TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, JULY 21, 2004 AT 9:00 A.M.
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I **Call to Order**: Mr. Pandula called the meeting to order at 9:03 a.m.

II **Roll Call**:

PRESENT:
Eugene Pandula, Chairman
Ann Blades, Vice Chairman
Wendy Victor, Secretary
Ann Vanneck, Member
Judy Hoffman, Member
Patrick Segraves, Member
William Lee Hanley Jr., Alternate Member
Robert T. Eigelberger, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Jane Day, Staff Preservation Consultant

ABSENT:
Jack Pyms, Member (Excused)
Eileen L. Morris, Alternate Member (Unexcused)
Timothy M. Frank, Planning Administrator

RECORDING SECRETARY: Cynthia M. Delp

III **Approval of the Minutes of the June 16, 2004 Meeting:**
MOTION BY MRS. BLADES FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

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

Let the record show that the Chairman announced that Items A&B will be handled together as they are for the same site address.

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V **Public Hearings**:

A. Application for Certificate of Appropriateness #25-2003,(deferred from Dec. 2003, & Jan. & March 2004, April, May & June)
Continuing renovation with miscellaneous changes
Owner/Applicant: 123 LLC
Address: 455 North County Road
Architect: J.F. Brennan Design/Build L.C., Ralph Cantin
Project Description: Request approval of the following:

"The main purpose of this project is to fully restore and rehabilitate the existing building on the exterior, bringing out the richness of the Mizner design with cypress outlookers, barrel tile roofs, balconies and lookouts and unique fenestration. On the interior, major rooms such as the living room, library, and family rooms will be restored with wood beams and/or equal ceiling and details, and be brought back to its original function and use. All existing masonry openings for windows and doors shall remain in place, as well as any existing structural walls and/or supports, with the exception of one proposed window on the west stair (refer to second floor plan and north elevation) to bring in light. In addition, the proposed elevations will have two more proportionate windows within existing masonry openings in the second floor laundry room and his bath area on the south elevation. Further, the proposed plans and elevations present a grander and more refined and developed entry staircase and planting area."

Let the record show that at the December meeting, there was a motion for approval of the fenestration changes presented, and there was a second motion for deferral of the stairs (together with driveway and motorcourt) to the January meeting. At the January meeting, the applicant requested deferral to the March meeting. At the March meeting, there was a motion for deferral to the April 2004 meeting. At the April meeting, there was a motion for deferral to the May meeting with the understanding that if the applicant does not appear at that meeting, the project must be re-advertised and the application must be re-submitted for a Certificate of Appropriateness. At the May meeting, there was a motion for deferral to the June meeting.

At the June meeting, there was a motion for approval, as presented, with the stipulation that some iron rails be inserted, and that a planter be provided between the wall and the stairs, and that the applicant will return with the rail design next month, together with landscaping, and with any and all gate designs.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mrs. Victor stated that she had met with the architect last month.

Mr. Joe Brennan of J.F. Brennan, and Mr. John Lang, Landscape Architect, were present on behalf of the applicant. Mr. Brennan described the inserts of ornate aluminum panels and planters with vines on the first landing of the entry stairs. He also presented eight (8 ft.) foot high gates (6 ft. to the top of the piers) having a decorative bottom with a picket top. The gate locations were discussed later by Mr. Lang.

Mr. Pandula commented that the ornate railing inserts do not belong with this simple Mizner building. He suggested a more traditional Mediterranean design. Mr. Eigelberger commented that the design with the railing inserts is too light for this building. He recommended stone reliefs as more appropriate than the aluminum inserts. With regard to the entry gates, members felt they were too French, and they asked that the gates be made simpler. Mrs. Vanneck felt that

the main glass entry door of the house is likewise too ornate, but Mr. Pandula thought it was acceptable.

