TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, SEPTEMBER 20, 2006 AT 9:00 A.M.
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I **CALL TO ORDER:** The meeting was called to order at 9:05 a.m. by Chairman Pandula.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Wendy Victor, Secretary
Patrick Segraves, Member
Robert T. Eigelberger, Member (arrived at 9:29 a.m.)
Eileen L. Bresnan, Member
Gail L. Coniglio, Alternate Member (voting member today)
Hazel Rubin, Alternate Member
D. Imogene Willis, Alternate Member
John C. Randolph, Town Attorney
Veronica B. Close, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

ABSENT: Judy Wells Hoffman, Member (Pending Classification)

III **APPROVAL OF THE MINUTES OF THE AUGUST 16, 2006 MEETING:**
MOTION BY MRS. VICTOR AND MR. HANLEY, SIMULTANEOUSLY, FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. CONIGLIO.
MOTION CARRIED UNANIMOUSLY.

IV **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:**
By Mrs. Delp

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V PUBLIC HEARINGS:

Mr. Pandula stated that he had a request from the Brazilian Court Hotel requesting that the matter of the wishing well be heard informally. He asked for a motion to hear this matter at the end of the agenda.

MOTION TO HEAR THE BRAZILIAN COURT HOTEL WISHING WELL AT THE END OF THE MEETING.

MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.

Mr. Pandula noted that members of the public would like to be heard relative to the Royal Poinciana Theatre. He advised them that they would be invited to speak under "Comments and Reports."

A. Application for Certificate of Appropriateness #15-2006,(deferred from July & Aug.)
Addition and Accessory Structure
Owner/Applicant: Robert Miller
Address: 105 Clarendon Avenue
Architect: Mesa Architecture - Stephen Roy
Project Description: Request approval for addition to historic structure and new accessory structure which is further described as: Addition of a new 3 car, one story garage. Materials shall match existing structure. Addition of a covered loggia off of existing carriage house. Materials shall match existing structure. Color of exterior additions shall match existing colors. Other associated changes as presented

At the July meeting, this project was approved as a whole, with the proviso that the applicant returns with the doors on the second floor and the arches. At the August meeting, this project was deferred to the September meeting.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mrs. Victor stated she had visited the site with Jane Day and had spoken with the owner. Mrs. Bresnan stated she had been to the site with Jane Day and Tim Frank. Mrs. Coniglio stated she had spoken to the owner.

Stephen, Roy, with Mesa Architecture, returned to the LPC in response to last month's deferral. He noted that one of the driveway columns will be moved over eight (8) feet to create a larger opening into the motorcourt. The motorcourt, entry drive and covered loggia will have a Chicago brick surface. Second floor windows will be replaced with doors to the roof deck, which is over the new garage. The cast stone railing, originally proposed, has been changed to wrought iron railings and will be set back from the edge. The existing bowed railing at the guest house will be retained. Garage doors will be done in pecky cypress. Three (3) French doors will be introduced to the interior courtyard to match existing French doors on the house.

Mr. Pandula offered his comments that he liked the flat roof on the connecting loggia, as proposed. On the other hand, he recommended that since the three arches facing the motorcourt are all different sizes, the arches should align, and the three arches should be reduced to two arches for better symmetry.

Mr. Segraves noted that there is no overhang above the French doors leading into the courtyard.

MOTION BY MRS. VICTOR FOR APPROVAL OF THE PROJECT, AS PRESENTED, WITH THE ADDITION OF MR. PANDULA'S SUGGESTION RELATIVE TO ALIGNMENT OF THE ARCHES AND REDUCING THE NUMBER OF ARCHES (FACING THE COURTYARD) FROM THREE TO TWO.

MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #16-2006, (deferred from July & Aug.)
Accessory Structure
Owner/Applicant: Mr. Bob Echele and Mr. Bob Gease
Address: 143 Clarendon Avenue
Architect: Ames Bennett
Project Description: Request approval of new accessory structure which is further described as: New pool cabana/garage structure (one and two story) at North end of existing pool. Revised landscape and hardscape plan. All finishes (roof tiles, stucco and trim) to match main house. Other associated changes as presented.

Please note that at the July meeting, this project was deferred for restudy of the second floor and cabana. At the August meeting, the project was deferred to the September meeting.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mr. Hanley spoke to the project manager and has been on site. Mrs. Bresnan visited the site with Mrs. Day and Mr. Frank. Mrs. Victor visited the site last month. Mrs. Coniglio visited the site with Bill Elias and met with Michael Perry in his office. Mrs. Rubin visited the site and met with Michael Perry. Mr. Eigelberger (after arrival to the meeting) stated that he had visited the site.

