



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, NOVEMBER 17, 1993

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

I. Call to Order: The meeting was called to order at 9:03 a.m. by Chairman Lillian Jane Volk.

II. Roll Call:

PRESENT: Lillian Jane Volk, Chairman
Sally Gingras, Secretary
William S. Gubelmann, Member
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member
Leslie Divoll, Member
Arthur Silverman, Alternate Member
Jane R. Grace, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Elise P. Mackintosh, Vice Chairman
(Please note that Mrs. Mackintosh is recovering from surgery, and therefore, this absence is excused.)

RECORDING SECRETARY: Cynthia M. Delp

Please note that Mrs. Albarran de Mendoza arrived just after the roll was called.

Please note that Mr. Silverman will be voting in Mrs. Mackintosh's place today.

III. Approval of the Minutes of the October 20, 1993 Meeting:

Mrs. Divoll requested the following change to Page 5 of the October Minutes:

Existing portion of Minutes: "This prompted Ms. Divoll to request that the Commission look at the entire color package for Mar-a-Lago in an effort to arrive at the palette of colors which shall be considered the "restoration colors", i. e., the colors which existed at the date of Mrs. Post's changing the brown wood trim to whitewash."

Change proposed by Ms. Divoll: "Ms. Divoll requested that the Landmarks Commission formalize the date or date range to which Mar-a-Lago would be restored, based on the applicant's request, using Mrs. Post's "six

months after" decision. Other future changes to Mar-a-Lago should be consistent with and guided by the date of Mrs. Post's "six month" decision, and that that be established as the restoration date for Mar-a-Lago"

(Let the record show that no member specifically stated a motion to approve the minutes as amended. There was, however, a second to an assumed motion to approve the minutes as amended by Mr. Silverman, and a unanimous vote of approval. Therefore, the formal approval of the October Minutes, as amended, will be carried on the December agenda as an agenda item.)

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 47-93, Change color of woodwork

Owner/Applicant: Mr. Donald Trump

Address: 1100 South Ocean Boulevard

Project Description: Request approval to change the color of the existing woodwork to white, and other associated changes as presented. Please note that this is a continuation of the October hearing.

Mr. Frank stated that at last month's meeting, the Commission had approved changing the color of the existing woodwork at Mar-a-Lago to semi-gloss white. The Commission requested more information, however, relative to the original colors of the crests, or coats-of-arms, and statues, or pages at the main entrance. In continuing discussions with Mar-a-Lago representatives, it was revealed that matching crests, whose colors are more intact, have been located on other Post properties. Therefore, it has been determined that a straight restoration will be done with respect to the crests. The statues, however, will require the investigation by a metals expert to ascertain their original coloration, and hopefully, these can be done as a straight restoration as well. Mr. Frank stated that the matter of the crests may be revisited at a future meeting, in the form of a status report, provided they will be a straight restoration. Due to the nature of the investigation required on the statues, however, this matter will be brought back to the Commission in the form of a Certificate of Appropriateness. Staff recommended removal of this item from the agenda, recognizing that semi-gloss white was approved for the woodwork at the October meeting.

MOTION BY MR. SILVERMAN TO REMOVE THIS ITEM FROM THE AGENDA RECOGNIZING THAT SEMI-GLOSS WHITE HAD BEEN PREVIOUSLY APPROVED AT THE OCTOBER MEETING FOR USE ON THE WOOD TRIM.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness No. 56-93,
Roof replacement

Owner: Mr. Stephen Phillips

Applicant: Mr. Edward Cook

Address: 210 Via Del Mar

Project Description: Request approval to replace existing roof tiles with visually similar material, and other associated changes as presented.

Mrs. Albarran de Mendoza declared her conflict with respect to this matter, as she is involved with the project. She is not yet the architect of record, however, as Mr. Cook has not closed on the property. Mr. Randolph stated that this declaration of conflict will cover today's application as well as the anticipated future application.

Mr. Peter Broberg, Esq., representing the contract purchaser, reiterated that upon inspection, it was determined that the steep roofs at the Normandy style 210 Via Del Mar need to be totally replaced. The replacement of the roof with the existing material, terracotta tiles which are no longer in production, would cost approximately \$ 400,000. The contract purchaser is unwilling to spend this amount of money to replace the roof. Mr. Broberg stated that the sale of this property is contingent upon settling this roofing matter, and the closing is set for November 22, 1993. At the October meeting, Mr. Broberg had presented a sample of the proposed replacement material, Certainteed, a fiberglass material. The Commission was concerned with what they perceived as a lack of thickness of the Certainteed, and suggested that Mr. Broberg look at the Celotex Presidential shake shingle used on Duck's Nest.

Today, Mr. Broberg brought samples of the Celotex and Certainteed roofing materials, and also a sample of a terracotta colored cement tile. Mr. Broberg's position was that Certainteed was the best choice for this site, and further, was his client's choice. He gave the applicant's roofing choices in order of preference.

Applicant's Choice #1: Certainteed Fiberglass Roof Material - the most expensive of the choices; 430 lb/100 sq. ft. Most similar in color variations to the existing roof.

