



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

WEDNESDAY, JANUARY 18, 2012, 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:(9:30:37 a.m.)

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

II. ROLL CALL:(9:30:40 a.m.)

Edward Austin Cooney, Chairman	PRESENT
William P. Feldkamp, Vice Chairman	PRESENT
William O. Cooley, Member	PRESENT
Dudley L. Moore, Jr., Member	PRESENT (arrived just after roll call)
Jacqueline Albarran, Member	PRESENT
William J. Strawbridge Jr., Member	PRESENT
Leslie Diver, Member	PRESENT
D Imogene Willis, Alternate Member	ABSENT (unexcused)
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, Jane S. Day, Ph.D., Staff Historic Preservation Consultant, and Cynthia Delp, Secretary to the Landmarks Preservation Commission

III. APPROVAL OF THE MINUTES OF THE DECEMBER 21, 2011 MEETING:(9:31:10 a.m.)

MOTION BY MR. FELDKAMP FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. COOLEY.

MOTION CARRIED UNANIMOUSLY.

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:(9:31:21 a.m.)

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

V. **COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes):(9:31:37 a.m.)** See comments later in these minutes.

VI. **APPROVAL OF THE AGENDA:(9:31:44 a.m.)**

Chairman Cooney announced that all of the three (3) projects for Certificate of Appropriateness hearing have requested deferral to the February meeting, and requested a motion(s) in that regard.

MOTION BY MS. DIVER TO DEFER ALL THREE PROJECTS (FOR COA HEARING) TO THE FEBRUARY MEETING.

MOTION SECONDED BY MR. STRAWBRIDGE.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MS. DIVER FOR APPROVAL OF THE AGENDA AS REVISED.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

VII. **PUBLIC HEARINGS:(9:32:38 a.m.)**

A. Application for Certificate of Appropriateness # 036 - 2011

Restoration/Rehabilitation/Addition/Landscape/hardscape/Demolition

Owner/Applicant: Mr. Arthur Minerof, The Milan Associates, L.P.

Address: 330 Island Road

Architect: The Pandula Architects, Inc.

Project Description: Request approval for restoration, rehabilitation, addition to historic structure, landscape/hardscape, and interior/exterior demolition which is further described as: Raise original structure, in place, from existing finished floor elevation 6.22 to finished floor elevation 7.50 flood elevation; Materials removal: Remove approx. 416 sq. ft. enclosed porch addition at southwest corner of residence; remove approx. 72 sq. ft. exterior elevator addition at southwest corner of residence; remove approx. 400 sq. ft. dining room addition at the south facade of the residence; removal approx. 150 sq. ft. greenhouse structure at the southeast corner of the property; remove miscellaneous interior partitions at the east side of the ground floor to allow the dining room to be re-located back to its original location, and, to accommodate a new kitchen/breakfast area with related support service areas and new back stair; remove miscellaneous interior partitions on the second floor to accommodate new bedroom/bathroom suite layouts and the introduction of a new back stair; remove non-original enclosure at the second floor south balcony and revise to a configuration similar to the original layout; remove non-original enclosure at the second floor north balcony and revise to a configuration similar to the original layout. New Construction: Create a new one-story loggia/cabana/ guest bedroom suite addition at the southeast corner of the residence, replacing the removed enclosed porch. This area will include a swimming pool to the south and garden courtyard to the north; create a new two-story addition at the southeast corner (rear) of the residence to accommodate staff areas on the ground floor and guest bedrooms at the second floor, including an expansion above the existing automobile garage; create a new covered porch/balcony element at the south facade of the residence, replacing the removed dining room addition. Miscellaneous: Replace existing windows with new painted wood hurricane rated units to match existing; repair/replace brick wall surfaces, roofing, fixtures and trim, as required, to match existing; update mechanical, electrical, plumbing and site drainage systems; landscape/hardscape finalized layout to be presented; other associated changes as presented

Please note that after hearing this project, there was a motion at the November meeting approving the materials removal plan, the site wall to the west, the footprint of the house presented, and demolition of all the structures as presented, and approval to raise the house, together with a deferral of the architectural details and the roof lines to the December meeting. At the December meeting, there was a motion for approval of the architecture as presented and a second motion for deferral of the landscape/hardscape. **PLEASE NOTE THAT THE ARCHITECT HAS REQUESTED A DEFERRAL TO THE FEBRUARY MEETING.**

DEFERRED TO FEBRUARY AT THE APPLICANT'S REQUEST (SEE MOTION ABOVE).