Mr. Ames Bennett, Architect, requested that Mr. Perry be permitted to present the project. Mr. Michael Perry, Designer, and Mr. Bill Elias, owner's representative, were present on behalf of the project. Mr. Perry indicated that since last month, the tie beam height of the second story portion of the cabana/garage was lowered by 18 inches to align with the existing garage. As an alternative to the one/two story design, Mr. Perry presented a one story option, which removes the second story portion over the exercise room. The one story option would occur in the same location, and will be located eighteen (18) feet back from the alley. Mr. Perry noted that the one story option would not include a raised garden area which is part with the one/two story design. He made it clear that the owner prefers the one/two story design option.

Mr. Pandula commented that with the reduced tie beam height, the one/two story design option is in much better proportion to the scale of the site as a whole. Mrs. Day commented that either design option is for new construction, and either design would fall within acceptable preservation standards. Mr. Hanley stated that he preferred the one/two story design with the roof lowered, and this design serves to visually block the utility pole behind the structure. He felt that the one/two story design balances the whole property at its northern end. Mrs. Victor agreed with Mr. Hanley, but noted for the record, that the LPC really does not like to be presented with a proposal for a new building on a site which has already received LPC approvals.

MOTION BY MRS. VICTOR FOR APPROVAL OF THE ONE/TWO STORY DESIGN OPTION.

MOTION SECONDED BY MR. HANLEY.

Mario Nievera presented the associated landscape plan including a walled garden, a series of garden rooms, a raised terrace and steps down into the pool.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness # 17-2006, (deferred from August)
Restoration, Rehabilitation, Reconstruction, Addition, Accessory Structure, Demo
Owner/Applicant: Brookshore Ltd.
Address: 710 South Ocean Boulevard
Architect: Smith Architectural Group
Project Description: Request approval for restoration, rehabilitation, reconstruction, addition to historic structure, new accessory structure, and exterior demolition, which is further described as: Proposed Demolition: Removal of existing pool; removal of existing terrace at Eastern facade; removal of existing pool pavilion; and, removal of portion of Northern facade. Proposed additions: New two-story addition at Eastern facade; new loggia addition at Northern facade; new second story addition over proposed loggia; new terrace at Eastern facade; new two-story pool pavilion; new terrace at Western facade; new via and garage addition to western facade; new monumental stairs; new pool and spa; new chimneys at East and North facade; numerous fenestration changes; and, other associated changes as presented.

Mr. Pandula re-stated a previously declared conflict with this project because he was involved with the project in its early stages. He passed the gavel to Mr. Hanley.

Prior to calling for ex parte communications, Mr. Randolph reminded the members about the information which they should be revealing during these declarations, which includes not only visitations to the site, but also conversations the member had with anyone related to the project. Members are to declare the subject matter of those conversations as well.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

Mrs. Victor stated she had driven by the site the other night, and saw that all the lights were on. She had heard from Mrs. Day that there were code enforcement issues with this property, and she hoped that the structure was protected from the elements.

Mr. Hanley met with the architect and attorney several months ago to describe the project and walk around the site.

Mr. Segraves met with the architect and lawyer a couple of months ago to discuss what would be changed and to gain a general feeling for the project.

Mrs. Bresnan met with the architect and attorney prior to the August meeting to discuss the project.

Mr. Eigelberger met with the owner and talked with the owner by phone relative to the project.

Mrs. Coniglio met with the architect and attorney at the site for a review of the plans. She received a written note from the owner, and spoke with Jane Day and Tim Frank about the project.

Mrs. Rubin met with the architect and attorney at the site, toured the site, and reviewed the plans.

Please note that at the August meeting, the project was approved with the proviso that the following three aspects of the project are re-studied: the Gothic loggia, the west facade of the pool house, and the width of the columns.

Mr. Frank clarified that the "owner," referenced in the declarations above, is really the contract purchaser of the property.

Mr. Jeffery W. Smith, Architect, and Mr. Don Kino of Smith Architectural Group returned to the LPC today, in response to last month's deferral, on behalf of the contract purchaser, Mr. Charlie Roberts. Mr. Smith stated that since last month, he researched the Gothic loggia. His research revealed that in the 1930's, this parcel extended from South Ocean Boulevard to County Road. At that time, there was a building on the site called the Mission House. The loggia from that Mission House was removed and attached to the main house. In an effort to preserve the loggia, but remove it from the main house, Mr. Smith proposed adding it to the west facade of the pool house. This would preserve the loggia and keep it on the property, and it would serve to dress up that west facade of the pool house and provide shade from the sun. The LPC liked this solution very much. Mrs. Day saw this proposal as a "win/win" situation.

The second issue concerns the width of the columns on the pool loggia. Mr. Smith's proposal was to remove the two columns which the commission did not like. Mrs. Day stated that she has heard comments that the doors are not aligned with the remaining columns. Mr. Smith responded that the doors are in their designated place due to the interior layout. Some of the members were not pleased with the appearance of this loggia. Mr. Hanley commented that some furniture on the porch and/or something on the wall will help the appearance. Mr. Eigelberger suggested adding two niches on the wall, and Mr. Smith was agreeable to that suggestion.