Applicant's Choice #2: Celotex Presidential Shake Shingle - 365 lb/100 sq. ft.

Applicant's Choice #3: Cement tiles - the least expensive option, though admittedly, Mr. Broberg had no figures to substantiate this.

Ms. Divoll stated that she is very interested in the Cement tile option, as the closest approximation to the original tiles. Cement tiles are available in diverse colors, thicknesses and widths. The Commission supported Ms. Divoll's interest in the cement tile option, as a possibility, using a similar thickness and color as the

existing roof material.

At this point, Mr. Jeffery W. Smith, Architect, who was present in the audience, approached the Commission. He stated that he had looked at this property on behalf of another client. He also stated that there is a clay tile, Ludowici tile, which is still made in Ohio, although it is very expensive. Alternatively, he suggested that perhaps enough of the existing roof is salvageable for re-use. Then the owner would merely have to order enough tiles to cover the remaining area. Mr. Broberg responded that of the two roofing contractors who looked at the roof, neither suggested saving the tiles. Mr. Gubelmann stated, from his personal experience, that it is possible to remove and stockpile existing roof materials.

As for the Celotex option, Mr. Frank stated that the suggested Celotex material is made to mimic shake, not tile. Mr. Broberg stated that Certainteed, however, is designed to mimic tile.

Mrs. Divoll presented the following three possible options for investigation: (PLEASE NOTE THAT THIS WAS LATER ACCEPTED AS A MOTION.)

CHOICE #1: RESTORATION, TO REPAIR RATHER THAN REPLACE, TO STOCKPILE AND RE-USE AS MUCH OF THE HISTORIC MATERIAL AS POSSIBLE, THEREBY REDUCING THE AMOUNT OF NEW MATERIAL TO BE BOUGHT.

CHOICE #2: USE OF A MATERIAL WHICH IS AS CLOSE AS POSSIBLE TO THE EXISTING - CONCRETE TILE IN THE SAME DIMENSION AND COLOR AS THE EXISTING MATERIAL.

CHOICE #3: CERTAINTEED, INTENDED TO REPLACE A TILE ROOF.

PLEASE NOTE THAT THE COMMISSION CONSIDERED MS. DIVOLL'S STATEMENT OF THREE POSSIBLE OPTIONS AS A MOTION.

Ms. Divoll suggested that the above three options be available to the applicant, giving Staff the authority to expedite the matter and finalize the selection.

Mr. Moore stated that the applicant is requesting approval of a particular material. The Commission may consider cost as a factor, but authenticity and quality of the material is of more importance. He cautioned the Commission not to base any motion on cost, and urged the Commission to offer the applicant a first, second and third option, in order of preference, and the ability to choose one of the three. Staff cannot and should not enter into reviewing the cost of any of the options. Mrs. Gingras questioned whether the Commission could require the applicant to investigate all three options, to which Mr. Moore replied affirmatively.

The Commission instructed Mr. Frank that when the applicant has completed investigation of the three options, they must come to Staff with the evidence of such an investigation, so

that Mr. Frank can, with the applicant, finalize the selection of one of the options. Staff will not consider the cost factor when making this final selection.

MRS. DIVOLL AMENDED HER MOTION REGARDING THE CEMENT TILE, SUCH THAT IT WOULD BE AN "EQUIVALENT" CEMENT TILE, PLUS OR MINUS 2" dimensionally, and thickness up to double the thickness, and exposure plus or minus 2", with a color range of four or five colors.

Upon Mrs. Volk's request, Ms. Divoll re-stated her motion:

"THE MOTION, IN EFFECT, IS TO REQUEST THAT THE APPLICANT CHOOSE AMONG A RANGE OF ROOFING OPTIONS - THE FIRST AND PREFERABLE BEING TO STOCKPILE HISTORIC MATERIAL AND AUGMENT IT AS NEEDED WITH ADDITIONAL NEW MATERIAL. THIS IS THE RESTORATION APPROACH.

A SECOND CHOICE IS TO SEEK A REPLACEMENT MATERIAL IN CLAY OR CEMENT TILE THAT CLOSELY MATCHES ACCORDING TO THE DESCRIPTIVE INFORMATION I JUST STATED, THAT CLOSELY MATCHES THE HISTORICAL MATERIAL IN SIZE, COLOR, THICKNESS.

THE REMOTE THIRD CHOICE IS A REPLACEMENT MATERIAL OF THE CERTAINTED PRODUCT THAT IS INTENDED TO LOOK LIKE TILE, NOT A SHAKE TILE;

AND THAT STAFF BE GIVEN THE LATITUDE TO REVIEW THE INFORMATION THE APPLICANT BRINGS AND SELECT OR REJECT THE APPLICANT'S CHOICES, AND THAT A CONSIDERATION OF COST IS NOT THE STAFF'S RESPONSIBILITY."