MOTION BY MRS. VANNECK FOR DEFERRAL OF THE DESIGN OF THE GATES AND THE FRONT ENTRY STAIRS, AS DISCUSSED, TO THE AUGUST MEETING.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness #19-2004
Landscape/Hardscape/Site changes
Owner/Applicant: 123 L.L.C.
Address: 455 North County Road
Architect: Ralph Cantin
John Lang , Lang Design Group
Project Description: Request approval of the following:

1. Landscape
2. Hardscape
3. New Pool/Tennis House
4. Tennis Court
5. New Pool
6. Various gates
7. Entry stairs (originally discussed as part of Item A)
8. Other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared at this point.

John Lang began with the ocean side of the house which will be planted primarily with cocoanut palms and salt tolerant plants, together with an expanse of open grass. Mr. Lang added that green space for the site is over 60%. The middle section of the site places the house in what will now be a grande garden. There will be a fountain with palms around the pool, a rose garden, and a new swimming pool. Mr. Lang showed a simple sketch of the motorcourt fountain which is a very simple bowl with water. Plantings are formal with a tropical palette. There are four large existing ficus trees along the south border of the property which are badly in need of pruning, but ones which Mr. Lang wants to save. On the west portion of the site, there is the common drive with gate and gate posts, a new private drive with gate and gate posts, a tennis court and pool pavilion. The tennis court is fenced and the fence will be covered with landscape material. There will be a fence around the pool which will likewise be hidden with hedge. Mr. Lang noted that the plan calls for heavy landscaping between the main house at 455 North County Road and the house to the north, in an attempt to minimize the connection between the two, which does not violate any easement provisions. Mr. Lang also stated that the landscaping along the north border of the common driveway is unkempt and they would like to work with that property owner to make this area nicer. Mr. Lang stated he would like to be able to create a landscape fence or erect a fence on the ocean side of the property to separate this property from the property to the north for safety reasons. Several members stated that they would not like to see a fence in this area, but landscaping may be acceptable.

As for materials, the pool area will be mostly pre-cast or limestone, or a mix of both; the pool will have a pebble tech finish; and, the private driveway will be bordered in stone with a tabby finish. The common driveway, according to Mr. Lang, can be done in gravel, with a border, as was the LPC's request. Mr. Lang stated that the tiles at the water line of the pool will be a classic Mizner (sample not shown).

Mr. Brennan showed the elevations of the pool cabana as revised since last month. It consists of two wings linked by a trellised area. It will be nearly camouflaged within the garden.

Mrs. Day stated that she was happy with the project as a win for the property owners and the LPC. She asked the attorney for the owner to address the easement issues relative to the site. Attorney Frank Lynch stated that the north driveway is an access easement, and the owner of 455 North County Road has an obligation to provide ingress and egress to the properties to the north. The owner has, indeed, been in communication with the neighbors to keep them aware of the project. Mr. Lynch felt that his client has met all legal obligations in this regard.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE PROJECT, AS PRESENTED, WITH THE PROVISO THAT THE APPLICANT RETURNS WITH LANDSCAPE LIGHTING AT A FUTURE DATE.
(The landscape lighting will be handled under a new Certificate of Appropriateness in several months.)

MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #14-2004 (deferred from June 2004)
Telecommunication equipment
Owner: Town of Palm Beach
Applicant: Nextel Communications
Address: 360 South County Road (Town Hall)
Architect: Morrison Hershfield
Project Description: Request approval to place Nextel's wireless communication panel antennae on the rooftop of Town Hall in accordance with the previously approved Certificate of Appropriateness #27-2001 which has since expired, and other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

At the June meeting, there was a motion for deferral to the July meeting, as more information was needed from the State of Florida Historic Preservation Office.

Mrs. Day stated that a letter has been received from Mr. Fred Gaske, Director of Historic Preservation in Tallahassee, which states that both projects that Nextel will present today have been approved by the State of Florida. The State has asked, however, that where balustrades (at the south tower) are being removed on the Town Hall, those balustrades must be retained and stored by the Town. The balustrades should be clearly marked with signs indicating that the balustrades must be saved, and their origin, etc. Mrs. Day stated that staff recommends approval of the project.

Mr. Brian Plewinski was present on behalf of Nextel. The design of the project is per the previously approved Certificate of Appropriateness which has now expired. The balustrades must, of course, be saved.