The contract purchaser, Mr. Roberts, addressed the commission expressing his happiness that the residence is landmarked, and as such, was saved from becoming yet another tear down. He briefly discussed the previous owners, "Elizabeth and Alfred" and their associations within the fabric of old Palm Beach. He is very excited about renovating this home, and pledged that it will be a credit to the LPC's vision.

MOTION BY MR. EIGELBERGER TO APPROVE THE ADDITION OF THE GOTHIC LOGGIA ON THE BACK OF THE POOL HOUSE, AND THE COLUMNS AS PRESENTED, (ONE LARGE CENTER COLUMN WITH THE TWO SMALL COLUMNS REMOVED) AND THE ADDITION OF TWO NICHES ON THE PORCH.

MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #21-2006, Modifications
Owner/Applicant: Mr. Stephen A. Schwarzman
Address: 1768 South Ocean Boulevard
Architect: Ferguson & Shamamian Architects LLP
Project Description: Request approval for minor modifications to approved house design which is further described as: The proposal is a revision to a previously approved service gate in the forecourt. The revision contemplates a door in a masonry wall. The scale and character of the revised opening addresses its position as a focal point opposite the front door. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mrs. Victor had visited the site with Mrs. Day and had met with several of the contractors. Mr. Hanley had visited the site and had met with the architect several times over the past year and a half. Mr. Pandula met with the architect to specifically discuss this concept sketch. Mrs. Coniglio drove to the site and looked at where it would be located, and met with the architect several months ago, and spoke with staff relative to the project. Mrs. Rubin met with the architect several months ago and spoke about the design.

Architect Mark Ferguson presented this project in conjunction with the continuing work on Four Winds. Today's proposal is to make a revision to the forecourt gate. The gate occurs within a 6.5 feet high wall which encloses the front drive court. The gate provides access from that court down to the service drive and tennis court. The new door will have a large surround with ornamental metal features which relate back to the entry gates. The door was made more significant because it can be easily seen from the front door. The new door will be much more appealing. Mrs. Day stated that staff is in favor of the improved door.

MOTION BY MR. SEGRAVES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #22-2006, Landscape/Hardscape/Lighting
Owner/Applicant: 822 S. County Road, LLC
Address: 822 South County Road
Landscape Company: Life Force Nurseries, Inc., Steven M. Dauber
Project Description: Request approval for landscape/hardscape and landscape lighting, and other associated changes as presented

Mr. Pandula declared a conflict with this project since he is the architect for the project, and passed the gavel to Mr. Hanley.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION
Mr. Hanley stated that he visited the site several times.
Mrs. Victor stated that she had been on the site with Mr. Elias.

Mr. Steven Dauber, Landscape Architect, presented the landscape/hardscape and landscape lighting for this project. He stated that most of the existing plant material will be retained to maintain the character of the site, and new plant material will be simple and complimentary to the existing Georgian architecture. Mr. Dauber reviewed the plans for the commission. All pathways and patios will be brick set on sand. The driveway will be white chatahoochee stone with Belgian block border. The north and south property lines will be densely planted for privacy from the neighbors. Small water features occur at various places on the site, all integrated by brick walkways. There will be a small pool at the new guest house, and a new large pool in the rear of the property (non-landmarked area) along the Intracoastal waterway.

Attempts will be made to keep lighting at a minimum. It will include pathway lighting, and soft lighting along the driveway, some uplighting on the larger trees, and surface mounted spots on some of the ornamentation and particular plant materials. At the driveway entrance, there will be two columns, but no gate.

Mrs. Victor made note of the fact that the rear pool looks very close to the Intracoastal, and it is unusual for the site to have two pools. Ms. Close responded that there are no zoning issues related to having the two pools on this site. Mr. Bill Elias stated that the rear pool is located within permissible distance from the waterway, and it will be kept quite "quiet," a rectangular swimming lane with a small raised spa. Mr. Frank stated that the former owner of the home, Barbara Hoffstot, was successful in removing the rear of the property from the landmark designation. He recalled that a previous Landmark Commission had approved a pool in the rear yard. Mrs. Day commented that the pools enhance the property, and have no negative impact to the landmark. She was very pleased with the plan presented today.

MOTION BY MR. EIGELBERGER FOR APPROVAL AS SUBMITTED.
MOTION SECONDED BY MRS. CONIGLIO.
MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #23-2006, Parking Lot Lights
Owner/Applicant: Palm Beach Biltmore Condo Association Inc.
Address: 150 Bradley Place
Contractor: Batten Construction, Inc., Mr. Greg Batten
Project Description: Request approval to repair and/or replace parking lot light poles and heads, and other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mrs. Victor drove into the site and looked at the existing lighting.

