



**TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING
DEPARTMENT**

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, AUGUST 21, 2024.**

Please be advised that in keeping with a 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.

I. CALL TO ORDER

Chair Patterson called the meeting to order at 9:30 a.m.

II. ROLL CALL

Sue Patterson, Chair	PRESENT
Brittain Damgard, Vice Chair	PRESENT
Jacqueline Albarran, Member	PRESENT
Anne Fairfax, Member	ABSENT (Excused)
Julie Herzig Desnick, Member	PRESENT
Alexander Hufty Griswold, Member	PRESENT
Alexander Ives, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Catherine Brooker, Alternate Member	PRESENT
Laura Rose, Alternate Member	ABSENT (Unexcused)

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Abraham Fogel, Design and Preservation Planner
Kelly Churney, Acting Town Clerk
Assistant Town Attorney Lainey Francisco

III. PLEDGE OF ALLEGIANCE

Chair Patterson led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A. Minutes of the Landmarks Preservation Commission Meeting of July 17, 2024

A motion was made by Ms. Damgard and seconded by Ms. Metzger to approve the minutes of the July 17, 2024, meeting as presented. The motion was carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

A motion was made by Mr. Ives and seconded by Ms. Metzger to approve the

agenda as presented. The motion was carried unanimously, 7-0.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY

Ms. Churney swore in all those intending to speak and continued to do so throughout the meeting, as necessary.

VII. COMMENTS FROM THE LANDMARKS PRESERVATION COMMISSION MEMBERS

There were no comments at this time.

A. Administrative Review Monthly Update

Ms. Mittner stated that staff had reviewed 24 administrative applications within the last month. She added that the information had been provided to the commissioners should they have questions about the actions taken. She also indicated that the residence at 251 Nightingale Trail had recently received the Historically Significant Building designation.

B. Overview of Past Projects

Mr. Fogel presented the completed changes to the residence at 425 Seabreeze Avenue.

VIII. COMMENTS OF DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT

There were no comments at this time.

IX. COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3-MINUTE LIMIT PLEASE)

There were no comments at this time.

X. PROJECT REVIEW

A. CERTIFICATES OF APPROPRIATENESS - OLD BUSINESS

1. **COA-24-0002 (ZON-24-0009) 195 VIA DEL MAR (COMBO)** The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting a Certificate of Appropriateness for the review and approval for the construction of a second-story addition, window and door replacement, vehicular and pedestrian gates, and hardscape and landscape modifications which requires one (1) variance to reduce the minimum driveway area in front of the vehicular gate fronting South County Road. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. *[At the June 21, 2024, LPC meeting, the Landmarks Preservation Commission voted 7-0 that the implementation of the proposed variance (ZON-24-0009) will not cause a negative architectural impact on the subject property for the gate fronting South County Road. At the July 10, 2024, TC meeting, ZON-24-0009 was approved by Town Council 5-0] [Variance requests for building height (ZON-24-0031) and the gate post and gate height fronting Via Del Mar (ZON-24-0039) have been added.]*

Mr. Fogel provided staff comments for this project.

Several members disclosed ex-parte communications.

Scott Sottile of Ferguson & Shamamian Architects made the architectural presentation for the landmarked residence.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Ms. Damgard considered the height of the gate's columns and piers acceptable and supported the request.

Ms. Herzig-Desnick thought the height of the addition was acceptable. However, she thought the gate design proportions were incorrect and added that it looked too high.

Mr. Ives wondered about the gate height preferred by the applicant. Mr. Sottile responded.

Ms. Herzig-Desnick thought the gate height should be lowered by one foot, and the pier height was acceptable. Mr. Sottile responded.

Mr. Griswold supported the height of the piers and gate.

Ms. Albarran was glad the addition's roof did not affect the cornice.

Aimee Sunny of The Preservation Foundation of Palm Beach thought both options protected the cornice, which she thought was most important.

Ms. Albarran agreed that the piers and gate should be taller. She thought the height of the original gate was optimal, and she supported the need for the variance.

