

**MINUTES
LANDMARKS PRESERVATION COMMISSION
AT THE
EMERGENCY OPERATIONS CENTER
3RD FLOOR
355 SOUTH COUNTY ROAD**

THURSDAY, NOVEMBER 19, 2009, 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 Cindy 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 Pandula called the meeting to order at 9:30 a.m.

II. ROLL CALL:(9:30:59 a.m.)

All regular members and all alternate members of the Landmarks Preservation Commission were present.

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

III. APPROVAL OF THE MINUTES OF THE OCTOBER 20, 2009 MEETING:(9:31:31 a.m.)

**MOTION BY MR. HANLEY FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.**

IV. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:
(9:31:35 a.m.)

Mrs. Delp administered the oath to all those who wished to testify.

V. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes) **(9:31:47 a.m.)**

Pursuant to a question from Mr. Eigelberger, Mr. Page clarified that the judge has ruled in favor of the Town, and there will be no referendum relative to the Royal Poinciana Theater.

Patrick Flynn, President of the Palm Beach Theater Guild, offered some comments regarding the plans for re-adaptive use of the Royal Poinciana Playhouse which would transform it from a booking/touring house to a producing regional theater. The theater would provide a venue for plays, musicals, dance, light opera, concerts, and occasional trials. Mr. Flynn directed the attention of the LPC to the subject of the Celebrity Room Ceiling Mural by Robert Bushnell which is titled "Venetian Festival". It had been alleged that the mural had been removed, but indeed, it has been found. Mr. Flynn viewed this as a priceless piece of art and urged the members to go to see it.

VI. APPROVAL OF THE AGENDA: **(9:53:21 a.m.)**

This item was missed, but it was handled a bit later in the agenda.

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

VII. PUBLIC HEARINGS:

A. Application for Certificate of Appropriateness #17-09,

Phase II restoration

Owner/Applicant: Bath & Tennis Club Inc.

Address: 1170 South Ocean Boulevard

Architect: Glidden, Spina & Partners, Keith Spina

Project Description: Request approval for Phase II restoration, reconstruction, landscape/hardscape, demolition (interior), demolition (exterior), awning, exterior color change which is further described as: Replace existing "yellow" awning fabric with "green/tan" striped fabric. "Green/tan" striped awning fabric was previously approved by Landmarks Preservation Commission for all awning fabric replacement: North Bar, Director's Row Cabanas, Umbrellas at Cafeteria patio; Replace canvas awnings with cypress beams and barrel tile awning. Landmarks Preservation Commission has previously reviewed similar proposal and approved: Swim Shop, Entrance of Women's Locker Room, Entrance at Sandpiper; Deletion

of roof at Courtyard Stair Landing including awnings and windows. During demolition, original arched top window was discovered. New roof would have covered this up. Arched top canvas awning may be requested as alternate for weather protection; Minor revisions to fountain in courtyard; Raised parapet wall above courtyard entry to Sandpiper in order to screen mechanical equipment; Replace existing concrete patio slab with new. New patio slab is similar to "Tabby" concrete; Outrigger profile at Cafeteria roof due to roof replacement. Outrigger was changed from 2x8 to 3x8, required for structural support; Interior round column build outs at Cafeteria-Build out is pecky cypress to match walls; Slider windows in lieu of fixed glass at Sandpiper (match original); Replace existing concrete patio slab with new. New patio slab is similar to "Tabby" concrete; Spindles at cabana louvers that face into the courtyard spindles are typical architectural detail from original Joseph Urban design; Landscape Plan at Courtyard – minor revisions to plant material; Removal of 3 cabanas outside South Bar; and other associated changes as presented.

Several members made ex parte communication declarations.

Mr. Spina indicated that these Phase II changes are part of a tax abatement project. He had presented these changes, which are already in place, at the October meeting as an informal review. He provided a PowerPoint presentation illustrating the as-built conditions. In addition to the detailed project description as noted, Mr. Spina presented all new aluminum, off-white/cream windows, and noted that the discovered original arched top window will be left exposed.

Mr. Moore noted that the spindles on the window which is on the North side of the service entrance are brown, instead of grey like all of the others. Mr. Spina responded that this will be addressed as they move around the building.

