



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, DECEMBER 21, 2005 AT 9:00 A.M.

AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I **Call to Order:** Chairman Pandula called the meeting to order at 9:01 a.m.

II **Roll Call:**

PRESENT: Eugene Pandula, Chairman
Judy Hoffman, Vice Chairman
Wendy Victor, Secretary
Ann Blades, Member
William Lee Hanley Jr., Member
Patrick Segraves, Member
Eileen L. Bresnan, Alternate Member
Gail L. Coniglio, Alternate Member
Hazel Rubin, Alternate Member
John C. Randolph, Town Attorney
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant

ABSENT: Robert T. Eigelberger, Member (Unexcused)
Veronica Close, Director of Planning Zoning & Building Dept.

RECORDING SECRETARY: Gretchen Dayton
TRANSCRIBED BY: Cynthia M. Delp

Let the record show that a Court Reporter was present for the hearing relative to 150/158 South Ocean Boulevard (Item A.).

III **Approval of the Minutes of the November 16, 2005 Meeting:**
MOTION BY MRS. VICTOR FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

IV **Administration of the Oath to all persons who wish to testify:**
Ms. Dayton administered the oath to all those who wished to testify.

V Public Hearings:

A. Application for Certificate of Appropriateness #26-2005, (deferred from Oct.& Nov.) Reconstruction

Owner/Applicant: Mr. and Mrs. David Koch

Address: 150/158 South Ocean Boulevard

Architect: Thomas M. Kirchhoff

and Review of the project to provide feedback to the Town Council relative to Variance #39-2005

Project Description: As described below:

150/158 South Ocean Boulevard Owner/Applicant: Mr. and Mrs. David Koch Request approval for reconstruction which is further described as : Villa El Sarmiento (150 South Ocean Blvd.) is the Landmarked Mediterranean style residence of Mr. and Mrs. David Koch. The Kochs recently purchased the adjacent property, 158 South Ocean Blvd., which is also a Landmarked residence, but of the British Colonial style. The Koch's house at 150 South Ocean Blvd., Villa El Sarmiento, is one of the more significant and recognizable Mediterranean style properties in town. Addison Mizner designed this home for Anthony J. Drexel Biddle, Jr. in 1923. The home was extensively renovated by the Kochs in 1999. The home at 158 South Ocean Blvd. was originally built in 1925. It underwent significant alterations in 1931 and was transformed by Architect Howard Major into the British Colonial style. The integration of these 2 properties will preserve the individual character, design, and identity of each Landmarked residence. From all public rights of way the residence will appear as 2 separate, distinct structures. The property will be unified with a Unity of Title. The reconstruction of 158 South Ocean Blvd. will reproduce original details with the same exterior finish materials on the features which copy the original. New features not part of the original (garage, service entrance) will be differentiated in material and detailing so as not to appear as part of the original.

Alterations to Villa El Sarmiento (150 South Ocean Blvd):

Remove exposed garages, awning, and trash from alley on west side of the property. Remove mechanical service structure from east courtyard adjacent to Joseph Urban Dining Room. Provide enclosed structure for whole house generator and mechanical services removed from east courtyard. Addition of a one story (link) at South end of house as connection to adjacent Howard Major residence. Addition to contain an office for the House Manager, receiving area for services, and an expanded Laundry Room. Addition of a one story Loggia along east side of the existing Kitchen as one part of the family's circulation to the adjacent residence. The portion of the Loggia that comprises part of the link between the residences will be trellised, and it contains a landscaped open area between the trellis and the roofed link.

