



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, NOVEMBER 16, 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 9:05 a.m.

II **Roll Call:**

PRESENT: Eugene Pandula, Chairman
Judy Hoffman, Vice Chairman
Wendy Victor, Secretary
Ann Blades, Member
Patrick Segraves, Member
William Lee Hanley Jr., Member
Robert T. Eigelberger, Member
Eileen Bresnan, Alternate Member
Gail Coniglio, Alternate Member
Hazel Rubin, Alternate Member
Sterling Clarke, Seated as Town Attorney
Veronica B. Close, Director of Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Jane Day, Staff Preservation Consultant

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

III **Approval of the Minutes of the October 19, 2005 Meeting:**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

IV **Administration of the Oath to all persons who wish to testify:** By Mrs. Delp

Public Hearings:**A. Application for Certificate of Appropriateness #26-2005, (deferred from Oct.)
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.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION:

Mrs. Rubin met with the architect at the site. Mrs. Coniglio met with the architect. Mrs. Bresnan met with the architect at the site. Mr. Eigelberger met with the architect at the site. Mrs. Victor met with the architect at the site, and spoke to Mr. Burke Ross, the neighbor. Mr. Pandula met with the architect in Mr. Pandula's office. Mrs. Hoffman met with the architect at the site. Mrs. Blades met with the architect at the site. Mr. Hanley met with the architect at the site and spoke with Burke Ross. Mr. Segraves met with the architect at the site.

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

Architect Tom Kirchhoff and Attorney Maura Ziska were present on behalf of the Koch project. Mr. Pandula asked Mr. Kirchhoff to first address the variance issues related to the project. Mr. Kirchhoff responded that four variances have been requested: variance for angle of vision; variance for front yard setback off Clarke Avenue; variance for CCR; and, variance for roof height on the Clarke Avenue elevation.

Mr. Kirchhoff described this as a reconstruction of an existing landmarked house (158 South Ocean Boulevard) with the intent to combine two landmarked structures (150 & 158 South Ocean Boulevard) into one unified house, without compromising the individual architectural integrity of each of the houses. He stated that the most important design elements of the project are to reproduce the landmarked east facade of 158 South Ocean, and to maintain the residential character along Clarke Avenue along with preserving the Howard Major courtyard. Program elements were described as extending the front (east) lawn of 150 South Ocean Boulevard all the way to Clarke Avenue, creating a new motorcourt on the southwest end of the property, cleaning up the alley area, and creating an enclosed generator space. Mr. Kirchhoff reviewed the elevations and floor plans.

Mr. Kirchhoff noted that the roof of 158 South Ocean Boulevard will be done in flat clay tiles. Since it was noted that the 158 South Ocean Boulevard building will be reconstructed more narrow than the building currently exists, Mr. Eigelberger stated that the roof may appear higher. As such, he suggested that the roof pitch be lowered to maintain proper proportions. Mr. Kirchhoff noted that the roof height conforms to the 22 ft. permitted by code, but interiorly, the ceiling height of the first floor will increase from 10 ft. to 11 ft., with the second floor having 9 ft. ceilings.

Mr. Pandula inquired as to the roof material of the connector between the two houses. Mr. Kirchhoff responded that it will be done in barrel tile. Mr. Pandula suggested that the connector be made a more negative space, i.e., either a below grade or semi-below grade connector to allow daylight between the two buildings which would, in turn, allow them to read as two separate buildings.