B. Application for Certificate of Appropriateness #038-2011

Restoration/Rehabilitation/Reconstruction

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Owner/Applicant: 456 WA LLC

Address: 456 Worth Avenue

Architect: Michael J. Johnson Architect

Project Description: Request approval of restoration, rehabilitation, reconstruction, landscape/hardscape, interior/exterior demolition, and exterior color change which is further described as: Demolition of 1980's addition of 274 sq. ft., 1980's carport of 407.7 sq. ft., 1940's pool cabana and garden walls of 146.5 sq. ft., 1980's garage and apartment of 1315.5 sq. ft., and 1980's second floor apartment of 471.5 sq. ft.; New Construction: new exterior covered loggia of 566.3 sq. ft., new A/C second floor bedrooms of 566.3 sq. ft., new one story garage of 576 sq. ft.; reconstruction/restoration of existing ground floor of 3804.5 sq. ft. and second floor of 3699 sq. ft.; Finishes: stucco over existing clay tile blocks and/or new CBS, new hurricane impact rated mahogany windows/doors/painted, clay tile roof, new metal railings at residence and at seawall/painted; Landscape: New landscape plan; and, other associated changes as presented. Variance requested for cubic content ratio.

Please note that the project was heard informally at the December 2011 meeting for an opinion/motion related to the requested variance. At that time there was a motion that implementation of the proposed variance will not cause negative architectural impacts to the subject landmarked property. There was a second motion to defer this Certificate of Appropriateness to the January meeting. **PLEASE BE ADVISED THAT THE ARCHITECT HAS REQUESTED A DEFERRAL TO THE FEBRUARY LPC MEETING.**

DEFERRED TO FEBRUARY AT THE APPLICANT'S REQUEST (SEE MOTION ABOVE).

C. Application for Certificate of Appropriateness #001 - 2012

Stair Layout, Doors/Windows, Roof, Landscape

Owner/Applicant: The Palmerial Revocable Trust, Maura Ziska as Trustee

Address: 801 S. County Road

Architect: Michael J. Johnson Architect

Project Description: Request approval for restoration, rehabilitation, new accessory structure, landscape/hardscape, demolition (interior and exterior) and awning which is further described as: New stair layout at south courtyard, reconfiguration for select doors/windows, garage roof to be reconfigured as a garden, preliminary landscape plan, and other associated changes as presented. Please note that this is a tax abatement project.

PLEASE BE ADVISED THAT THE ARCHITECT HAS REQUESTED A DEFERRAL TO THE FEBRUARY LPC MEETING. (Only informal review was possible at the January meeting due to advertising requirements.)

DEFERRED TO FEBRUARY AT THE APPLICANT'S REQUEST (SEE MOTION ABOVE).

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes):(9:33:16 a.m.)

Chairman Cooney asked for comments relative to any other subject than those listed under "Other Business". He made several comments:

1. Noted that the Police Impasse Hearing, also being held today, is at St. Edward's Church
2. Next month there will be a discussion relative to districting on Royal Poinciana Way
3. The February meeting will be held on February 14, 2012
4. Congratulated Dr. Day for her efforts in the successful landmarking of 330 Island Road and the 400 South Ocean Boulevard Condo.
5. Mentioned that at yesterday's Planning & Zoning Commission meeting, there was an interesting discussion relative to the Breakers PUD, which might be of interest to LPC members. The audio is available online.

Mr. Moore reminded that our legal counsel has advised that the LPC has no responsibility or authority pertaining to the use of the playhouse building. He also reminded that the purpose of this meeting is specifically related to the issue of whether the owners, or those in control of the Royal Poinciana Playhouse building, are negligent in maintaining the building to the extent that such lack of maintenance qualifies for citation from the Town of Palm Beach for demolition by neglect.

Mr. Feldkamp commented relative to the Wells Road Australian Pines. He felt that having the owners pay for the removal of the trees is unwarranted; that the Town arborist should be more proactive relative to the care and maintenance of the Australian Pines; and, that there is another Town problem in the Ficus trees on North County which are in bad shape due to White Fly.

Mr. Cooney passed the gavel to Mr. Feldkamp in order to make the following motion.

MOTION BY MR. COONEY TO PLACE "UNDER CONSIDERATION" (AS A SCENIC VISTA), THE NORTH COUNTY CANOPY WHICH EXTENDS FROM WELLS ROAD TO A BIT SOUTH OF MIRAFLORES DRIVE.

MOTION SECONDED BY MR. COOLEY.