Mr. Broberg stated that Mr. Cook's choice was the Certainteed, and he viewed Choice #1 and #2, as proposed in the motion above, as a possible problem. Mrs. Volk commented, though, that the investigation may very well show that Choice #1 is the least expensive of the options. She reminded Mr. Broberg that the Landmarks Commission exists to assist a landmark owner in making "appropriate" changes to their properties, and functions in an advisory capacity in this regard.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

- C. Application for Certificate of Appropriateness No. 57-93,
Front entrance modification and balcony railing
Owner/Applicant: Mr. and Mrs. Daniel Mahoney
Address: 1200 South Ocean Boulevard
Architect: Smith Architectural Group
Project Description: Request approval to modify front entrance to shorten columns; add concrete walls, and iron railing at balcony above, and other associated changes as presented.

Mr. Jeffery W. Smith and Mr. Ken Brower presented this request. The wrought aluminum railing portion of the

project is pure restoration, and does not require LPC action. Mr. Smith presented Mizner's original photo of this home, which shows the balcony in place. Mr. Smith explained that the driveway had been changed at this site, and now the front entrance steps do not meet it properly. Consequently, the existing front entrance columns will be shortened, and low concrete curved walls will flank new curved steps. The two finial balls on top of the front door freeze will be replaced.

MOTION BY MS. DIVOLL TO APPROVE COA #57-93, AS PRESENTED.
MOTION SECONDED BY MRS. METZGER.
MOTION CARRIED UNANIMOUSLY.

- D. Application for Certificate of Appropriateness No. 58-93,
Identification signage
Owner: Mr. Franklin Frank
Applicant: Mr. Tim Lynch, Sandwiches by the Sea
Address: 363-A South County Road
Project Description: Request approval for identification signage on window to read "Sandwiches by the Sea" on the first line and "SALADS HOAGIES YOGURT" on the second line. Lettering to be white with dark blue outline. 6" x 60" spread on top line; and other associated changes as presented.

Mr. Steve Rowe, of Phil Rowe signs, presented this request for identification signage as stated above. The signage consists of vinyl letters applied directly on the glass. Mr. Frank stated that this signage meets the requirements of the Town's Sign Code. Mrs. Volk stated that she was not pleased with the second line of signage or its text. None of the other Commissioners shared this opinion, however.

MOTION BY MR. GUBELMANN TO APPROVE THE SIGNAGE REQUEST AS PRESENTED.

MOTION SECONDED BY MS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

- E. Application for Certificate of Appropriateness No. 59-93,
Identification signage
Owner: 1st Realty Group, Mr. Robert Chaffee
Applicant: Magellan Travel Ltd.
Address: 361 South County Road
Project Description: Request approval of additional identification signage for building above awnings, to read "Magellan Travel, Ltd." in 8" cut out letters, and other associated changes as presented.

Mrs. Volk stated that Staff had been informed that the owner of this property objects to this additional signage. Mr. Rowe acknowledged this fact, but stated that he was seeking conceptual approval of the signage, pending the owner and tenant settling this matter. Mr. Rowe anticipated that this signage would not be erected until after the season. It was further noted that the requested signage is not to be

located on the marquee, as shown on the drawing, but is to be located below the marquee, where the previous signage for Buchanan Underwood was placed. Also, the submitted drawing showed two names: "Magellan Travel, Inc." and "Magellan Travel, Ltd.". "Magellan Travel, Ltd." is correct.

Mr. Gubelmann felt that the existing window signage was adequate for the space.

MOTION BY MR. SILVERMAN TO DENY THIS APPLICATION.

MOTION SECONDED BY MRS. METZGER.

Mr. Rowe argued, on the applicant's behalf, that the Commission should not deny the application because it will send a message to the owner that the LPC denied the signage, thus supporting the owner's objection to the signage. According to Mr. Rowe, the tenant had no reason to believe she would not be able to have the requested signage, as the Buchanan Underwood signage previously occurred in the same area, and there is no specification in her lease that would prevent signage in this location.

Understanding these circumstances, the following motion was made:

MOTION BY MR. SILVERMAN TO DEFER THIS MATTER TO THE JANUARY MEETING, GIVING THE OWNER AND TENANT SUFFICIENT TIME TO RESOLVE THE MATTER.

MOTION SECONDED BY MS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 60-93,
Identification signage

Owner: Mr. Franklin Frank

Applicant: Scotti Liquors

Address: 369 South County Road

Project Description: Request approval for additional identification signage on two windows to read "SCOTTI" on top line and "WINES AND LIQUORS" on second line. Letters to be 6" on first line, 3" second line- white with black outline. 12"x38"-overall size on each window, and other associated changes as presented.

Mr. Frank stated that this signage meets the provisions of the Town's sign code.

MOTION BY MS. DIVOLL TO APPROVE THE SIGNAGE AS PRESENTED.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 61-93,
Identification signage

Owner: Mr. Franklin Frank

Applicant: Ramona's of Palm Beach

Address: 367 South County Road

Project Description: Request approval of identification signage to read "RAMONA'S" on top line-4.5" gold letters; and "OF PALM BEACH" on bottom line-2.25" gold letters, and other associated changes as presented.

MOTION BY MR. GUBELMANN TO APPROVE THE SIGNAGE AS PRESENTED.

MOTION SECONDED BY MR. SILVERMAN

MOTION CARRIED UNANIMOUSLY.