Mrs. Day asked the LPC to remember that the main portion of 150 South Ocean Boulevard is the subject of an ongoing tax abatement. This structure was built in 1923 by Addison Mizner; had Mizner entrance changes in 1924; had a Joseph Urban dining room addition in 1926; had Fatio's addition of a pool and loggia; and then more currently, Smith Architectural Group did major additions and restoration to the house. Staff was most concerned that both of the houses (150-Mediterranean Revival & 158-British Colonial) retain their individual architectural styles. To achieve that goal, staff worked with the architect, and Mrs. Day felt that the project has come a long, long way since the first presentation several months ago. She commented that the connector does not negatively impact the original Mizner structure, and that the original Clarke Avenue facade is being retained on the British Colonial structure. Mrs. Day felt the proposal was a good solution for both residences. She wanted to be sure that the LPC understands that 158 South Ocean Boulevard will be a reconstruction patterned on the Howard Major design. The architect has indicated that reconstruction is necessary as its east facade is being moved back and the existing frame construction is in bad shape. Mrs. Day reiterated that the Kochs and the architect have worked well with staff to arrive at a project which retains the architectural integrity of both buildings. She added that she had no objection to walling all of Clarke Avenue, thereby eliminating the existing driveway on Clarke Avenue. The property at 158 South Ocean Boulevard was originally accessed via a South Ocean Boulevard driveway.

Mr. Burke Ross, 172 South Ocean Boulevard, addressed the LPC. He is the Clarke Avenue neighbor located across the street from 158 South Ocean Boulevard. As Mr. Ross's home fronts on Clarke Avenue, he feared that the Clarke Avenue facade will become the back of a very large house. Effectively, the Kochs are moving the service entrance to the Clarke Avenue facade, and Mr. Ross's primary concern is the usage of the 158 South Ocean property, particularly the usage of the Clarke Avenue driveway. Mr. Ross had approached the Kochs and their representatives asking that the Clarke Avenue driveway be made inoperable. He thought that the Kochs had agreed to doing this, but deferred to the architect. He hoped that the LPC would consider that he will not be living across the street from a resident of Clarke Avenue. He will, instead, be living across the street from a building that will house the staff, and a playroom for the children. He stated that he would feel more comfortable if the traffic to the property would use the Barton Avenue access or the service alley, rather than using the Clarke Avenue driveway.

Attorney Maura Ziska stated that Mr. Koch would like to accommodate the request of Mr. Ross, and agreed to remove the Clarke Avenue driveway, if the LPC approves same. Then perhaps a wall with pedestrian gate could be erected with a garden behind. Mrs. Day stated, from a landmark perspective, that this would make sense since there was no driveway originally on Clarke Avenue. Mr. Pandula noted, however, that it would be nice to retain the driveway so that this house, like other houses, has an apparent relationship to the street. Mrs. Hoffman suggested that the circular drive be made so narrow that it could not be used by cars, but would still provide that relationship to the street. Ms. Close cautioned that the Public Works Department may have an issue with eliminating the existing curb cuts. Mr. Kirchhoff noted that the new courtyard was created to remove all of the service activity onto the property and off the street.

Mrs. Victor stated that she has a problem with approving a tear down of the home at 158 South Ocean Boulevard, and in setting a precedent in this way. She wondered whether it was possible to retain the east and south facades of the existing building and remodel/restore from the inside. Mrs. Day responded that it is possible to do as Mrs. Victor suggests, but she noted that the designation report for this property (facade designation) is not strong. She recalled that there had been an earlier request to de-designate the property, but this plan had been abandoned. In this case, the owner is willing to retain the Howard Major architecture, and it is a matter of working out the details now. She reiterated that reconstruction is always the last strategy for historic preservation, but there are extenuating circumstances here.

Mr. Eigelberger suggested that the existing driveway remain as is, along with installing matching driveway gates so the driveway cannot be used. Mr. Pandula agreed that this was the best approach. The neighbor, Mr. Ross, wondered what would happen in the future, however, with future owners. It was mentioned that this could be a restriction on the property in conjunction with the upcoming Unity of Title. Ms. Ziska acknowledged that such a deed restriction could be placed on the property.

Mr. Segraves felt it would not be advisable to retain the driveway and then gate it to prevent its use. Rather, he was in favor of eliminating the driveway, since there was none there originally, and installing a pedestrian gate with landscaping to enable the owner to enjoy the space.