**MOTION BY MR. ROBERTS FOR APPROVAL OF PHASE II AS
SUBMITTED FORMALLY AND UPDATED TODAY.
MOTION SECONDED BY MR. HANLEY AND MR. EIGELBERGER
SIMULTANEOUSLY.
MOTION CARRIED UNANIMOUSLY.**

Mr. Pandula cautioned Mr. Spina to bring future changes forward to the LPC in a more timely manner. Mr. Spina indicated that both he and the Bath & Tennis Club understand this requirement.

B. [Application for Certificate of Appropriateness #18-09](#)

Phase III restoration

Owner/Applicant: Bath & Tennis Club Inc.

Address: 1170 South Ocean Boulevard

Architect: Glidden Spina & Partners, Keith Spina

Project Description: Request approval for Phase III restoration, reconstruction, landscape/hardscape, demolition (interior), demolition (exterior), awning, exterior color change which is further described as: South Bar - Add three doors & windows at patios and replace existing windows on south wall; North Bar – Remove recess arches and add 2 new arch windows and replace awning with barrel roof tile; North Cabana – Remove storage and upper cabana walkway and add cabinettes with new roof; Service Court – Replace existing awnings with new barrel tile roof. Remove upper stair and add extension to parapet wall; Main Courtyard – Raise parapet wall, add walls on roof, and replace awning with new barrel tile roof; Cabanas – Replace remaining yellow awnings with new green and tan fabric; Promenade – Replace upper windows to original configuration with wood balustrades; Tower & Courtyard – Replace windows and provide ADA ramp from upper level to new barrel tile roof. Add new door and windows; Upper level – Replace all windows and wood spindles. Add new elevator; Salon Area – Add new door, replace existing doors. Remove some existing windows, and replace existing windows; and other associated changes as presented

Mr. Spina continued with the Bath & Tennis Club's Phase III restoration, which is likewise a tax abatement project. There were no additional ex parte communication declarations. Mr. Spina indicated that the following rooms are affected on the first level: North Bar, Ballroom, Living Room and Crescent Lounge, South Bar, Entry Salon, 7-up Room, Dining Room, and Dance Floor. On the upper level, the Administration Offices, Fitness Center, Board Room, Massage, and Yoga areas are affected. The cabinettes, small cabanas by the pool, are also part of the Phase III project. In addition to the detailed project description as noted, Mr. Spina presented an addition to the building which serves as a connector from the elevator to the Board Room. Mr. Spina stated that when the project is complete, no mechanical equipment will be visible as it will either be removed or screened. Interior changes were reviewed as well since this is a tax abatement project.

Mrs. Day offered her comments relative to the proposal for this very important Town building: That it is not the best preservation to replace awnings with barrel tile shed roofs; that changing fenestration should be avoided whenever possible; that the mural in the Ballroom was done by Henry La Cagnia, one of the five artists who painted Key West to promote it, and the screen at the kitchen entrance may also have been done by such an artist, and should be saved; that the service area should not be adorned with unnecessary details, such as the parapet; and, the landscaping at the service court may deserve further study.

Robert Moore, former Director of Planning, Zoning & Building, spoke on behalf of

the Bath & Tennis Club regarding the service area. People have complained about the condition of this area for years, and in an agreement with the Town Council in the 1990's, the Club had to clean up the service area. Some landscape materials will not survive in this area. Mr. Dudley Moore advocated the removal of the landscape buffer and replacement of a buffer made of plaster covered steel bollards planted with vines. Mr. Robert Moore noted that this is DOT right of way, and any bollards would require DOT approval. Mr. Eigelberger requested a re-examination of the footprint of the service area, especially with regard to landscaping.

Mrs. Day added that the original Joseph Urban large parapet, which was once on the building and fell off during a hurricane, should be replaced. Mr. Spina will mention this to the Club, but it would be a major expense.

Mr. Pandula spoke against the various parapets which have been added, along with the emblem on one of them. Mr. Spina agreed to remove the emblem.

Mrs. Golino also took issue with the service court, recommending much improvement in the landscaping, removal of the parapet, improvement to the utilitarian railing, and a change to the chain link fence at the tennis court which is quite visible from the street. Mr. Spina agreed to study the railing and chain link fence issues.

It should be noted that neither interior nor exterior lighting was presented or approved as part of this project.