Alterations to Howard Major Residence (158 South Ocean Blvd):

Reconstruct East Loggia and covered balcony above in a location 10 feet to the west. This is the only part of the existing residence which is Landmarked. It is in poor condition. Renovations to this area were performed which were not consistent with the original design. Design and construction of this feature will copy (to extent possible) existing construction believed to be original, or photographs and drawings of the original feature. Reconstruct the existing main two-story mass of the house. New feature to match existing dimensions in north-south direction, but

will be 4 feet less in east-west dimension (47 feet in lieu of 51 feet). This feature will contain an informal Family Room space on the first floor fronting on the East Lawn through the Landmarked arches as well as a 3 bedroom staff apartment on the second floor. Details and finish materials fronting on Clarke Avenue (to extent possible) will match those attributed to the Howard Major Design. The existing open courtyard is to be reconstructed in a location 6 feet to the west and to the exact size and detail as existing. The existing courtyard is framed by two story elements to the east and north and a one story element to the south and west. It is open to the exterior to the west. The new courtyard will be framed by two story and one story elements on the same corresponding sides, but it will be open to the exterior on the north, relating to the new trellis/loggia entry element, and enclosed by a garage element to the west. The existing one story entrance and Loggia feature on the south side (facing Clarke Avenue) will be reconstructed to the exact size and design as existing. Details and exterior finish materials will match those attributed to Howard Major. Remove the existing swimming pool and replace it with a motor court. The existing dependency structures (pavilions) at the alley will remain and serve as an entry feature to the motor court. Remove the 2-story portion of the residence which currently houses the 3 car garage facing the alley. 2 new garages will replace this as a one story element defining the western side of the courtyard.

PLEASE NOTE THAT THIS PROJECT WAS DEFERRED FROM THE OCTOBER MEETING AT THE ARCHITECT'S REQUEST. AT THE NOVEMBER MEETING, THE PROJECT WAS DEFERRED TO THE DECEMBER MEETING.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION.

Mr. Hanley, Mrs. Blades, Mr. Pandula, Mrs. Victor, Mrs. Bresnan, Mrs. Coniglio and Mrs. Rubin met with the architect and attorney at the site.

Attorney Maura Ziska stated that the client is hoping to obtain approval of the plans which have been revised since the November meeting, and a favorable recommendation for the requested variances which will be heard by the Town Council in January. Ms. Ziska deferred to the architect, Tom Kirchhoff, to continue the presentation. Ms. Dayton administered the oath to Mr. Kirchhoff and all those who were not previously sworn.

Mr. Kirchhoff stated that at the November meeting, the presentation was for a reconstruction with tear down of the 158 South Ocean Boulevard house. Since that time, preservation was in focus as a result of the Four Arts symposium, *The Art of the Town*. In an attempt to reach to a higher level of preservation, Mr. Kirchhoff stated that the project will now be considered a "rehabilitation" which will save the portions of the house which were to be reconstructed in the former scheme, with the balance of the proposal being the same as presented last month. Certain portions of the home will still be demolished to facilitate creation of the new west motorcourt and joining 158 to 150 South Ocean Boulevard. On the first floor, the three car garage, the old sleeping staff porch and part of the family room area will be demolished. The remainder of the first floor, including the landmarked arches, will be saved. Exterior walls of the saved portion of the building will be restored rather than reconstructed. On the second floor, the two story mass of the house, including the roof structure and exterior walls, will be saved.

Mr. Kirchhoff explained that his client's primary desire is to create an expanse of front lawn all along South Ocean Boulevard from Barton Avenue to Clarke Avenue. To accomplish this, the

proposal still includes moving the 158 South Ocean Boulevard structure fifteen (15') feet to the west. The two buildings will be joined via a one story front trellis element and a one story service wing in the rear. A larger landscape buffer will serve to conceal the connector.

Mrs. Victor asked for some assurance that the (158) building will not fall apart in the move. Mr. Kirchhoff responded that they plan to use La Plant Adair to move the structure, and stated that this company is well versed in moving buildings of all construction types. Mr. Kirchhoff felt sure that the building would be safe.

Mr. Kirchhoff recalled the previously stated concern relative to the existing Clarke Avenue driveway, especially as expressed by the neighbor, Mr. Burke Ross. The Kochs agreed to eliminate the driveway. Instead, a garden courtyard will be created on Clarke Avenue with a gate and walkway to the front door of 158 South Ocean Boulevard.