Mr. Pandula stated that the project has merit, but he felt it was appropriate to shift the discussion back to the question of whether reconstruction is necessary or appropriate, especially since no report from a structural engineer had been presented to support demolition and reconstruction. Then the aspect of the project which relocates the building, by moving it 10 ft. to the west, must likewise be evaluated for necessity, since it is just being done to increase the size of the front lawn. He also felt that the appearance of the connector could be improved. Mr. Pandula asked Mr. Kirchhoff to make a case for demolition, reconstruction and relocation.

As for the informal review to determine the appropriateness of the variance requests, Mr. Pandula commented that the variances are housekeeping issues and are acceptable to him, but he cautioned that the LPC does not want to be placed in the position that a blessing of the variances locks the LPC into an approval of the plans as presented today. Mr. Victor agreed that if the LPC approves of the variances, that would mean that the LPC approves of moving the house back 10 feet, and that is not necessarily the case. Mrs. Blades stated that this is a beautiful project, and a

wonderful job has been done to advance the project to this stage. It is, however, demolition that is the problem here.

Mrs. Hoffman recommended a deferral for one month to enable the applicant to produce an engineer's report and a report from the Public Works Department relative to the driveway cuts, before making any recommendations regarding the variances.

MOTION BY MRS. HOFFMAN TO DEFER FOR ONE MONTH TO THE DECEMBER MEETING.

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

Mrs. Close noted that the Town will hire the engineer to do the structural evaluation of 158 South Ocean Boulevard, and the applicant will accept the charges.

VI Other Business:

- A. 455 North County Road: Continuation of Deterioration by Neglect
Owner: 123, LLC
Continuation of quarterly reports: Attorney Frank Lynch

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Attorney Frank Lynch returned to the LPC today to provide an update relative to this project. He passed new photos of the site to illustrate its current condition. He stated that the exterior and roof are virtually complete; the doors and windows are installed; the stucco is finished; the interior partitions and ductwork are being installed, and the trades are working steadily. The site is being maintained, and there have been no complaints from the neighbors.

**MOTION BY MR. EIGELBERGER TO ACCEPT THE REPORT.
MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.**

Mr. Lynch will return to the LPC in three months for the next report.

- B. Informal Review: 142 Seabreeze Avenue
In conjunction with review of Variance #38-2005

Architect Jim Paine presented the project seeking a recommendation on the variance. The variance concerns constructing a raised landing outside the french doors. A small portion of the landing (a 5'x7' area) encroaches into the setback. The landing is needed to service all of the rear doors.

Mrs. Day noted that this property is under tax abatement. Staff had no problem with the

landing as requested.

MOTION BY MR. EIGELBERGER TO RECOMMEND TO THE TOWN COUNCIL THAT THE VARIANCE BE APPROVED.

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

This matter will be heard formally at the December meeting. Mr. Paine noted that the client may want to add an additional gable end detail to the house, but Mr. Pandula advised that such a plan would require a variance also. There was no further discussion relative to this matter.

C. Discussion relative to Palm Beach Public School

Ms. Close offered a status report relative to certain remaining unresolved issues relative to the Palm Beach Public School. She stated that staff has been speaking with the School Board regarding the barrel tile roof and/or an appropriate substitute, but at this point, the Town has not agreed that an appropriate substitute would be considered. A donation has been made for a clock on the exterior wall, but electric is required for the clock, and that wiring remains an issue. The Town does not have a set of plans showing the wall and the fence, but those are forthcoming. Staff is trying to come to some agreement relative to a substitute for the lights in the parking lot. The School Board has asked for additional construction hours so they may complete the job early in December.

Mr. Eigelberger noted that there are no tree cuts in the sidewalk currently, and he did not know where they would plant trees in light of space restraints. Mr. Frank stated that the building elevations show trees, but the sidewalks are already there. The sidewalks will have to be cut to allow for the root balls of the trees.