Regarding the parapets, Mr. Roberts recommended that the parapets would be acceptable to be made higher to hide equipment providing no shapes are changed, no logos added, and the existing architecture is retained.

**MOTION BY MR. HANLEY FOR APPROVAL AS SUBMITTED,
TOGETHER WITH A DEFERRAL OF THE SERVICE COURT AREA
INCLUDING LANDSCAPING, PARAPET CHANGES/REMOVAL, STAIR
RAILING, AND CHAINLINK FENCE.**

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

VIII. DESIGNATION HEARINGS:(10:54:25 a.m.)

Item 1: Seagull Cottage, 58 Cocoanut Row

Owner: Royal Poinciana Chapel

Mrs. Day testified to the history and architectural history of the Seagull Cottage which is a typical Victorian era shingle style cottage. It was originally called McCormick Cottage when Flagler purchased it. Flagler renamed it Croton Cottage, but it was

renamed Seagull Cottage after the cottage was moved closer to the ocean on the Breakers property. In 1985, the Preservation Foundation moved Seagull Cottage to its current location and retained ownership of the cottage. The land, however, was owned by the Royal Poinciana Chapel. The Preservation Foundation requested landmarking, but was opposed by the Chapel. Since the cottage fulfilled three of the four criteria for landmark designation, the Town Council at that time, as a compromise, voted to approve a landmark designation for 25 years, which will expire June 11, 2010. Since that time, ownership of the Cottage has changed to the Chapel. At one time, there were discussions regarding moving the Cottage, but instead, a 2007 plan to renovate and construct an addition to the north end of the Cottage was approved by the LPC under Certificate of Appropriateness #10-2007, with some concessions made relative to materials, particularly the substitution of Hardi-board for wood siding. As a trade off for those concessions, the Chapel agreed to have the Cottage landmarked in perpetuity. Mrs. Day testified that the Seagull Cottage meets the following criteria for landmark designation:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen.

It was noted that proof of publication and proper legal service were achieved with regard to this hearing.

MOTION BY MR. EIGELBERGER THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

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

John Mashek of the Preservation Foundation encouraged the LPC to approve the designation for perpetuity.

Mr. Moore noted that there will be a formal opening of the Cottage in January, and encouraged all LPC members to attend that opening. He congratulated the design team on a job well done. Mrs. Day echoed praises for Mrs. Albarran de Mendoza, the project architect.

MOTION BY MR. EIGELBERGER THAT SEAGULL COTTAGE, LOCATED AT 58 COCOANUT ROW AND OWNED BY THE ROYAL POINCIANA CHAPEL BE RECOMMENDED TO THE TOWN COUNCIL AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS

PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. ROBERTS.

MOTION CARRIED UNANIMOUSLY.

IX. OTHER BUSINESS:(11:10:29 a.m.)

**A. Informal Review: 120 North County Road, Palm Beach Orthodox Synagogue, Inc.
(deferred from August & Sept.)**

(In conjunction with Special Exception #10-2009 w/Site Plan Review and Variances)

Addition of gabled parapet located at the center of the existing building on East facade. New barrel tile gable roof behind proposed parapet to attach to existing barrel tile roof. New barrel tile shed roof on north end of building to match existing barrel tile roof on south end of building. New signage and symbol to be added below new center parapet. All details to match existing.

Members declared ex parte communications.

Attorney Maura Ziska, and Arthur Chabon and Jacqueline Albarran de Mendoza, Architects, presented this informal review. (Please note that the formal review of this item will occur at the January 2010 LPC meeting.) Ms. Ziska elaborated on the variances required for the project which are being requested to allow for architectural changes, and she noted that the project will not increase any usable square footage at the site.

Mrs. Delp administered the oath to Mr. Chabon who gave a brief history of the synagogue property which began as 120 North County Road, then acquiring 126 North County Road, and finally, the third building, 122 North County Road. Mr. Chabon discussed the approvals given thus far for these buildings. As a result of the implementation of those changes, the buildings now have a "civic, public presence" according to Mr. Chabon. The proposal at hand focuses on defining a clear entry to the synagogue; creating a stronger relationship between the three buildings; and elevating the architectural design of the buildings. Mr. Chabon elaborated on the project including the new pediment, architectural details, paint treatments, and signage. The signage, in applied bronze letters, includes a Star of David, the name of the building, and a dedication line.