At this point, Mr. Rowe asked the Commission to consider another sign for the same building, the Palm Beach Historic Inn Building. The shop name is "Barbara's". The sign consists of the name only, and is on a slant as it appears on the window. The Commission commented that they did not like the slant, and preferred the sign be straight. Mr. Rowe will return to the Commission in December for formal approval of this signage.

Prior to beginning the Designation Hearings, Mrs. Volk called for a ten minute recess, from 10:15 to 10:25 a.m.

V. DESIGNATION HEARINGS:

(Please note that the transcription of the following designation hearings are done partially verbatim and partially in paraphrase. Those portions which are verbatim are identified by the speaker's name at the left margin.)

Item 1: 1284 North Lake Way

Owner: Mr. D. & Elizabeth R. Van Norden

Mr. Frank verified that we had proof of publication and proper legal service related to this matter. Mrs. Delp administered the oath to Mr. Timothy M. Frank and Mrs. Jane Day, in preparation for their testimony.

Mr. Frank stated that this property meets the following criteria of the Landmarks Preservation Ordinance:

(c) 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 craftsmanship;

(d) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MRS. JANE DAY: Good morning Commissioners, Mrs. Volk. As Tim said, 1284 North Lake Way was designed by Gustav Maass in 1936 for W.D. Hood in the Colonial Revival style. This style of architecture was popular in the United States from the late nineteenth century to about 1955. It was very popular in domestic architecture. This particular property has many of the

architectural characteristics of that style...the hip roof, and the predominant front entrance way. This one is pedimented, that is typical of this style, and it is flanked by pilasters on either side of the front door. Also, as is typical of this style are the double hung sash windows that are shuttered and a symmetrical facade. I'm sorry that these are all flipped (referring to the slides)...just so you'll know that you're not looking at photographs that are backwards in your reports. This is the west facade of the property that faces Lake Worth, and this is the southern wing of the property. Note that instead of a hip roof on this wing, there is a gable roof with an attic louver. This is also typical of this style. The roof is also punctuated by a brick chimney. One of the reasons that this house was brought to the Landmarks Commission is because it is a work by Gustav Maass. He had been under-represented in the other landmarks that we have done this season. Mr. Maass came to Florida, and he first worked for the architectural firm of Harvey and Clarke. While he worked for that firm, he designed the Seaboard Airline Station, (should be Seaboard Railway Station), which was built in 1926. It is on the National Register. That station is in Delray Beach. After his employment with Harvey and Clarke, he formed a partnership with John Volk, who is a very important and well known architect within the Town of Palm Beach, and he worked that partnership with Volk from 1927 to 1935. This is one of the first commissions he did after he and Mr. Volk split up. So, we thought...Staff thought it was important to look at something Maass did on his own. He is important and one of his other projects is listed on the National Register. This is the garage and service wing of the house. And this is the back door. Note that he tried to pick up all these Neo-Colonial details even in such minor things as would be the entryway into the kitchen and butler's pantry. Are there any questions on the report or about either Mr. Maass or this particular house. We do have a letter from the owner saying that she supports the nomination.

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

MOTION SECONDED BY MS. DIVOLL

MOTION CARRIED UNANIMOUSLY.

Let the record show that there were no witnesses from the public who wished to speak relative to this matter. Mrs. Volk asked for comments from the Commissioners.

MS. LESLIE DIVOLL: A question for Mrs. Day. Did I miss your saying that the garage area was altered?

MRS. DAY: There was an alteration on this house in 1972. A porch that is on the south wing of the property was originally one of those extensions that was flat roofed, and there was a porch on the second floor. That second floor was enclosed for bedroom space. The garage wing is as it was originally. The only other thing that I could detect from public access is that perhaps on that west facade that faces Lake Worth, that the balcony may have been open there and then later enclosed.

MS. DIVOLL: It looks like a very unusually large garage opening, and that's what prompted me...

MRS. DAY: It is a large garage opening, and it is a house that had a lot more square footage and a more prominent lot than a lot of the other things that were built in the 1930's in Palm Beach.

MS. DIVOLL: Even if it had been, that wouldn't change my opinion about its eligibility.

MRS DAY: I didn't find that the garage had been enlarged.

MRS. JANE VOLK: I'd like to read Mrs. Van Norden's letter at this moment for the record. "Dear Mrs. Volk, I was delighted to learn that my property has been placed on the list of properties under consideration for landmark designation. Thank you for your letter and I look forward to hearing from you and the Planning, Zoning and Building Department as well as the Landmarks Commission office."

MOTION BY MRS. GINGRAS THAT THE PROPERTY LOCATED AT 1284 NORTH LAKE WAY BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION 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 MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

Item 2: 220 Monterey Road

Owner: Mr. Peter S. & Beverly D. Broberg

Mr. Frank verified that we had proof of publication and proper legal service relative to this matter. Please note that Mr. Frank and Mrs. Day had previously been sworn. As Mr. Broberg, the property owner, is an attorney, administering the oath was unnecessary.