Mr. Greg Batten of Batten Construction presented this request on behalf of the Biltmore Condo Association. He explained that most of the previous lighting poles were knocked down or damaged in previous hurricanes, leaving perhaps two or three standing today. Mr. Batten stated he is unable to match the existing light heads, but the pole color and height can be matched. As such, Mr. Batten distributed copies of the proposed new light heads. After review of the proposal, the commission requested that Mr. Batten look for a more traditional style of light pole, rather than such a commercial-looking fixture. Mr. Batten asked the commission to assign him a commission member to assist in this regard. There are a total of 14 light poles (75 watts/10 ft. high) to be located on the north and south sides of the property. (The existing two or three poles will be removed, so that all 14 fixtures match.)

Ms. Close stated that staff will be happy to work with Mr. Batten to find a more traditional style of light pole. She noted that the Town, itself, uses more traditional light poles, and the Town has information in this regard.

MOTION BY MR. EIGELBERGER THAT THE APPLICANT WORK WITH STAFF TO FIND A BETTER LIGHT POLE CHOICE.

THERE WAS NO SECOND TO THIS MOTION.

Mr. Pandula noted that when the Biltmore was re-done in the 1970's, it was a very important project. The lights were installed at that time, but as part of a remodel, not a preservation project. He felt that the current situation presents an opportunity to replace the fixtures with something much nicer and more appropriate. He offered his assistance in the fixture selection as well.

MOTION BY MR. EIGELBERGER TO REFER THIS MATTER TO STAFF FOR STAFF APPROVAL.

MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

Ms. Close clarified that the LPC sanctioned staff approval will include staff conferring with the Chairman relative to the light poles.

VI **OTHER BUSINESS:**

A. Informal Review: 228 Phipps Plaza
(referred to LPC by Town Council)

Mrs. Delp administered the oath to Raphael Rodriquez and Jacqueline Albarran, Architects. Mr. Rodriquez stated that the subject property (1940 Howard Major design) is on the southwest corner of Phipps Plaza. He remarked that all of the homes within Phipps Plaza are tight against setback lines, and that additions approved for these parcels would require a variance. Mr. Rodriguez explained that the homeowner is seeking approval of modifications to a previous addition (which had been given variance approval years ago, with a tear down provision which would come into play when the property changed ownership.) Mrs. Albarran stated that the former owner is now deceased. In order to prepare the property for sale, the current owner would not only like to be able to keep the addition, but also make modifications to it. The modification requested is to remove the existing flat roof which is in very poor condition, and replace it with a new hip roof.

Attorney Barry Curtin offered some additional information. He stated that the variance was granted in 1979 to allow an addition of 270 square feet which had a setback of only 7.9 feet rather than 10 feet. The owner at that time had a medical condition which helped to justify the need for the variance. The tear down provision was added, as a condition of the approval, to require that the addition be removed when the property was sold. Mr. Curtin noted that the variance was granted prior to the building being landmarked. The building was landmarked with the addition in place. Currently, the Town Council has referred this matter to the LPC for an opinion relative to the effect of retaining the subject addition on the landmarked structure.

Ms. Close explained that the Town Council is interested to know whether the LPC believes that the removal of the addition either contributes to the landmark or is detrimental to the landmark.

Mr. Eigelberger was in favor of bringing the house back to its original Howard Major design by removing the addition. He felt it would be inappropriate to add a variance to a variance, especially since the reason for the original variance no longer exists. Mrs. Victor agreed with Mr. Eigelberger. Later in the meeting, Mr. Eigelberger agreed that while it would be better preservation to remove the existing addition, this very small house warrants an addition which is in keeping with the architecture.

Mrs. Albarran responded that the LPC routinely approves additions. She explained that this is only a 1,000 square ft. home, and as such, needs the extra square footage. This situation is not the typical situation which the LPC is faced with so often, where a homeowner already has a reasonably sized house and simply wants more square footage.

Mr. Pandula attempted to clarify that the role of the LPC today is to determine whether continuing this addition or modifying it is detrimental to the landmark architecture and the neighborhood. Mr. Randolph stated that the Town Council wants to know if the LPC feels that the plans to keep and modify the existing addition (subject of the previous variance) enhance the property. He noted that the modifications to the addition will have to return to the LPC for formal approval.

Mrs. Albarran explained the limitations relative to this property due to its physical location; that is, that it is bordered by an easement and bordered by a road, that it is limited by certain Phipps Plaza provisions; and that a second floor cannot be added. Mr. Pandula commented that this is a classic example of a hardship that runs with the land. Mrs. Albarran tried to illustrate how small this house really is within Phipps Plaza by saying that the next smallest house in the plaza has approximately 4,500 square feet.

Mrs. Victor stated that the beauty of Phipps Plaza is that not every property is fully built out; that there are small houses next to larger ones, and there are office buildings within the plaza. She also pointed out that the owners knew the size of this home when they bought it.

Mrs. Coniglio stated that this is the tiniest house she has ever seen, and it is in bad shape, so something will have to be done with it. Mrs. Bresnan stated that the proposal has no negative architectural impact to the subject property.