MOTION CARRIED 6-1, WITH MS. DIVER OPPOSED AS SHE WOULD HAVE PREFERRED TO SEE A PHOTO OF THE AREA TO BE PLACED UNDER CONSIDERATION PRIOR TO VOTING FOR SAME.

VIII. OTHER BUSINESS: (9:44:13 a.m.)

- A. Discussion relative to "deterioration (aka demolition) by neglect" of the Royal Poinciana Playhouse [Edward Austin Cooney, LPC Chairman] *Let the record show that deterioration by neglect and demolition by neglect are used interchangeably in these minutes and by staff and the commission.*

Mr. Randolph interjected a point of order and requested a motion to defer the districting discussion for Royal Poinciana Way to the February meeting.

MOTION BY MS. DIVER TO DEFER THE ROYAL POINCIANA PROJECT (DISTRICTING) TO THE FEBRUARY MEETING.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

Mr. Randolph noted that the LPC has been given an inspection report of the Royal Poinciana Playhouse, an inspection done at the LPC's direction so that a determination could be made as to whether deterioration by neglect was present. The LPC ordinance includes specific standards for the assessment of deterioration by neglect as well as processes to follow when it is declared. He reminded the members that the LPC jurisdiction does not relate to the use of the structure, but only to the integrity of the structure itself. Further, the 1979 agreement, as it relates to use of the playhouse, should likewise not be discussed today as that is under the jurisdiction of the Town Council.

Mr. Page reported that the Building Official, Jeff Taylor, together with Bill Bucklew, Plans Examiner, Raychel Houston and Robert Walton, Code Enforcement, and Mike Curcio, Fire Inspector, performed the requested inspection of the playhouse on January 6, 2012. Mr. Taylor's report, in brief summary, did not find any demolition by neglect to be present at the site, and those findings are outlined according to code standards within the report.

Mr. Cooney listed his ex parte communications with regard to this matter.

Mr. Randolph addressed the processes related to a finding of deterioration by neglect together with required notification to the property owner; whether deterioration by neglect only relates to the exterior, or also to the interior of a building; the roles of the LPC, Code Enforcement and the Town Council in consideration of deterioration by neglect.

Chairman Cooney asked Mr. Randolph for clarification of the LPC ordinance, Section 54-40 (a) relative to the right of an LPC member to gain access to a property. Mr. Randolph will look into this matter.

There was some discussion relative to the possibility of mold being present within the building. Mr. Page responded that mold does not appear in Mr. Taylor's report, but the building was found to be structurally sound and water-tight, and no hazardous conditions were observed. The building was air conditioned upon inspection.

Attorney John Little with Gunster Yoakley, representing the Sterling Group, commented that Mr. Taylor's report speaks to each condition and gives a definitive answer to the question. Chairman Cooney thanked the property owner for working with the Building Department with regard to the inspection process.

Patrick Flynn, President of the Palm Beach Theater Guild, stated that the Guild had reports done also, for use of the theater, and for assessment of the structure. He thanked the LPC for looking into the issue of deterioration by neglect, and stressed the mission of the Guild to preserve the John Volk landmarked theatre as a venue for the performing arts, etc.

Attorney John Eubanks, representing Palm Beach Towers Condominium Association, submitted photos of work being done on the roof of the playhouse by Care Sheet Metal Inc. on three days right before the Town's inspection. He supported the LPC's right to investigate the deterioration by neglect issue.

MOTION BY MR. COOLEY TO ACCEPT THE REPORT AND DECLARE THAT AT THIS TIME THERE IS NO DEMOLITION BY NEGLECT.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

B. [February Landmark Designation\(s\)](#)

Dr. Day stated that 350 Island Road (1940, Fatio) and 272 Wells Road (Moorish Revival) will be heard at the February meeting for possible landmark designation.

IX. [COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR: \(10:22:55 a.m.\)](#)

Mr. Page reminded that the February meeting will be held on TUESDAY, February 14th.

Mr. Moore acknowledged the possible length of the next meeting in light of the three deferrals from today's meeting and the subject matter to be discussed relative to districting on Royal Poinciana Way. Chairman Cooney encouraged members to pick up their mini-sets of plans in preparation for the next meeting.

Alexander Ives, Executive Director of the Preservation Foundation, thanked the LPC for all of their efforts related to landmarking in the Town.

X. [ADJOURNMENT: \(10:24:54 a.m.\)](#)

MOTION BY MS. DIVER TO ADJOURN AT 10:25 A.M.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on TUESDAY, FEBRUARY 14, 2012 at 9:30 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Edward Austin Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

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