Mr. Griswold supported the addition's taller design.

Ms. Patterson thought it would be a missed opportunity not to use the original drawing of the gate and lanterns. She thought the proportions of the original gates were ideal.

Ms. Damgard asked if the owner would lower the gate to the original design. Mr. Sottile agreed.

A motion was made by Mr. Ives and seconded by Mr. Griswold to approve the project with the applicant's preferred design choices and with the condition that the vehicular gate shall be reduced in height by six (6) inches. The motion was carried unanimously, 7-0.

A motion was made by Mr. Ives and seconded by Ms. Damgard that the implementation of the proposed variance will not cause a negative architectural impact on the subject landmarked property. The motion was carried unanimously, 7-0.

B. CERTIFICATES OF APPROPRIATENESS-NEW BUSINESS

1. **COA-24-0009 125 VIA DEL LAGO** The applicant, Chris Kindle, with LaBerge & Menard Inc. on behalf of owners Todd and Kim Glaser, has filed an application requesting a Certificate of Appropriateness for the review and approval of an office accessory structure.

Ms. Mittner provided staff comments for this project.

Several members disclosed ex-parte communications.

Daniel Menard of LaBerge and Menard Inc. presented the architectural plans for the landmark residence, and Chris Cawley of Christopher Cawley Landscape Architecture presented the landscape and hardscape plans for the site.

Ms. Patterson called for public comment.

Aimee Sunny of The Preservation Foundation of Palm Beach was glad to see the accessory structure separated from the main structure. However, she questioned the structure's proportions, particularly the fenestration and side wings, and how they attached to the roof structure.

Ms. Patterson agreed with Ms. Sunny. She thought the accessory structure was bland and lacking character. To add character to the new structure, she recommended using details seen on the front entry of the main house. She also recommended removing the two smaller pools and mimicking the small quatrefoil design on the end of the main pool.

Ms. Damgard thought the design was too bulky and solid and lacked charm. She recommended changing the proportions and adding some detailing from the main home.

Owner Todd Michael Glaser provided the reason for the design and stated he could add keystone to the arches.

Mr. Ives understood the design was not to compete with the main building. He agreed with Ms. Sunny and thought the proportions needed restudied and scaled down. He questioned the accessory structure's location.

Ms. Herzig-Desnick thought the accessory structure was too big and needed to be reduced. She also questioned the need for the reflecting pool and thought the space could use more creativity.

Ms. Albarran agreed the accessory structure was too big and needed to be lowered in height. She also recommended moving the structure back to align the fenestration.

Mr. Menard indicated that the owner's attorney indicated that the applicant would like to withdraw the application for the project.

Ms. Mittner indicated that staff would need a written withdrawal from the applicant.

No motion was made at this time. The applicant shall submit a formal letter to the Town withdrawing the project.

2. **COA-24-0010 (ZON-24-0032) 228 SEASPRAY AVE (COMBO)** The applicant, Smith Architectural Group, has filed an application requesting a Certificate of Appropriateness for the review and approval of the construction of a second-story addition and covered terrace and partial window replacement which requires two (2) variances to 1) reduce the side yard setback and 2) increase the allowable cubic content ratio (CCR). This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments for this project.

Several members disclosed ex-parte communications.

Maura Ziska, the applicant's attorney, introduced the project, explained the requested variances, and advocated for a positive recommendation to the Town Council. Jeff Smith from Smith Architectural Group made the architectural presentation for the landmarked residence.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Mr. Ives supported the project.

Ms. Damgard loved the rendering and was supportive of the project. She asked how the tented structure would fare during storms. Mr. Smith responded.

A motion was made by Ms. Damgard and seconded by Mr. Ives to approve the project as presented. The motion was carried unanimously, 7-0.

A motion was made by Mr. Ives and seconded by Ms. Damgard that the implementation of the proposed variance will not cause a negative architectural impact on the subject landmarked property. The motion was carried unanimously, 7-0.