Mrs. Day stated that Phipps Plaza is the first historic district in Palm Beach. It is a gem which incorporates residences, commercial spaces and a park. She agreed that to remove the existing addition is the purest form of preservation, but she noted that the LPC grants approvals for additions to landmarked homes routinely to allow for modern day living. She noted that the existing addition was not designed very well as it relates to the structure. The proposed addition utilizes the same footprint and is compatible architecturally with the original Major house. In this case, it is a good rehabilitation project, not a restoration project. Mrs. Day felt that the choices are really to either remove the existing addition, or allow changes to the existing addition. Staff is in favor of the proposed changes, if the LPC deems that modifications should be permitted.

Mr. Pandula commented, in summary, that the removal of this addition would be the best level of historic preservation and would be welcomed; and, that the modification, as proposed, would be good adaptive use or renovation of the property, and is preferable to leaving the existing condition.

MOTION BY MR. EIGELBERGER THAT THE PROPOSAL, AS PRESENTED, WHICH IS IN KEEPING WITH THE ORIGINAL ARCHITECTURE, ENHANCES THE PROPERTY.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

B. Informal Review: 700 North Lake Way
(requested by Smith Architectural in advance of formal hearing in October)

Jeffery W. Smith and Don Kino of Smith Architectural Group presented this informal review for this property which has already received major approvals from the LPC.

2 Staff Houses: One is a maintenance building and the other is used for staff quarters. Both are located outside of the landmarked area. As such, Mr. Smith requested that they be reviewed using ARCOM standards. Additions will be constructed on both buildings, changing the footprints. Both buildings will have the same quoins, the same roof line, the same window fenestration, and the same shutters as the main house.

Staff Dining Porch: The staff dining porch had been glazed in with sliding glass doors. The proposal is to remove the sliding glass doors and the storefront doors and install casement windows with panels below and one entrance door.

Windows and Doors: The existing windows are metal. There has already been an approval for bronze windows and door replacements. The bronze windows, however, are too expensive and did not achieve the desired result with regard to hurricane protection. The proposal is to remove one horizontal muntin bar from each of the windows and French doors (4 lites instead of 5). The doors and windows will be mahogany rather than metal. The windows will meet 140 mph windload requirements.

Change one window to a door: This is needed for access to the pool at the guest suites.

Ms. Close stated that if the LPC reaches consensus on any of these issues, and would like them to be handled as staff approvals, that option is available.

Change of roof material and color and change of house color: The existing Ludowici glazed white roof tiles are no longer manufactured, and this is not the original roof material. The proposal is for a dark Ludowici tiles, "ebony", which is a terra cotta tile with an applied glaze. The owner would also like to change the house color from white to off-white (#98.950)

Commission Comments:

Mr. Segraves commented that the roof height of the two staff houses is too high and out of proportion. He suggested either more wall height or less roof height. Mr. Kino responded that they have tried to retain the existing plate height to minimize the work which has to be done.

Mr. Hanley had concerns about changing the roof color from white to a dark color. Mr. Eigelberger stated he had a major problem with changing the color of the roof, and stated he would never approve the proposed dark color. He remarked that this was always the "big white house up on the hill." He would like to see the house sandblasted and taken back to the original brick with a white roof.

Mr. Smith presented a second option, a white Ludowici tile roof (no glaze) and China White paint for the building color.

Summary:

The LPC authorized staff to approve the change from one window to a door, the changes to the windows and doors as proposed, and the staff porch as proposed. The LPC asked the applicant to re-study the roof on the staff houses, and to re-study the colors, noting that the roof must be white, regardless of whether it is clay or concrete.

At this point, there was a five minute recess. The meeting reconvened at 11:30 a.m.

VII **COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:**

Due to a conflict, Ms. Close asked that the agenda be restructured to allow her to make some comments regarding the Royal Poinciana Plaza. The commission had received copies of e-mails that the department has received relative to this subject. Ms. Close noted, for the record, that landmarking can only occur from November through May. The Royal Poinciana Plaza has already been placed "under consideration" for landmark designation and is thereby protected. Staff is currently focusing on structures which are over 50 years in age, and the Plaza does not meet this criteria. Staff is working on the Designation Report for the Plaza and will present it in the Spring. She noted that the LPC acts in an advisory capacity to the Town Council. The LPC makes recommendations to the Town Council, but the Town Council has the final decision-making power. Ms. Close advised that anyone speaking today relative to this matter should know that their comments today will not be carried forward to the Designation Hearing. The comments would need to be reiterated during the Designation Hearing to become part of that record. The same is true for LPC comments.

VI **OTHER BUSINESS (CONTINUED)**

Brazilian Court Hotel - Wishing Well

Mr. Richard Leja of the Lawrence Group Architects presented this informal review to reconstruct the wishing well which was damaged during construction last year. Staff had provided a historical photo of the original wishing well. Mr. Leja presented two options: a stone base wishing well with a curved concrete tile roof, or, a stone base wishing well with a flat tile roof.