Mr. Pandula asked for staff comments. Mr. Frank responded that at the meeting in November the commission asked that a structural engineer review the 158 South Ocean Boulevard structure at the expense of the applicant. The firm of Digby Bridges, Marsh and Associates, PA. has performed this review. Mr. Frank read the report into the record. The report stated that the request was to do a structural survey of the first floor five arches on the east elevation, part of which was a destructive investigation. The report indicated that some partially rusted existing reinforcement bars were found, but "it appears that the inner bars are not rusting. Using today's techniques these bars are quite repairable, and we recommend that this be carried out using a contractor that specializes in this type of repair."

Continuing with staff comments, Mr. Frank noted that during the construction for this project, "much of this material will be removed totally from the site and replaced by new construction materials." Mrs. Day offered her strong support for the project, as presented. She felt that the property owners have come so far in arriving at the proposal presented today. She echoed Mr. Frank's cautionary comment that during construction of this project, it will appear that large portions of the house have been taken away. She stated that she has been assured by the architect that all that can be kept of the original house will be kept. Mrs. Day commented that this proposal was a good solution for both of the houses, and it opens up a larger area between the two buildings to allow for more landscape between them. This will allow them to still read as two houses when viewed from the east lawn. Mr. Frank added congratulatory comments to Mr. Kirchhoff for his work in the ultimate evolution of this project, especially since the original concept requested by the client was for total demolition of the 158 South Ocean Boulevard structure. Mr. Frank stated that staff fully supports this project and feels that the project serves the best interests of the town. Mrs. Day added that an important corner of the Town has been saved here, and this is a win-win situation for the property owner and the Landmarks Preservation Commission.

Mrs. Victor asked for clarification as to what portions of the 158 South Ocean Boulevard structure would be saved. Those portions are: the east facade as seen from South Ocean Boulevard; and, the Clarke Avenue south facade (the easterly portion). None of those portions will be reconstructed, but they will be moved. These walls are not coming down. All brick work and exterior materials will be saved and moved. The reconstruction will occur on the interior and the rear portions. New windows will be installed throughout the structure as existing

windows are rotted. Impact windows will be installed wherever possible, with the joints sistered interiorly to provide the needed strength within the walls. On the east facade, the original Major shuttering system and railing will be duplicated.

Mr. Kirchhoff stated that since this is the third time he has appeared at the LPC relative to this project, he would like to receive an endorsement of the variances and an approval to move forward with the concept, as proposed. This would enable Mr. Kirchhoff to move forward with design development construction documents at this time, however, he pledged to return to the LPC prior to construction beginning.

Ms. Ziska described the variances. The 158 South Ocean Boulevard home is non-conforming as it exists today, and in order to move it and keep the same setbacks and height, the variances have been requested for the Clarke Avenue street setback, the overall height, the CCR, and for the angle of vision. Mr. Paul Castro, Zoning Administrator, stated that all of the aforementioned variances are still required, even though the project has been modified.

Mr. Pandula had no problem with endorsing the variances. He stated that this is "a very good project from where it started." He felt that the project was more in spirit of the landmarking which occurred fifteen years ago, than what actually occurred at that time (a partial designation of the arches only). He made the commissioners aware that moving the building back fifteen feet is not necessary, but is a trade-off to provide the property owner the front yard that he wants and to save more of the original structure in the cause of preservation. Mr. Pandula pointed out the height of the eave line of the north wing, questioning why it was higher. Mr. Kirchhoff was unclear as to why it was higher on the drawings, but stated he would clarify this point before any construction is started. Mr. Pandula also requested that there be a pre-construction meeting between the architect and staff to clarify all aspects of the project.

MOTION BY MR. HANLEY TO APPROVE THE PROJECT, AS PRESENTED, WITH THE PROVISIO THAT THE APPLICANT RETURNS TO THE LPC WITH WORKING DRAWINGS.

**MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.**

MOTION BY MR. HANLEY THAT THE LPC STRONGLY RECOMMENDS THAT THE VARIANCES BE APPROVED SO THE PROJECT, AS PRESENTED, CAN PROCEED.

**MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.**

The LPC thanked Mr. Kirchhoff for all his efforts relative to this project. Mrs. Victor also thanked the Four Arts and the Preservation Foundation for sponsoring *The Art of the Town* which served to help Mr. Kirchhoff and his client modify the project to that which was presented today and was ultimately approved. Mrs. Blades noted that Mr. Kirchhoff had attended all of the sessions of *The Art of the Town*, and congratulated him for that.