3. **COA-24-0012 (ZON-24-0016) 238 PHIPPS PLAZA (COMBO)** The applicant, Joshua Levy with Phipps Plaza Properties, LLC, has filed an application requesting a Certificate of Appropriateness for the review and approval of a new awning which requires two (2) variances

to reduce the minimum side yard and rear yard setbacks. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Fogel provided staff comments for this project.

Several members disclosed ex-parte communications.

Maura Ziska, the applicant's attorney, introduced the project, explained the requested variances, and advocated for a positive recommendation to the Town Council. Nelo Freijomel of Spina O'Rourke + Partners made the architectural presentation for the landmarked residence.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Ms. Albarran thought the property was very charming and supported the project.

Ms. Damgard supported the changes but questioned the awning in stripes. She wondered why it was not proposed in blue to match the Carriage House. Mr. Freijomel responded.

A motion was made by Ms. Albarran and seconded by Ms. Damgard to approve the project as presented. The motion was carried unanimously, 7-0.

A motion was made by Mr. Ives and seconded by Ms. Albarran that the implementation of the proposed variance will not cause a negative architectural impact on the subject landmarked property. The motion was carried unanimously, 7-0.

4. **COA-24-0013 70 MIDDLE RD.** The applicant, Jennifer Naegele, has filed an application requesting a Certificate of Appropriateness for the review and approval of demolition and reconstruction of portions of the structure's exterior walls.

Mr. Fogel provided staff comments for this project.

Several members disclosed ex-parte communications.

Bill Langford of SKA Architect + Planner provided an overview of the project and pointed out issues that were found during construction.

Tom Abbasi, a structural engineer of Botkin Parssi & Associates, Inc., discussed the structural issues discovered during construction.

Ms. Patterson acknowledged that the Commission had an issue with the team deciding to move forward without first addressing the problems with the Commission.

Ms. Patterson called for public comment. No one indicated a desire to speak.

Wayne Bergman, Director of the Planning, Zoning and Building Department, provided a comprehensive update from March 2023. He indicated construction had ensued over the last 11 years, with 54 permit applications and 45 issued. The ongoing project received approval in 2019 and was delayed due to COVID. He indicated that the current project required five variances, which the Town Council had not reviewed or approved. He added that three administrative approvals had been issued since 2019. Mr. Bergman said there had been many meetings and conversations with the owner, contractors, design professionals, and neighbors. However, the project was still not nearly finished, and he concluded that the permit would expire in November.

Ms. Damgard wondered if the project could be completed.

General Contractor Tim Bowser discussed why the team moved forward on some of the demolition. He stated that his team had made significant improvements since starting the project.

Ms. Damgard asked about the possibility of finishing by November. Mr. Bowser stated it could not be completed by the November deadline. He thought two years would be needed to complete the exterior and an additional year for the interior.

Mr. Griswold asked about removing the walls on the west elevation, specifically the wall with the cracking shown. Mr. Bowser responded. Mr. Griswold wondered about the screening requirements in the Code and why this property had not been adhering to the requirement.

Ms. Herzig-Desnick asked if any non-approved work would be completed at the home.

James Bowser, working with Tim Bowser, stated that his team would complete only approved work and no additional work. Ms. Herzig-Desnick thought a firm timeline for the construction of work should be instituted and implemented.

Ms. Brooker questioned the reasons provided for the removal of the walls. She thought it was unfortunate given that the project had a 3-year timeline that remained, and she sympathized with the neighbors. She thought a clear path forward was in everyone's best interest.

Mr. Ives agreed with Ms. Brooker's comments. He strongly disagreed with the reason for removing the walls, especially since the acknowledgment was made for the remaining three-year timeline for the project. He acknowledged that most of the owners followed the

proper construction process and did not believe the reasons for the work without approval were legitimate. He was not in favor of bending the rules for the applicant and did not have any sympathy. He thought the project should be shut down, especially since the owner was not a good steward of the landmarked property.