Mrs. Day thanked the Preservation Foundation for locating the historical photo. She stated that either of these solutions is much better than what was suggested last month.

MOTION BY MR. EIGELBERGER FOR APPROVAL TO RECONSTRUCT THE WISHING WELL USING CORAL ROCK, PECKY CYPRESS AND FLAT CLAY TILE FOR THE ROOF.

MOTION SECONDED BY MR. SEGRAVES.

SINCE THIS IS AN INFORMAL REVIEW, THE LPC DELEGATED THIS MATTER TO STAFF FOR ULTIMATE STAFF APPROVAL USING THE GUIDELINES AS STIPULATED.

VII **COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:**

Staff noted that the new requirement for submission of revised plans at least 7 days prior to the meeting is working well.

Mrs. Victor noted that the **Bradley House** has had a tarp on the roof for 2 years; the paint is still peeling; and code enforcement has been involved for over a year, yet nothing is getting done. Staff responded that this property is on the upcoming Code Enforcement Board agenda.

Seagull Cottage: Mrs. Day reported that the Chapel has addressed the short list of needed repairs at the Seagull Cottage. Since that time, a new list of twenty-three items (photo documented) has been given to the Chapel through Ms. Day and Code Enforcement. The necessary repairs will be started soon. Mr. Eigelberger asked Mr. Stambaugh of the Preservation Foundation about moving the cottage, and asked for a flow chart listing the hurdles which need to be crossed before the building can be moved. Mr. Stambaugh responded that the details need to be worked out between the Chapel, the town and the Preservation Foundation, but the primary focus right now is on resolving the code issues.

Mr. Randolph stated that the decision to move the building to Bradley Park will ultimately have to be addressed by the Town Council. The Town Council will have to consider the claims by the Bradley heirs and whether the Town will take the risk with regard to moving the building to Bradley Park when the heirs claim that if that happens, the property will revert to the heirs. Mr. Eigelberger responded that if the Town does not want to take that risk, the LPC and/or the Preservation Foundation should be considering alternate locations for the cottage. Mr. Randolph agreed, but said that would be premature at this point. Since Mr. Eigelberger was concerned that the cottage integrity is in jeopardy, he made the following motion:

MOTION BY MR. EIGELBERGER THAT THE SEAGULL COTTAGE MATTER BE PLACED ON THE TOWN COUNCIL AGENDA AS SOON AS POSSIBLE TO DETERMINE WHETHER THE SEAGULL COTTAGE SHOULD BE MOVED TO BRADLEY PARK OR NOT, AND FAILING THE MOVE TO BRADLEY PARK, DETERMINE WHAT SHOULD BE DONE NEXT.

MOTION SECONDED BY MRS. VICTOR.

Mrs. Day mentioned that staff is being proactive with regard to the Seagull Cottage in trying to get repairs done, and the Royal Poinciana Chapel has been cooperative. She will report on the Seagull Cottage at the next meeting.

Mr. Stambaugh stated that staff has been working with the Preservation Foundation regarding the Seagull Cottage. The Preservation Foundation is contemplating alternatives to the move to Bradley Park, but is waiting for the Town Council to take action first.

MOTION CARRIED UNANIMOUSLY.

STAFF APPROVALS

Last month's minutes indicated that staff would present a list of changes appropriate for staff approval at this meeting. Mr. Frank stated that staff approvals are typically limited to walls and fences. Staff would typically approve such items, with the following exceptions: the design deviated from typical good design; the change is remarkable, or very noticeable; the change includes utilizing unusual materials or colors; and, if staff is uncomfortable with giving a staff approval for any reason.

Mrs. Victor recommended that if staff has any doubt about giving a staff approval, staff should either take it to the chairman or bring it to the entire LPC for approval. Mr. Eigelberger brought up the subject of the fence around the Hebrew School which had been given staff approval. Mr. Frank reported that the fence permit has been issued, and they have 60 days to bring the fence into conformance with the conditions of approval, that being that the fence was to be totally screened with landscaping. Mr. Paul Castro, Zoning Administrator, stated that the Hebrew School issues will return to the Town Council at the October 10, 2006 meeting.

Architect Jeffery W. Smith of Smith Architectural Group, and former Chairman of the Landmarks Preservation Commission stated that staff approvals are a very important component of the LPC and ARCOM process and serve to keep construction projects moving along. He advocated that staff and the chairman work together regarding staff approvals to facilitate the process. Mrs. Victor agreed that the chairman should share this responsibility with staff. Mr. Randolph stated that staff regularly confers with the chairman regarding staff approvals and other matters, but he recommended that the LPC develop a measure or a guideline as to when a staff approval is appropriate. He noted that full authority cannot be delegated to the chairman.