B. Application for Certificate of Appropriateness # 27-2005

Owner/Applicant: Glenn and Diane Zeitz

Address: 142 Seabreeze Avenue

Architect: James C. Paine

Project Description: Request approval of landscape/hardscape which is further described as: A portion of an exterior patio raised to first finish floor level to act as a landing and access for new french doors previously approved for the rear of this residential structure, and other associated changes as presented.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mr. Paine was not present at this time. As such, the following motion was made.

MOTION BY MRS. BLADES TO DEFER TO THE END OF THE MEETING.

MOTION SECONDED BY MRS. VICTOR.

MOTION CARRIED UNANIMOUSLY.

After Other Business, this item was recalled, and the following is an account of that hearing.

Ms. Dayton administered the oath to Mr. Paine, the architect. He explained that the LPC has seen this project several times, and today's hearing will allow for formal action relative to the proposal. This project had required a variance which was approved by the Town Council.

MOTION BY MR. SEGRAVES FOR APPROVAL OF THE PROJECT.

**MOTION SECONDED BY MRS. BLADES AND MR. HANLEY
SIMULTANEOUSLY.**

MOTION CARRIED UNANIMOUSLY.

VI Other Business:

A. Discussion relative to tree on the Four Arts property

Ms. Kit Pannill, here on behalf of the Society of the Four Arts, and a member of the Garden Club, addressed the commission. She referred to the Sandlewood Tree Update dated 11/30/05 which had been distributed to the members. Ms. Pannill introduced Mr. Robert Haehle, the Town's Arborist, to explain why an undesignation of the Sandlewood Tree is being proposed. He explained that the tree has a specific canker which has spread rapidly up the tree and is encircling the trunk. This produces a hazardous condition as the tree could fall over at any time. Further, since the garden is currently under construction, it would be prudent to remove the tree at this time.

Mr. Haehle confirmed that this tree is on the Town's list of Specimen Trees. Its undesignation must be heard by the Town Council in accordance with the Specimen Tree

ordinance, but any new plant material will have to be approved by the Landmarks Preservation Commission. A representative from Morgan Wheelock Inc., testified that they are not ready to submit any particular replacement plant species at this time, but will submit to the LPC when the selection has been made. Mrs. Blades asked that the LPC be given an update of the changes which have been made, post Hurricane Wilma, when they return with the plant/tree selections.

B. Status Report: Palm Beach Public School

Mr. Frank stated that barrel tiles will be installed at the 1921 portion of the structure, as opposed to the S tiles which were about to be installed, but then were removed as a result of LPC and staff objections. Since it will take some time for the barrel tiles to become available, the roof will be sealed and fully waterproofed to enable use of the building.

Secondly, the clock is still in limbo. The contractor is requesting a \$5000 change order to hook up the clock to the school's electrical system, and this must be approved by the School Board. The clock, itself, has been donated.

The school is scheduled to be open in January 2006. Landscaping and lighting are still at issue at the site. Mr. Frank noted that the LPC has not approved light fixtures to date. Mrs. Victor stated that the only landscaping that is being provided are the eight trees along Cocoanut Row. Mrs. Blades expressed her concern that the holes for the eight palm trees must accommodate the balls of the trees so the trees can survive. Mr. Frank will have the Town Forester check on this aspect. Mr. Segraves brought up the perimeter wall with the fencing on top as another problem at the site, especially considering sight triangle regulations. Mr. Frank responded that the raised parking lot and wall with fencing was never approved by the LPC, and this has been placed in writing to the School Board. In fact, the wall with fencing would require a variance. Ms. Close, Director of Planning Zoning & Building has been negotiating with the School Board relative to these issues.

Mrs. Victor requested that a letter be drafted from the LPC to the Town Council listing all of the outstanding issues relative to the new school which require further action.

MOTION BY MRS. HOFFMAN THAT THE LPC DRAFT A LETTER, FOR THE CHAIRMAN'S SIGNATURE, TO THE TOWN COUNCIL RELATIVE TO THE UNAPPROVED INSTALLATIONS/EXISTING CONDITIONS AT THE PALM BEACH PUBLIC SCHOOL.