Mr. Frank stated that this property meets the following criteria of the Town's Landmark Ordinance:

(c) 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 craftsmanship;

(d) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MRS. JANE DAY: 220 Monterey Road turned out to be an interesting project. As you know this season in Landmarks Commission, at your recommendation, we're trying to look at architecture that was done in Palm Beach in the 30's and before World War II, the early 40's. So, that was the range of what nominations we brought before you. One of the most popular styles nationwide in domestic architecture during that time period was a style called the Monterey style. 220 Monterey Road

is a good example of that. It was designed in 1935 by the architectural firm of Treanor and Fatio, and it was built by E.B. Walton Inc. What happened in the 1930's was that the housing market dried up to a certain extent. The boom in Florida was over. Architects, like other people within the population of Palm Beach and the United States, had to change their focus. Maurice Fatio went to work for E.B. Walton and designed thirteen houses for that firm. These were designed as spec houses originally, with no particular owner in mind, but often most of them had a purchaser before they were completed so that that purchaser could make modifications to the original design. This was the fifth house that Fatio did for the E.B. Walton Company. I thought it was one of the best examples. It is particularly well kept, and let me just for one moment explain to you the style, and then I'll explain to you what came up in the course of our research. The principal architectural design feature of the Monterey style is the second story cantilevered porch. You see it here on the front facade of the house, which is the north. It also has on it very plain balustrades and supports on that porch. This is reminiscent of Colonial English architecture, and this is one of the variations of the style. Next month, you will see a Monterey style that has French Creole accents. They are all the same style, and just variations. Also, they typically have double hung sash windows which this does, exposed rafters, and very often have different cladding material on the first floor than the second. This one is white brick on the first floor and wood on the second floor. Here is another close up of that porch. You can see that that detailing is achieved and the design is achieved by the exposed rafters at the roof line that are then repeated above the front door and these two windows flanking the doorway. This style is often asymmetrical in design whereas the house we just looked at was symmetrical. As we're doing our research, we are checking the building permits. They are put on microfiche in the Town and we read through them. The first time we went out to the site, no one noticed because it is such a good addition, the addition to the east side of this property. And that addition was not built and approved until 1993, so, that those plans and those permits were not yet microfiched and within the record. I happen to think that it doesn't take away from the architectural integrity of the house. Here again, and I don't know who the architect was for this, because the plans are kind of in a limbo somewhere, but the cladding material is the same. The bay window that was originally to the west of the front facade has been repeated to the east. The windows are the same, although not shuttered, and the little octagonal window that is there is also very typical of examples of this style in other examples throughout the city. The front doors in this style are typically in a Colonial style, if they are the English variety Monterey, and this one is with the sidelites flanking either side of the front door. There is the original bay window. And this wing, that goes into the garage, one of the alterations that we did find was the addition of this carport into the garage. There is also a small structure in the back of the property that was added in 1947. It is completely separate from the house, and it was originally done as a playroom. I don't know what its purpose is now. We only had access to the front facade of the property. It is particularly well kept.

Fatio, himself, was delighted with the work, and wrote, on April 19, 1935, "I've just received an avalanche of orders. I have twenty-five houses to build for next winter, and all of my clients have come in the last two weeks." This is one of those twenty-five orders that he got in the spring of 1935 to help carry his office through the season in those very tough years of the depression. Are there any questions on the house?

MRS. VOLK: Can I have a motion that the Designation Report be made a part of the record?

MS. DIVOLL: Madame Chair?

MRS. VOLK: Yes.

MS. DIVOLL: I don't think the report includes that information about the 1993 addition. It does?

MRS. DAY: I'll find the page number. Page 9.

MOTION BY MS. DIVOLL THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

MRS. VOLK: Comments from the public? Mr. Broberg.

MR. PETER BROBERG, PROPERTY OWNER: This is an interesting situation for me to be in. Good morning, again. When I first received the letter notifying me that I was, that my house was being considered for designation, I had to chuckle. I thought it might have been some turn around is fair play, whatever, something comes around from the other side. And then I thought, well, if the Landmark Commission is really serious, then I think they've finally reached the bottom of the barrel, because my house, though granted, is a very nice house, but I didn't think it was worthy of landmarking. So, when I received the package, I opened up the Landmark Manual. I wanted to see what the Monterey style looked like. And, I looked in here to the page that says Architectural Styles, and I went through the architectural styles, and there wasn't a Monterey style, so I said I know someone's kidding me now because there's no Monterey style in the book. Well, then I turned to the Designation Report, and sure enough, the Town was serious about designating the house. Now, normally I would be against landmarking a private house when there is no quid pro quo, when there's no voluntarily allowing the house to be designated or at some tax benefit for the owner. As you saw, there is an addition to my house. I certainly don't qualify for the constitutional amendment which allows the counties to grant ad valorem deferral for a number of years on any additions. So, there is really no benefit for me. However, I've basically done all to the house that I can do to the house, and then some. I mean there really isn't anything else more I can do. I've stretched it. There is really nothing more I can do other than tear it down, and I certainly don't want to tear it down because I wouldn't have a