Mr. Frank explained that the normal parameters of staff approvals cover awnings, signs, fenestration (if in the same rough opening), very small addition (nondescript with same materials), roof upgrades, and normal maintenance of property.

Mr. Pandula added that all staff approvals go through the normal permit process. He suggested that the status quo regarding staff approvals remains the same. The other commissioners were in agreement.

VIII <u>COMMENTS FROM THE PUBLIC</u>:

Mr. Patrick Flynn from the Palm Beach Theatre Guild addressed the commission regarding saving the **Royal Poinciana Playhouse**. The guild, with its approximate 450 members, would like the LPC to move forward with the designation of the theatre alone, and to hold the designation until the LPC determines if they want to proceed with just designating the theatre, or proceed with designating the entire plaza including the theatre. Mr. Flynn stated that with a designation of the theatre in place, the guild will be able to move forward with financing the theatre. He requested that the 50 year requirement for landmarks be suspended in this case because the building is under attack. He looked to the LPC for leadership.

Mr. Bill Metzger stated that he works with the Palm Beach Film Institute, and he looked forward to being able to use the Royal Poinciana Playhouse for both theatre and film projects. He noted his support of Mr. Flynn and the guild, and asked the LPC to seriously consider Mr. Flynn's request.

Ms. Vicki Halmos, a twenty-two year Palm Beach resident, stated that she has a not for profit theatre company for young people of high school and college age. She noted that her interest in doing theatre with young people began at the Royal Poinciana Playhouse when her children were involved in theatre there. She looked forward to a resurgence of theatre and other artistic activities at the Royal Poinciana Playhouse, and asked for the support of the LPC to save the theatre.

Mr. Flynn pledged the support of the guild toward the LPC's landmarking just the theatre at this time. He stated his group will do whatever is required to save the theatre, including going to court.

Mr. Randolph stated that no settlement relative to the ongoing lawsuit related to the theatre and the plaza will occur "behind closed doors" as was feared by Mr. Flynn. Any settlement would be made a public meeting with full input from the public.

Mrs. Victor noted that the LPC is still bound by the designation calendar year, November through May. Thus, the LPC is not able to take any action at this time toward modifying the existing "under consideration" status for the entire Royal Poinciana Plaza.

Mr. Randolph agreed that the LPC can take no action toward designation until November. He also stated that a designation cannot just be "held," as was suggested by Mr. Flynn, because after the LPC makes a motion to designate a property, they are required to move forward with a ratification hearing before the Town Council within a specified number of days.

IX **ADJOURNMENT:**

**MOTION BY MR. EIGELBERGER TO ADJOURN THE MEETING AT 12:15 P.M.
MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Landmarks Preservation Commission will be held on **Wednesday, October 18, 2006** in the Town Council Chambers, second floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

ATTENDANCE RECORD 2006

MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11//06	12/06
Eugene Pandula	P	P	P	P	P	P	P	U	P			
Ann Blades	P	P	(Term maximum reached)									
Judy Hoffman	P	P	E	P	E	E	P	P	A			
Patrick Segraves	P	P	P	P	P	P	P	E	P			
Wendy Victor	P	P	P	P	P	U	P	P	P			
William Lee Hanley Jr.	P	P	P	P	P	P	P	P	P			
Robert Eigelberger	P	P	P	P	P	A	U	P	P			
Eileen Bresnan			P	P	P	P	U	P	P			

ALTERNATE MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11//06	12/06
Eileen L. (Morris) Bresnan	P	P	(Promoted to regular member)									
Gail L. Coniglio	P	P	P	P	P	U	P	P	P			
Hazel Rubin	P	P	P	P	P	P	U	P	P			
D. Imogene Willis			P	P	P	P	P	U	P			

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 2006

MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11/06	12/06
Eugene Pandula	V						V		V VPD1			
Ann Blades			(Term maximum reached)									
Judy Hoffman												
Patrick Segraves	V	VPD1					V					
Wendy Victor												
William Lee Hanley Jr.												
Robert T. Eigelberger												
Eileen Bresnan												

ALTERNATE MEMBERS	1/06	2/06	3/06	4/06	5/06	6/06	7/06	8/06	9/06	10/06	11/06	12/06
Robert T. Eigelberger				(promoted to regular member)								
Eileen L. (Morris) Bresnan			(Promoted to regular member)									
Gail L. Coniglio												
Hazel Rubin												
D. Imogene Willis												

LEGEND:

- V = One Voting Conflict during a meeting
- V2 = Two Voting Conflicts during a meeting
- V3 = Three Voting Conflicts during a meeting
- VPD = Voting Conflict Previously Declared (This category to be used when a conflict has 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)

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

LAST NAME—FIRST NAME—MIDDLE NAME PANDOLA EUGENE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE T.P.B. LANDMARKS COMMISSION
MAILING ADDRESS 201 SEAVIEW AVENUE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: [X] CITY [ ] COUNTY [ ] OTHER LOCAL AGENCY
CITY COUNTY PALM BEACH, FLORIDA	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 20 SEPTEMBER 2006	MY POSITION IS: [ ] ELECTIVE [X] APPOINTIVE

Minutes

WHO MUST FILE FORM 8B

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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:

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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.