MOTION SECONDED BY MR. HANLEY.

Mr. Pandula agreed with the motion, but stated that the letter should be as comprehensive as possible to outline the history of what has happened with the school project.

MOTION CARRIED UNANIMOUSLY.

C. Update relative to Seagull Cottage

Mr. Frank reported that the Town Council has selected the central site in Bradley Park for Seagull Cottage, as opposed to the west or east positions. The Town will move forward with a referendum in February relative to the impact on the green space at Bradley Park. Mrs. Victor asked Mr. Randolph how the referendum would be worded. He responded that the wording was basically "Shall Bradley Park be improved by the placement of Seagull Cottage thereon and shall it be leased to the Preservation Foundation for a period in excess of five years." The referendum does not specify any particular location in Bradley Park. The lease will be a long term lease, but not for perpetuity, per Mr. Randolph.

Mrs. Victor asked whether the voters would be able to see visuals of Seagull Cottage placed in Bradley Park. Mrs. Victor also mentioned that the Breakers may be constructing condominiums on their Royal Poinciana Way property across the intersection from Bradley Park, and visuals should be provided for this construction as well. She felt that this information would be helpful in the LPC's review of the Certificate of Appropriateness for Seagull Cottage's placement in Bradley Park, and would be helpful to the voters when deciding about the referendum. Mr. Frank was unaware of any plans being submitted to the Town for construction on the Breakers property.

D. Distribution of Designation Report(s) for January meeting

Copies of the designation report for 442 Seaspray Avenue were distributed to the members. This residence was designed by William Manley King.

At this point, Item B was recalled. See Item B for that record.

VII Adjournment:

The meeting adjourned at 10:08 a.m.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, January 18, 2006 at 9:00 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

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**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2005

MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
Eugene Pandula	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>
Ann Vanneck	<u>_P_</u>	<u>_P_</u>	(n/a-terms expired)									
Ann Blades	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_E_</u>	<u>_P_</u>	<u>_U_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>
Jack Pyms	<u>_P_</u>	<u>_P_</u>	<u>_E_</u>	(Resigned 3/29/05)								
Judy Hoffman	<u>_P_</u>	<u>_U_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>
Patrick Segraves	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>
Wendy Victor	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_U_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>
William Lee Hanley Jr.	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>
Robert Eigelberger				<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_U_</u>

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
Robert T. Eigelberger	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	(Promoted to regular member)								
Eileen L. (Morris) Bresnan	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_U_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>
Gail L. Coniglio	<u>_n/a_</u>	<u>_n/a_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>
Hazel Rubin	<u>_n/a_</u>	<u>_n/a_</u>	<u>_n/a_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>

LEGEND: P=Present. E=Excused, U=Unexcused, A=Absence Pending Classification as "excused" or "unexcused"



**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

RECORD OF VOTING CONFLICTS 2005

MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
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Eugene Pandula	(1) <u>VPD1</u>						(1) <u>VPD1</u>	<u>VPD1</u> (2) <u>V1</u> (2) <u>V1</u> (3)				
	(1)421 Peruvian Avenue, (2)442 Seaspray Avenue,(3) 822 South County Road											
Ann Blades												
Jack Pyms			(Resigned 3/29/05)									
Judy Hoffman												
Patrick Segraves								<u>V1</u>	<u>VPD1</u>			
Wendy Victor												
William Lee Hanley Jr.												
Robert T. Eigelberger												

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
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Robert T. Eigelberger				(promoted to regular member)								
Eileen L. (Morris) Bresnan												
Gail L. Coniglio												

Hazel Rubin

LEGEND:	V	=	One Voting Conflict during a meeting	VPD	=	Voting Conflict Previously Declared
	V2	=	Two Voting Conflicts during a meeting			(This category to be used when a conflict has
	V3	=	Three Voting Conflicts during a meeting			Been declared at a previous meeting, and the
						Changes being reviewed are part of an ongoing
						project. ONLY COUNT ORIGINALDECLARED
						CONFLICT PER JCR, TOWN ATTORNEY)