place to live. And with that said, I would accept the designation provided that there are four conditions. Can you turn on the machine for a second? The one that shows the addition. One of the conditions I request is that only the house be landmarked, the facade and the front. The second is that I don't have to come back to the Commission to put shutters on the new addition, which I plan to do, which would match the rest of the house. They just have to be built. They are functional aluminum shutters that are shaped in the Colonial style, and they are being built. That will be number two. The third is that the awning, the canvas carport, which is on the west side of the house was storm damaged in one of the winds six-eight months ago, and I have ordered a new one to replace that in the same color. And the fourth, would you go back, is something that may never happen, but it's a discussion my wife and I have occasionally about placing a courtyard in front of the house. If anyone's familiar with Mr. Chauncey's house down at the end of the street, it has a hedge in front and a courtyard. It's not a half moon driveway, but it's a courtyard just in the front. Basically, it eliminated a lot of the front yard. Obviously, it hasn't happened to date, and it may never happen, but I would request that, well, if the house is only landmarked, the grounds aren't, then I don't have to. I'd only go to ARCOM. I would request that I wouldn't have to come back with that either. And with those four in mind, I would accept the designation.

MRS. JACQUELINE ALBARRAN DE MENDOZA: When you said to designate just the house, then you went further and said just the front facade.

MR. BROBERG: Well, I would prefer just the facade since nobody can see the back, but there is another balcony in the back which is not in the Report. It is on the southeast corner off the bedroom in the same style, and the addition was done by Harry Gilbert and Associates, for the record.

MR. WILLIAM GUBELMANN: Would you be willing to have us designate the facade, which would include the front and back? I think it's hard to designate one side of the house and not the other.

MRS. ALBARRAN DE MENDOZA: Well, if you designate the house, what he was saying is that it still gives him the option of doing the courtyard, and if we designate it, but with the options that he had for the awnings and the shutters and things like that, then I would go for designating the house.

MR. WILLIAM GUBELMANN: The house and not the grounds.

MRS. VOLK: Mr. Frank, do you wish to make a comment at this time?

MR. FRANK: These types of conditions, I believe, in every instance you have approved on one or more of the structures in the past. I think simply, of course, the shutters are no problem because he intends to match that which is already on the house. I see no problem with a Certificate of Appropriateness.

The awning is a matter of, he would be replacing it with the same color, the Staff could approve that at the staff level. You wouldn't even get to see that. Essentially, as I see it, his request is to landmark the house, which I think Mrs. Day has pointed out is important. However, he would be excusing himself from our normal regulations of control of the landscaping.

Mr. Frank pointed out that ARCOM does not review landscaping unless it is in conjunction with a new structure. Also, ARCOM reviews unusual exterior decorative walls, but would not review typical plain walls. These could be handled at the staff level.

Mrs. Metzger asked whether the four conditions are transferrable to a new owner of the property, should Mr. Broberg choose to sell the property. Staff replied affirmatively.

MS. DIVOLL: Mr. Broberg reminds us from time to time on other issues about how other projects have been handled, and I can imagine that other landmark projects, landmark proposals would come before us and then the property owners would say...just the house, not the grounds...like Mr. Broberg's house. And is that really the larger intention of landmarking, to just do the objects on the site, or to deal with the entire property as an historic piece. I ask the question philosophically...do we want to continue to repeat excepting large parts of the property from landmarking.

MR. GUBELMANN: I think in this case we have a gentleman who is voluntarily going along with the designation of his house as a landmark. We ought to encourage people to volunteer.

MRS. VOLK: That has been our policy.

MR. GUBELMANN: And we have an awful lot of confrontational landmarking. I think that in this case, we've got a cooperative owner. We ought to encourage this. I think if he's cooperative with certain caveats, let's

MRS. VOLK: That's been our policy.

MRS. ALBARRAN DE MENDOZA: Also, I think that a lot of times the actual either landscaping or property has beautiful fountains or courtyards, which we love, and things that...you know, in this case, I think I understand what Ms. Divoll is saying because it is true. This is very scary to go for it that easily, but I think in this particular case, just looking at the pictures, it's just a lawn, and that's about it, and some crotons. I think it would be fine.

MOTION BY MR. GUBELMANN THAT THE WHOLE HOUSE, (NOT JUST THE FACADE), WITH THE EXCLUSION OF THE PROPERTY, AT 220 MONTEREY ROAD, BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA AS PRESENTED BE MADE A PART OF THE RECORD, AND INCLUDING CONDITIONS 2, 3 & 4 AS SET FORTH BY MR. BROBERG.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

VI. Other Business:

A. Status Report: Signage at Society of the Four Arts, Embassy Building

Mr. Frank reported that staff approval had been given for this signage, as the new sign employs the same color, style, and texture. The square footage of the new sign is actually smaller than the previous signage.