Ms. Damgard wondered if a double or triple crew working on the project could complete the work in a shorter timeline.

Tim Bowser stated he could double the crew but indicated issues with ordering materials without approval, such as the windows. Ms. Mittner indicated that the windows had been approved. Mr. Langford stated they could not order the windows due to the measurements, but the window selection had been approved.

Frank Lynch, the attorney for neighbors Jill and Avrie Glazer, understood the Commission's frustrations. However, he indicated that the reason for the application was due to two walls. He thought that the project needed to conclude.

Ms. Brooker confirmed that the approval needed today was a retroactive approval for removing two walls. She wondered if further approvals could be given to tie the project to a more comprehensive schedule.

Ms. Mittner stated a more comprehensive schedule could be requested before approval was given for the project.

Mr. Landford stated that the applicant would be returning for the variances that were never approved.

Mr. Ives suggested denying the project to maintain the Landmark Preservation Commission's integrity. He added that if the applicant could appeal the decision to the Town Council, who could weigh the options.

Attorney Lainey Francisco discussed the options available to the Commission.

Ms. Patterson was inclined to support a denial. She stated that the applicant did not want special treatment and that the property's condition was disrespectful to the Town.

Mr. Bergman outlined the five unresolved areas of the project and who was responsible for them. He thought a plan and a timeline were needed to complete the project with a completion date and acceptance by the owner to maintain the site.

Mr. Ives thought providing additional opportunities to the owner would not resolve the issues.

A motion was made by Mr. Ives to deny the project.

Ms. Damgard thought the project needed to be completed with a compromise because the neighbors would not be happy with an abandoned home.

Attorney Lainey Francisco asked the Commission to clearly cite the applicable code sections in their motion, regardless of the direction.

Mr. Langford stated that if the project was deferred or denied, it would stop moving forward. He also stated that it would be returning to the Commission and the Town Council for the variances. Ms. Mittner stated that unless there were additional requests, the project would move directly to the Town Council for approval. Mr. Langford said that the owner did have an additional request.

Mr. Griswold did not believe there was a desire to finish the project and felt the project could be completed in a shorter timeline than presented.

A revised motion was made by Mr. Ives to deny the project since it did not meet the criteria in Chapter 54, Sections 122, 123, and 125, specifically 125 (b). The motion was seconded by Ms. Herzig-Desnick. The motion carried 4-3, with Mr. Griswold, Mses. Brooker and Damgard dissenting.

C. HISTORICALLY SIGNIFICANT BUILDINGS-OLDBUSINESS- NONE

Clerk's note: A short break was taken at 11:31 a.m. The meeting resumed at 11:42 a.m.

D. HISTORICALLY SIGNIFICANT BUILDINGS-NEWBUSINESS

1. **HSB-24-0002 211 PARK AVE.** The applicant, Jonas Heidrich, has filed an application requesting the review and approval of window and door replacement, the addition of new window and door openings, roof replacement, installation of exterior detailing, landscaping, and hardscape modifications.

Ms. Mittner provided staff comments for this project.

Several members disclosed ex-parte communications.

Daniel Menard of LaBerge and Menard Inc. made the architectural presentation for the landmark residence. Mr. Menard brought material samples and colors to show the Commissioners.

Ms. Damgard confirmed muntin pattern changes in the fenestration.

Mr. Menard stated that the drawings had not been changed but confirmed the changes would be made.

Todd MacLean of Todd MacLean Outdoors presented the landscape and hardscape plans for the site.

Ms. Damgard asked about the proposed material for the fenestration. Mr. Menard responded, discussed the proposed windows, and confirmed that impact windows would be used. Ms. Damgard also asked about the proposed color for the home and windows, to which Mr. Menard responded.

Ms. Brooker thought it was terrific that the home was being preserved.

Ms. Patterson called for public comment.

Aimee Sunny of The Preservation Foundation of Palm Beach was glad to see the preservation of the residence. She recommended the nine-over-one original windows on the home, a thin wood sill on the windows, and the wood mullion. She suggested an option for the roof material to preserve a roof detail. She thought the project complied with the Secretary of Interior's Standards. Lastly, she pointed out that the aluminum windows may not be able to be painted in the green color.

