FOR A VARIANCE.

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

Mr. Lindgren affirmed that when the plans are re-designed, they are to include dimensions of the statues, their bases, and benches, setback information, and bench details. Mr. Cooney noted that the fountain/statues are illuminated too brightly at night and suggested that this be modified.

B. [Update from Dr. Day relative to: "Potentially Eligible" Properties that might be considered for designation as landmarks:](#)

1095 North Ocean Boulevard (former Kennedy property): Dr. Day stated that this property had been brought up twice before for landmark designation (1992 & 1994/95). The 1994/95 landmarking was contested, and it resulted in a partial landmarking of the famous wall/gate only, together with review of all changes to the property, rather than having them go to ARCOM. There was also an agreement that the remainder of the property would be landmarked within a five year time period. The commission, at that time, did not move forward to landmark the rest of the property since it was felt that the house's architectural integrity had been compromised by the changes made by the current owners, the Castles. In 94/95, all four criteria were used in the designation report. Any new attempt at designation would involve two designation criteria. Dr. Day reported that this information was discussed with Attorney Paul Rampell, representing the Castles. Mr. Rampell indicated he would take the information back to the property owners to see if they would consent to the landmarking. Dr. Day felt that absent owner consent, the LPC should not attempt to landmark the property. This meeting occurred a few weeks ago, and Mr. Rampell stated he would get back to Dr. Day. LPC members asked to review the "agreement" that the property was to be landmarked within five years of the 94/95 partial landmarking. Staff will look into this issue.

Breakers Cottages: Mr. Pandula stated that he and Dr. Day met with Paul Leone and Alex Gilmurray relative to the cottages. The Breakers representatives remain adamantly opposed to the idea of landmarking the cottages. Apparently, Mr. Keenan had told the Town Council some time ago that as long as the family owned the property, they had no intention of removing the cottages. Mr. Pandula saw no advantage to forcing the issue at this time, but at the same time saw no negative impact to the Breakers PUD if the cottages were to be landmarked. He recommended that the dialogue with the Breakers remain ongoing, with an assurance from the LPC that they are ready to assist the Breakers with saving, relocating, or suggesting adaptive re-use of the cottages. Dr. Day added that they had asked the Breakers representatives, if they wish to enact the standing PUD agreement, to reach out to the preservation community with sufficient advance notice so preservationists have an opportunity to get involved to save/move the cottages. Dr. Day stated that according to the Breakers representatives, the cottages are an integral part of their daily operations and they love the cottages, just as the LPC does. This is evidenced by the care which has been given to them...very pristine, according to Dr. Day. Chairman Pandula supported their placement on the list of "potentially eligible" structures, and stated that they should remain there since they are the last remaining important shingle style buildings left in the Town. Some members asked for an agreement with the Breakers which would establish a specific time period for advance notice of taking action involving the cottages. It was stated that the future of the cottages is precarious if the ownership of the property changes. After discussion, Mr. Pandula advised that no drastic action is needed now, in light of the assurances given publicly by Mr. Keenan to the Town Council, and by Mr. Leone and Mr. Gilmurray to Mr. Pandula and Dr. Day, but an ongoing dialogue should continue.

400 South Ocean Boulevard Condominium: Alex Ives of the Preservation Foundation and Dr. Day met with condo representatives, and will meet again with them on Monday. It is hoped that this will become a voluntary designation.

272 Wells Road: Dr. Day reported that this property owner is opposed to landmarking this property. It was one of the eleven properties that was recently placed “under consideration” at the January 2011 meeting.

Dr. Day stated that the members will receive two designation reports for hearings at the March LPC meeting.

IX. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(10:29:05 a.m.)

Mr. Feldkamp asked that there be an ordinance change requiring demolition requests to be reviewed by the LPC prior to any ARCOM action, so ARCOM is not powerless with regard to denial of demolition requests. Attorney Randolph responded that this would be the third time that the Town Council has looked at such a change, the last being just a few months ago. After consideration, the Town Council did not approve the change because they felt that clouding the title of a property, based upon such an amendment, is not appropriate. After discussion, the consensus was that the appropriate way to proceed is for the LPC to be pro-active to landmark properties, without a change to the current demolition process.

Since this was Mr. Hanley’s last LPC meeting, the commission recognized him for his excellent service to the LPC and to the Town, and gave him a round of applause. Mr. Hanley recalled his service as a great experience and such a pleasure to serve under Mr. Pandula, who has given of his time and talents so selflessly for so many years.

Mr. Pandula passed the gavel in order to make the following motion:

MOTION BY MR. PANDULA TO PLACE 234 EL BRILLO “UNDER CONSIDERATION” FOR LANDMARKING.

Mr. Pandula stated that this is a 1940 Howard Major design, which retains its architectural integrity, except for one addition in the rear. Recent advertisements relative to this property indicate that the building is threatened.

**MOTION SECONDED BY MR. HANLEY.
(SINCE MR. HANLEY WAS ACTING CHAIRMAN AT THIS TIME...)
MOTION SECONDED LATER BY MR. COONEY.
MOTION CARRIED UNANIMOUSLY.**

Mr. Page asked the opinion of the LPC relative to whether they feel it continues to be important that architects who serve on the LPC be Florida registered. This requirement is included in the

current LPC ordinance and the ORS committee is reviewing all Town ordinances for possible changes at this time. After discussion, all members present agreed that the requirement for Florida registered architects should remain in the ordinance. It was noted that an architect who is not licensed in the State of Florida is not precluded from service on the LPC.

X. ADJOURNMENT:

The meeting was adjourned at 10:55 a.m. with a motion sponsored by Mr. Hanley. There was no audible second, but the commission was unanimous in adjournment.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, March 16, 2011 at 9:30 a.m. in the Town Council Chambers, 360 South County Road, Palm Beach.

Respectfully submitted,

William O. Cooley, Secretary
LANDMARKS PRESERVATION COMMISSION

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