B. Status Report: Town Hall Square Historic District
Trash Receptacles, CoA #51-93

Mr. Moore reiterated that the design of the proposed cypress trash receptacles for use on South County Road has been approved by the Town Council. A total of three trash receptacles has been suggested for the Town Hall Square Historic District. Pursuant to the directive of the LPC that staff shall investigate incorporating the trash receptacles with the newsracks, Mr. Moore stated the staff's recommendation to keep the two units separate. In addition to the obvious problem that two different donors would have to coordinate their efforts so that the two units could be incorporated into one, and the re-design which would then become necessary, the design of the two units seems to conflict. The lattice newsrack covers are to be made of natural hardwood mahogany, whereas the trash receptacles are designed in cypress. Further, there remains a question as to whether it is appropriate to place a municipal service, i.e., a trash receptacle, within an area where newspapers are dispensed.

Mrs. Volk advocated keeping the units separate. She called for the removal of the two existing trash receptacles currently located at the Memorial Fountain, and proposed a maximum of two trash receptacles within the Town Hall Square Historic District, one on the east side and one on the west side of South County Road.

Mrs. Gingras asked whether the two could be placed side by side. Mr. Moore replied affirmatively.

MOTION BY MS. DIVOLL THAT THE TWO EXISTING TRASH RECEPTACLES BE REMOVED FROM MEMORIAL FOUNTAIN AREA, AND THAT ONE OF THE NEW TRASH RECEPTACLES BE PLACED ON EACH SIDE OF SOUTH COUNTY ROAD IN THE IMMEDIATE VICINITY OF THE NEWSRACKS.

MOTION SECONDED BY MR. GUBELMANN.

MOTION CARRIED UNANIMOUSLY.

C. Status Report: 139 North County Road, The Paramount Center
Mr. David Miller, AIA

In preparation for next month's review of a Certificate of Appropriateness for more changes at the Paramount Centre,

Mr. David Miller, Architect, addressed the Commission with a status report relative to previously approved Certificates of Appropriateness and information relative to next month's submissions. Re-painting of the building is well under way and should be completed in the next few weeks. The owners are very pleased with the new color scheme. At the front entry, where the soffit was removed, the structure matches the interior side of the courtyard. Walls will be re-stuccoed as necessary. The decorative windows should be installed within the next two weeks. They have discovered that much of the building is wood frame construction, and they are attempting to locate original construction documents. The railing design is being re-studied. One option is to add circular elements to the top and bottom of the railing. Another is to duplicate and implement a decorative grill piece, a fish motif, which was discovered inside the building, into the railing design. The interior courtyard awning has been removed. Some problems with trapped water have been discovered on the roof decks. They are contemplating re-roofing these areas and then covering the decks with a cast paving, so that the roof decks could be used.

(Let the record show that Mrs. Metzger left the meeting at this point, 11:08 a.m. Mrs. Grace will vote in her stead.)

They plan to refurbish the Paramount sign, retaining the yellow bulbs, and painting the inside of the sign white, with a cream or evergreen trim. Mr. Miller was unsure about the original colors of the sign. Ms. Divoll referred to the colored rendering that Mr. Miller had shown the Commission on various occasions. She suggested that he attempt to find the original of that rendering to ascertain the original colors of the sign. Mr. Gubelmann felt that the sign, as it no longer advertises the movie theatre, should be a low key sign.

Next month, several items will be reviewed: Using cast stone decorative components at the main entry to the auditorium; changing the existing storefront doors, at the entrance to the auditorium, to french doors with side lites; new site furnishings; and replacement of second floor planters.

D. Discussion regarding 334 North Woods Road, "Under Consideration"

Mr. Frank stated that staff has received a letter dated September 23, 1993, from the owner of this property, Mr. George G. Matthews, requesting removal of this property from the list of properties "under consideration" for landmark designation. He read same letter into the record. In the letter, the property owner maintains the following relative to the house...that it "meets little of the criteria that have been heretofore used in making this type of designation", that "there have been many changes and additions to the point where it is hardly a significant structure", that "if the termites quit holding hands it

might fall down", and that "the property should not be designated a landmark as it fits none of the criteria for a significant structure in the Town of Palm Beach."

Mr. Frank Lynch, attorney for the property owner, stated that the owner would strenuously object to landmarking the property at 334 North Woods Road. He stated that the contracting firm of Johnson and Barrett was hired to determine the cost of renovating the house. The contractor arrived at a figure in excess of \$ 600,000, which was since then upgraded to \$ 800,000 to make the building structurally safe. He stated that the house has been on the market for the last four years, and all offers to purchase the property have included demolition of the existing house. He stated that the present condition of the property renders it unworthy of landmarking, that it is termite infested, that there is a completely collapsed ceiling in one of the rooms, and a roof which has outlived its usefulness.

Mrs. Jane Day and Dr. Sandra Norman, along with Mr. Lynch, visited the house on November 3, 1993. Mrs. Day prepared a report of her findings for the Commission. She stated that the house at 334 North Woods Road meets three of the four criteria established for designation. The house was built for Mr. Charles Merrill, a founder of Merrill Lynch, a company which is well known nationally and internationally. The house was, in fact, called "Merrill's Landing". Also, the house takes Colonial architecture and mixes it with Caribbean design details, for which Mr. Howard Major is well known. Lastly, the house was designed by Howard Major, a master builder, who has been recognized by the LPC on prior occasions. Mrs. Day stated that although the house is termite infested and in bad shape, it still maintains its architectural integrity. The house did have additions, but those additions were designed by Major and Volk, both recognized as master architects. Both additions were very sympathetic to the original structure.