Mrs. Albarran de Mendoza addressed the concerns expressed by a neighbor at the Sun & Surf, noting that the project will actually help to hide the air conditioning units he was concerned about.

A question was raised about the necessity to include a donor's name in the signage. It was suggested that this could be accomplished with a small plaque instead.

Mrs. Day provided some comments regarding the project and the history of these buildings.

MOTION BY MR. EIGELBERGER THAT THE IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACT TO THE SUBJECT LANDMARKED PROPERTY.

MOTION SECONDED BY MR. COOLEY.

Mr. Harris Fried, Chairman of the Building Committee at the Palm Beach Synagogue, requested that they be given the option to either erect a dedication plaque or a third line for dedication on the sign as the donor has been extremely generous to the synagogue. The LPC reiterated their preference for a plaque.

Mr. Lindgren read a letter into the record, dated August 18, 2009, from James F. Byrne objecting to the project. Ms. Ziska stated that she has spoken with Mr. Byrne since the letter was written and she expects that he will write another letter withdrawing his objection.

MOTION CARRIED UNANIMOUSLY.

B. [Deterioration by Neglect \(Comments by Town Attorney\)](#)

Mr. Randolph explained the existing due process requirements as they relate to "deterioration by neglect." He explained that "deterioration by neglect" is not defined in the code. The code does, however, define "demolition by neglect", and Mr. Randolph speculated whether it was intended that there was a difference between the two, or whether the two terms can be used interchangeably. Similarly, he commented that "deterioration by neglect" may be the first step toward a determination of "demolition by neglect".

Mr. Eigelberger brought up the pavilion at Casa Bendita. (Mr. Eigelberger thought it was landmarked, but it is not as clarified by Mrs. Day.) Mr. Eigelberger stated that the condition of the pavilion is poor; that it is "ready to fall down;" and, that it is a liability. Mr. Randolph recalled that the property owners of Casa Bendita spent their own funds to restore the pavilion and entered into an agreement with the Town that after that restoration was complete, the Town would take over maintenance of the structure. Mr. Page will follow up with Public Works relative to the pavilion maintenance and will report back next month.

After discussion, the following motion was made:

MOTION BY MR. COOLEY TO ASK THE TOWN COUNCIL TO HAVE THE TOWN ATTORNEY CLEAN UP THIS LANGUAGE AND MAKE IT ALL PARALLEL SO IT WORKS.

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

In further discussion, it was made clear that definitions for both terms should be established. The LPC indicated that they would like to be able to intervene early in cases of "deterioration by neglect" in an effort to forestall "demolition by neglect".

X. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR:(11:54:38 a.m.)

Mr. Page referred to the meeting dates for 2010, which had been distributed to the members. Meetings will occur on Wednesdays once again, with the exception of September and December, when the meetings will be held on the Thursday following the normal Wednesday meeting date.

Mrs. Day distributed the designation report for 271 El Vedado Road in preparation for next month's hearing.

Mrs. Day announced that the Florida Trust meeting will be held in Sanibel from May 12, 2010 to May 15, 2010.

Mr. Pandula reported that he, Mrs. Day, and others had given a talk at the Preservation Foundation regarding Modernism. It was, he felt, a very successful lecture. He noted that the University of Florida will be using the Manus house as a case study.

Mr. Pandula indicated that conversations have begun with Mr. Feldkamp, the ARCOM Chairman, regarding how to involve the LPC prior to ARCOM having to approve a demolition. The Master Site Files updates are scheduled for completion by October 2010, and may be utilized in the process. Changes to the ARCOM ordinance are possible.

Alexander Ives, Preservation Foundation, announced that the Preservation Foundation will host an exhibit from December 18, 2009 to February 5, 2010 entitled Modernism at Risk.

XI. ADJOURNMENT:(11:59:52 a.m.)

**MOTION BY MR. EIGELBERGER TO ADJOURN AT 12:01 P.M.
MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Landmarks Preservation Commission will be held on **Tuesday, December 15, 2009** at 9:30 a.m. in the Emergency Operations Center, 3rd floor, 355 South County Road, Palm Beach.

Respectfully submitted,

Charles S. Roberts, Secretary
LANDMARKS PRESERVATION COMMISSION

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