Mr. Griswold thought the project was charming. He asked about the manufacture of the proposed windows. Jonas Heidrich, the owner, discussed the possible manufacturers.

Ms. Damgard asked the owner if he would use a wooden sill and mullion, to which Mr. Heidrich provided confirmation.

Ms. Patterson liked the proposed green for the window color but wondered if the body color was too dark. Mr. Menard agreed and described how the paint color would be tested.

A motion was made by Mr. Ives and seconded by Ms. Damgard to approve as presented. The motion was carried unanimously, 7-0.

A revised motion was made by Mr. Ives and seconded by Mr. Griswold to approve the project as presented, with the conditions that the windows will be nine (9) over one (1) where appropriate, the rafter tails on the lower roof will be exposed if appropriate, and the applicant will have the option of either a flat or dimensional shingle depending on the condition of the lower roof. The motion was carried unanimously, 7-0.

2. **HSB-24-0005 (ZON-24-0035) 854 SOUTH COUNTY ROAD (COMBO)** The applicant, Dustin Mizell, with Environmental Design Group on behalf of owner Andrew Unanue, has filed an application requesting review and approval of a guest house, gazebo, driveway, as well as hardscape

and landscape modifications, including a variance to allow an additional guest house. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Fogel provided staff comments for this project.

Several members disclosed ex-parte communications.

Adam Mills of Environment Design Group presented the landscape and hardscape plans for the site. Tom Benedict of The Benedict Bullock Group, PA, made the architectural presentation for the landmark residence.

Ms. Patterson called for public comment.

Aimee Sunny of The Preservation Foundation of Palm Beach wondered if the guesthouse without the addition was proposed. Mr. Mills stated it was only a guesthouse. She was happy to hear that the guesthouse would not impact the original home. She encouraged the Commission to review the roof pitches of the proposed guesthouse.

Ms. Patterson questioned the front entrance of the proposed guest house. She thought the proposal lacked the charm seen in the main home, and the gazebo lacked charm.

Mr. Griswold thought the guesthouse's scale was respectful of the site. He agreed that the roof pitches could be studied.

Ms. Metzger thought the changes were nice. She asked for confirmation that the quoins on the guesthouse would be beveled, to which Mr. Benedict provided confirmation.

Ms. Albarran agreed that the roof design needed some refinement and suggested changing the roof on the front entry.

Ms. Patterson suggested using similar bay windows from the main home on the guesthouse to add charm. She also suggested lowering the guesthouse's roof.

Ms. Herzig-Desnick thought the design was too Neo-Classical and recommended placing the design under one roof. Ms. Albarran thought one roof would look too massive.

Carl Hart of RWB Construction Management stated that the guesthouse and gazebo were in the project's second phase. However, he noted that the hardscape changes were needed for the owners to move into the home.

A motion was made by Ms. Damgard and seconded by Mr. Ives to approve the landscape, hardscape, and gate designs and defer the remainder of the project to the meeting on October 16, 2024. The

motion was carried unanimously, 7-0.

XI. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

Daniel Menard discussed a new measurement tool that is being used in his office to accurately measure and record the interiors and exteriors of homes. He stated he could demonstrate the tool at the next meeting.

Ms. Churney stated that at the July 17, 2024, meeting, Anne Fairfax declared conflicts for the projects at 214 Brazilian Avenue and 134 Seabreeze Avenue and correctly filed the proper forms required by the state.

XII. NEXT MEETING DATE: Wednesday, September 18, 2024

XIII. ADJOURNMENT

A motion was made by Mr. Ives and seconded by Mr. Griswold to adjourn the meeting at 12:48 p.m. The motion was carried unanimously, 7-0.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, September 18, 2024, at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully submitted,

Sue Patterson, Chair
LANDMARKS PRESERVATION COMMISSION

kmc