Mr. Frank, having evaluated the owners' request and Mrs. Day's report, prepared a memorandum giving the staff evaluation of this property. He read same into the record, and the following is the section entitled "Recommendations". "Although staff believes that the property located at 334 North Woods Road meets one or more criteria under Ordinance 2-84 for designation as a Town of Palm Beach landmark, the subject property should be removed from the list for consideration. The overall program should encourage the preservation of exemplary properties which are in excellent condition."

Mrs. Betsy Matthews, who was present in the audience, stated that the original Merrill's Landing comprised thirteen acres and ran from the Lake to the Ocean. After a good portion of the land was sold off and subdivided, the Matthews property remained with under three acres.

Mr. Gubelmann commented that Mr. Frank's memorandum summarizes the situation well. He felt that although the house has not been maintained, neglect does not apply either

as the house has not been "under consideration" until just recently. He felt that anyone interested in buying this property would be interested in it because of the land, not the house.

Mr. Moore pointed out that the owners have applied for demolition, and that request will be heard at the Architectural Commission meeting this afternoon.

MOTION BY MR. GUBELMANN TO REMOVE THIS PROPERTY FROM THE LIST OF PROPERTIES "UNDER CONSIDERATION" FOR LANDMARKING.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

- E. Discussion regarding 225 Seaspray Avenue, suggested for placement on list of properties "under consideration"

Mr. Frank stated that staff had discovered this property in the course of its investigation of various bungalow structures which had been proposed for designation by the Preservation Foundation several years ago. At that time, further study of this property was abandoned because several building permits were found in the records, indicating changes to the property. Currently, however, there has been a request from Ms. Divoll to re-study this property for designation. Staff visited the site with Mrs. Day and Dr. Sandra Norman. Staff recommends that this property be placed "under consideration" now for action at the end of this designation season or at the beginning of the next designation season. Ms. Divoll asked why this property could not simply replace 334 North Woods Road on the list of properties "under consideration". Mr. Frank replied, relative to budgetary concerns, that staff time and consultant time has already been spent on 334 North Woods Road. Further, he saw no pressing need or looming threat to this structure, so that waiting till later in this season or till the beginning of the 94/95 Designation Season would not be a problem. Mr. Moore agreed with this scheduling.

MOTION BY MR. GUBELMANN TO PLACE 225 SEASPRAY AVENUE "UNDER CONSIDERATION" FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

- F. Discussion regarding "Preservation Plan"

Mr. Frank reported that subsequent to staff and Commission comments/corrections relative to the "Preservation Plan" which were noted during review of the draft of this document, the necessary corrections were made and a final version is now ready. This version will be submitted to the Town Council for approval, unless there are any additional

changes. If so, Commission members, shall advise staff as soon as possible. It should be noted that the adoption of a "Preservation Plan" is a requirement of the Town's Comprehensive Plan.

MOTION BY MS. DIVOLL THAT THE PRESERVATION PLAN, AS CORRECTED, BE SENT TO THE TOWN COUNCIL FOR ACCEPTANCE.

MOTION SECONDED BY MRS. SILVERMAN

MOTION CARRIED UNANIMOUSLY.

G. Discussion regarding LPC Alternate Position Vacancy

In light of the resignation of Mr. Wilmer Thomas, there exists a vacancy of an Alternate Member position on the LPC. Staff asked Commission members to make any nominations for that position in writing, and address same to the Mayor and Town Council.

H. December Designation Hearings

Designation Reports, as prepared by Research Atlantica - Mrs. Jane Day, were distributed to the Commission for their review prior to the December meeting. The three properties set for December hearing are: 162 Peruvian Avenue, a Belford Shoumate Art Moderne structure, 300 Queens Lane, a Monterey style structure, and 990 Adam Road, a John Volk Neo-Classical structure.

VII. Adjournment

THE MEETING WAS ADJOURNED AT 11:51 A.M. UPON A MOTION MADE BY MR. SILVERMAN.

The next meeting of the Landmarks Preservation Commission will be heard on WEDNESDAY, DECEMBER 15, 1993 at 9:00 a.m., in the TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,



Sally Gingras, Secretary

cmd

Minutes File

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME ALBARRAN, JACQUELINE de MENDOZA		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE	
MAILING ADDRESS 204 PHIPPS PLAZA		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH, FLORIDA,	COUNTY PALM BEACH	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED 11/17/93		MY POSITION IS: ☐ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, JACQUELINE ALBARRAN, hereby disclose that on NOVEMBER 17, 1993:
de MENDOZA

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☐ inured to the special gain of _____, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

IF MR COOK BUYS 210 VIA DEL MAR, I WILL BE
THE ARCHITECT FOR MR. COOK FOR THE FUTURE
REMODELING OF THE PROPERTY.

In discussion related to CoA #56-93, 210 Via Del Mar - November 17, 1993

Date Filed

11/17/93

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.