Ms. Rubin commented that the lights on the building are not aesthetically pleasing. Mr. Segraves indicated that the wall and fence may not meet corner code height requirements.

Mrs. Coniglio stated that she was the former Chairman of the Seaview Advisory Commission, and, in that capacity, had requested that the architect show her the entire privacy and security plans for the site. In fact, Mrs. Coniglio met with the architect. She stated that she had never seen the constructed wall and fence on any plans she was shown. Nor was she shown any landscaping plans. Mrs. Coniglio hoped that the Town Council would stand "toe to toe" with the School Board on these remaining issues.

Mr. Pandula was likewise surprised to see a site wall on the site, as none was shown on the plans presented to the LPC previously. He also stated that there are other unresolved issues at the site, i.e., screening of the air conditioning, chillers on the roof, the roof on the porte cochere, the reinstallation of windows on the south elevation, etc. Mr. Frank, after having spoken to the contractor's representative, reported that a screening device is on order and will be installed as soon as it arrives; the glazing for the false windows and

the barrel tiles for the porte cochere will be installed. Mr. Frank also reported that the rustication on the building, while it may not be to all persons' liking, has been applied uniformly and is according to the drawings.

D. Discussion relative to Seagull Cottage

Mr. Reg Stambaugh and Mr. John Mashek of the Preservation Foundation, and Architect Jeffery W. Smith were present on behalf of the Preservation Foundation.

Mr. Stambaugh stated that the Town Council has chosen to approve having a referendum relative to moving the Seagull Cottage, with the Preservation Foundation's support, to Bradley Park. Three possible locations for the building have been selected within the park site. The selection of one of those sites was referred to the Landmarks Preservation Commission for review today.

Mr. Stambaugh described the possible sites as follows:

Site #1: The most westerly location; most ideal for preservation with the porch facing west as originally configured; the downside of this location - its proximity to the pump house and possible flooding concerns.

Site #2: Centrally located in the park with the porch facing south; focuses on the green space of the park; integrates best within the park environment.

Site #3: Located on the northeast corner of the park with the porch facing into the green space; most agree this would not be a good location.

Mr. Stambaugh assumed, based on discussions with the property manager of the building to the north of the park, that the residents would object any of the proposed sites which they feel might impair their views of the water, or intensify usage of the property.

Mr. Stambaugh listed contemplated uses of the cottage as follows: Easter Egg hunts, special events, Christmas events, and historical displays, but no intensive uses. He indicated that he has been in discussions with Bonnie Dearborn of the State's Preservation Office to possibly occupy the cottage and help pay for the building maintenance. The ultimate Preservation Foundation goal is to restore the Seagull Cottage to its original exterior and interior glory. Mr. Stambaugh stated that it will cost \$ 200,000 to move the cottage to the park, and \$ 1,500,000 for restoration. The Preservation Foundation will be financially responsible for the work. In order to move the cottage to a barge positioned off the beach, approximately twelve (12) palm trees on the beach area behind the cottage will have to be removed and then replanted.

The following represents a sampling of some of the commentary heard in the lengthy discussion relative to placement of the cottage on the park site:

- A fourth site was suggested on the southeast corner of Bradley Park

- The consensus of opinion revealed that this is an opportunity to re-vamp Bradley Park, especially with landscaping.
- The Garden Club may be interested in being involved in re-working Bradley Park.
- Items such as sidewalks, parking, trash pick up, etc. need to be considered..
- Staff agrees that Site #1 is preferred for historic preservation, and it may be better to have the cottage sited on the diagonal, together with extending the deck around the side of the building, in order to make the cottage be more inclusive of the park environment.
- The siting of the cottage is of utmost importance so it can still qualify for future historic preservation grants, so it can remain in its original historic context, and for usage.
- Site #1 presents the best topography for the cottage. The highest point of the land would occur at the back door of the cottage which could mean that there may be no need for a handicap ramp.
- Regardless of where the cottage is on the site, the finished floor will have to be at 7.5 feet.
- If the cottage is oriented properly on the site, it will still qualify for National Register designation.
- Site #2 would create competition between the existing pavilion and the cottage.
- The Seagull Cottage was originally in a park-like setting, and this would return the structure to a park-like setting.
- The cottage, in Site #1, would be approximately 120 feet from the pump house.
- Site #1 orients nicely to Lake Trail and the Bike Path.
- Some felt that a Master Plan for Bradley Park should be done before any site is chosen.
- Instead of choosing Site #1 on the basis of pure preservation, consider how the cottage can be best sited for long time use. This is an adaptive re-use of the cottage.
- Site #2 is the best choice to make the cottage work for any event anytime.
- Per Gary Brandenburg, legal counsel representing the 46 residents of the Royal Poinciana South building, (the neighbor to the north), siting the building as far east as possible is preferred. These residents must be considered.
- Question as to who is responsible for the neglect and/or deterioration of the cottage as it currently exists.

- No decisions should be made without seeing a Master Plan or model for the park first.
- Why rush to move and site the building when the building is landmarked until 2010.

MOTION BY MR. EIGELBERGER TO APPROVE SITE #2 WITH THE PORCH FACING ROYAL POINCIANA WAY.

MOTION FAILED FOR LACK OF A SECOND.

MOTION BY MR. SEGRAVES TO APPROVE SITE #1 WITH THE BUILDING STRAIGHT (PORCH FACING THE LAKE).

MOTION SECONDED BY MR. PANDULA (AFTER PASSING THE GAVEL.)

MOTION FAILED 3-4, WITH MRS. BLADES, MRS. HOFFMAN, MRS. VICTOR AND MR. EIGELBERGER VOTING AGAINST THE MOTION.

MOTION BY MR. EIGELBERGER TO APPROVE SITE #2.

MOTION SECONDED BY MRS. VICTOR.

MOTION FAILED 2-5, WITH ONLY MR. EIGELBERGER AND MRS. VICTOR VOTING FOR THE MOTION.

Councilman Wyett stated that he made the motion to refer this matter to the LPC for site selection. He stated that the Town Council was forced to act yesterday in order to be able to have the February referendum relative to green space. He recognized that each of the sites has its pros and cons, but noted that there is also some urgency to act due to the current condition of the cottage. Going to a referendum requires that a decision be made relative to the siting of the cottage. Mr. Wyett asked the LPC to make a decision today, and informed the LPC that there is no time now to wait for a Master Plan for the park, although that would be a good idea for the future. He also acknowledged that while Bradley Park may not be the best location for the cottage, both the Breakers Hotel and the Flagler Museum have refused to accept the cottage.

Councilman Goldblum reminded the LPC that the Preservation Foundation is absorbing all of the costs to move and restore the building, and will give ownership of the building to the town. The Preservation Foundation has agreed to pay for the maintenance of the cottage in perpetuity. He felt that moving Seagull Cottage to Bradley Park will help to give new life to the park, and there is no other site in town available. Mr. Goldblum challenged the LPC stating that if the LPC wishes to keep the Seagull Cottage, it must be moved to Bradley Park. Mr. Goldblum stated his

personal preference of Site #2.

Councilman Kleid stated that it is the LPC's charge, per the Town Council, to choose the best of the three possible sites. He noted that there is no time to do a Master Plan now, even though he found merit in developing such a Master Plan. He asked the LPC to concentrate on choosing the best site.

Mr. Goldblum asked the LPC to remain in session until a site is chosen.

MOTION BY MR. SEGRAVES APPROVING SITE #1 (WITH THE BUILDING POSITIONED STRAIGHT [PORCH FACING THE LAKE]) WITH THE PROVISIO THAT A COMPREHENSIVE MASTER PLAN BE DONE FOR THE PARK, OR THAT THE PROPER SITING BE DETERMINED BY A PROFESSIONAL PARK PLANNER.