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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.
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DISCLOSURE OF STATE OFFICER'S INTEREST

I, GENE PANDULA, hereby disclose that on 20 SEPTEMBER, ~~19~~ 2006

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

___ inured to my special private gain; or

X inured to the special gain of MR CHARLES ROBERTS, by whom I ~~am~~ HAD BEEN retained.

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

APPROVAL OF RENOVATIONS & ADDITIONS TO PROPERTY. WE HAD PROVIDED CONSULTING SERVICES TO THIS OWNER FOR THIS PROPERTY, BUT FOR A DIFFERENT PROJECT

710 S. OCEAN BLVD.

13 OCTOBER 2006

Date Filed

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.

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LAST NAME—FIRST NAME—MIDDLE NAME PANDOLA, EUGENE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE T.P.B LANDMARKS COMMISSION
MAILING ADDRESS 201 SEAVIEW AVENUE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: [X] CITY [ ] COUNTY [ ] OTHER LOCAL AGENCY
CITY: PALM BEACH, FLORIDA COUNTY	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 20 SEPTEMBER 2000	MY POSITION IS: [ ] ELECTIVE [X] APPOINTIVE

Minutes

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APPROVAL OF A LANDSCAPE PLAN FOR A PROJECT WHICH WE PROVIDED ARCHITECTURAL DESIGN SERVICES

822 S. COUNTY ROAD

13 OCTOBER 2006

Date Filed

Signature

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CITY COUNTY PALM BEACH, FLORIDA	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 20 SEPTEMBER 2006	MY POSITION IS: ☐ ELECTIVE X APPOINTIVE

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RECEIVED OCT 13 2006 TOWN CLERK'S OFFICE TOWN OF PALM BEACH

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CITY COUNTY PALM BEACH, FLORIDA	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH
DATE ON WHICH VOTE OCCURRED 20 SEPTEMBER 2006	MY POSITION IS: ☐ ELECTIVE X APPOINTIVE

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RECEIVED
OCT 13 2006
TOWN CLERK'S OFFICE
TOWN OF PALM BEACH

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822 S. COUNTY RD.

13 OCTOBER 2006

Date Filed

Signature

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MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, SEPTEMBER 20, 2006 AT 9:00 A.M.
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I **CALL TO ORDER:** The meeting was called to order at 9:05 a.m. by Chairman Pandula.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Wendy Victor, Secretary
Patrick Segraves, Member
Robert T. Eigelberger, Member (arrived at 9:29 a.m.)
Eileen L. Bresnan, Member
Gail L. Coniglio, Alternate Member (voting member today)
Hazel Rubin, Alternate Member
D. Imogene Willis, Alternate Member
John C. Randolph, Town Attorney
Veronica B. Close, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

ABSENT: Judy Wells Hoffman, Member (Excused)

III **APPROVAL OF THE MINUTES OF THE AUGUST 16, 2006 MEETING:**
MOTION BY MRS. VICTOR AND MR. HANLEY, SIMULTANEOUSLY, FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. CONIGLIO.
MOTION CARRIED UNANIMOUSLY.

IV **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:**
By Mrs. Delp

P2B- landmarks

TOWN OF PALM BEACH

Office of the Town Manager

September 21, 2006

Judy Wells Hoffman
211 Bermuda Lane
Palm Beach, FL 33480

Re: Landmarks Preservation Commission Meeting September 20, 2006

Dear Ms. Hoffman:

Thank you for your letter dated September 18, 2006. Your absence from the above referenced meeting will be an excused absence.

By copy of this letter to Planning, Zoning, and Building Director Veronica Close, I request in accordance with Section 54-38 of the Town's Code of Ordinances that the Landmarks Preservation Commission minutes reflect your absence from the September 20, 2006, meeting as an excused absence.

Sincerely,

Peter B. Elwell
Town Manager

PBE:cek

cc: Veronica B. Close, Director of Planning, Zoning, and Building
Cindy Delp, Office Manager, Planning, Zoning, and Building

N:\PBE Letters\2006\hoffman lpc absence 3.wpd

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411
E-Mail: townmanager@townofpalmbeach.com • Website: www.townofpalmbeach.com

September 18, 2006

By Fax
(561) 838-5411

Mr. Peter Elwell
Town Manager
Town of Palm Beach
Palm Beach, FL 33480

Dear Mr. Elwell:

I had hand surgery this past week and have to remain in New York through this week to be reseen by the surgeon. Therefore I will have to miss the Landmarks Commission meeting on Wednesday, September 20th.

Very truly yours,

Judy Wells Hoffman