MOTION SECONDED BY MR. HANLEY.

The question was raised as to who will pay for the Master Plan or Park Planner, but the question went unanswered.

Mr. Eigelberger was of the opinion that if a professional park planner was employed, that professional would select Site #2 as the best choice.

It was contemplated, at one point, that the LPC might hold another meeting between today and November 30, 2005 when the Town Council will make a decision on the cottage. This was suggested so that additional information (plans/model/etc.) might be provided to the LPC before they made a decision on the site selection.

Mr. Mashek, President of the Preservation Foundation, stated that they would be unable to provide additional plans/model in the next two weeks. He agreed that a Master Plan for the park is a good idea, but felt this would be out of the purview of the Preservation Foundation, and would more appropriately belong with the Town or the Garden Club.

Mr. Wyett urged the commission to make a decision, since the Town Council referred this matter to the LPC for an opinion.

Ms. Susan Markin noted that Bradley Park is very appreciated, though not well used. She advocated siting the cottage in a position which would allow preservation of water views and green space along the water. As such, she was not in favor of Site #1, and did not feel that people would vote for the referendum if Site #1 was chosen.

Ms. Close noted that the referendum will ask the question whether the residents want Seagull Cottage in Bradley Park, but it will not specify a location.

MOTION CARRIED 5-2, WITH MRS. VICTOR AND MR. EIGELBERGER VOTING AGAINST THE MOTION.

E. Jane Day: Grant Proposal for Town Hall

Mrs. Day recently represented the Town's Grant application in Tallahassee. Ultimately, the Town's Grant application was ranked #30 of 100 projects. Barring any changes to the State budget, the Town will receive a \$ 350,000 grant to repair the Town Hall roof. The LPC applauded Mrs. Day's efforts.

Mrs. Day noted that the Florida Trust for Historic Preservation will hold its annual meeting in St. Augustine from May 18-21, 2006. She distributed applications to the members for that meeting. Mrs. Day has also arranged for private tours of Flagler College for any of the Town's LPC members.

Mr. Frank distributed the new LPC application for Certificate of Appropriateness which reflects several changes which became necessary in the aftermath of the Four Winds matter. The application now requires a Materials Removal Plan. Black line drawings, presentation quality drawings, and variance information is requested. The application checklist has also been expanded.

Mrs. Victor mentioned that the Wells Road Scenic Vista has lost over 10 Australian Pines in the last storm. Mrs. Blades and Mrs. Day noted that the town of Gulfstream has been given permission by the State to replace some Australian Pines in kind. The LPC requested that the Town seek a similar waiver from the typical state regulations which prohibit re-planting Australian Pines. Staff will look into this.

Mr. Eigelberger suggested that the list of landmarks be divided among the commission members to perform some policing of the Town's landmarked buildings to ensure that they are being maintained properly. It was suggested that the Royal Poinciana Chapel might be charged with demolition by neglect for allowing the Seagull Cottage to deteriorate and for making inappropriate repairs. Mr. Frank noted that demolition by neglect cannot be invoked without having first gone through the Code Enforcement process first.

VII Adjournment:

MOTION BY MR. EIGELBERGER TO ADJOURN AT NOON.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on **Wednesday, December 21, 2005** at 9:00 a.m. in the Town Council Chambers, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

**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> </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> </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> </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> </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> </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> </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>

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/04	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> </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> </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> </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
---------	------	------	------	------	------	------	------	------	------	-------	-------	-------

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 Pym			(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
-------------------	------	------	------	------	------	------	------	------	------	-------	-------	-------

Robert T. Eigelberger				(promoted to regular member)								
Eileen L. (Morris) Bresnan												
Gail L. Coniglio												

Hazel Rubin

LEGEND:	V	=	One Voting Conflict during a meeting	<u>VPD</u>	=	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)