MOTION BY MR. SEGRAVES FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #15-2004, (deferred from June)
Telecommunication equipment
Owner: Town of Palm Beach
Applicant: Nextel Communications
Address: 300 North County Road (North Fire Station)
Architect: Morrison Hershfield
Project Description: Request approval to remove three (3) sections of the existing barrel tile at the bell tower. Replication of 3 barrel tile sections with RF transparent materials. Install three (3) antennae to be enclosed behind stealth panels painted and textured to match existing tower. Equipment cabinet will be enclosed behind extension of dumpster wall. One tree will be removed to extend the wall, and other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

At the June meeting, there was a motion for deferral to the July meeting requesting that the applicant return with any material samples to be used for this installation.

Mr. Brian Plewinski showed a sample of the barrel tiles to be replaced as part of the project. They are actually made of fiberglass and have State approval. The submitted plans show three options, but Nextel has chosen the option with the smallest visual impact. The plans include equipment cabinets behind a six ft. (6 ft.) wall that is existing and being extended. A tree will be removed as a result of the wall extension. No generator is included in the plan, just switch gear.

Mr. Eigelberger commented that he did not like the chainlink fence proposed. Instead, he suggested an enhancement of the gate to pecky cypress together with an extension of the wall.

MOTION BY MRS. HOFFMAN TO APPROVE THE PROJECT WITH THE IMPLEMENTATION OF MR. EIGELBERGER'S SUGGESTIONS TO CHANGE THE FENCE TO A GATE.

MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #16-2004,
Signage and lighting
Owner/Applicant: Town of Palm Beach
Address: 355 South County Road (New Central Fire Station)
Architect: Digby Bridges, Marsh & Associates, P.A.
Project Description: Request approval of the following:
1. Add bronze building identification letters on the west side of the building under the arcade consisting of facility description, street address and building commemoration plaque.
2. Proposed Town Seal/logo to be 12" in diameter.
3. Exterior lighting: all copper traditional "coach" light fixtures of pendant, wall sconces and bracketed wall fixtures.
4. Other associated changes as presented

Please note that this matter was heard informally at the June meeting.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Architect Mark Marsh returned to the LPC today subsequent to last month's informal review. Since last month, the Town seal has been corrected to 12" in diameter. Revised plans showed photos of the proposed light fixtures. The project is outlined as stated in the Project Description above.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #17-2004,
Changes to north facade
Owner/Applicant: Town of Palm Beach
Address: 360 South County Road
Architect: Digby Bridges Marsh & Associates, P.A.
Project Description: Request approval for fenestration modifications to the north facade of Town Hall, and other associated changes as presented

Please note that this matter was heard informally at the June meeting.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Architect Mark Marsh showed the two door options, as presented to the Town Council as its last meeting. Option A showed very simple fenestration, similar to a storefront door. Option B was likewise a simple functional door, but filagree was added to make it similar to the door at the south entrance of Town Hall. The Town Council was clear in their preference for Option B.

Although not part of this application, Mr. Marsh did a colored rendering of what the north facade might look like with some landscaping and parking shown.

Mr. Pandula agreed that Option B was preferable to Option A. He felt that the existing garage

door, which will be removed for the installation of the new door, should be saved so that it could be reinstalled at some future date if interior space requirements no longer require that north entrance.

Mrs. Victor commented that this is a major change to the character of the Town. She was very hesitant to make a major change to the north facade of the Town Hall prior to development of a full plan for the Town Hall Historic District. Mr. Moore responded that this project, in accordance with the wishes of the Town Council, must move forward to enable moving the Planning, Zoning & Building Department into what is now the Fire Department space, and the Planning, Zoning & Building Department requires this separate entrance on the north facade.

Mr. Segraves asked if the new door can be recessed within the arch. Mr. Marsh responded that it will be set back four (4") inches within the existing arch.

Mr. Pandula summarized the issue stating that the adaptive use, as proposed, is good preservation practice as the original design could easily be restored, and the original arch will remain intact.

MOTION BY MRS. VANNECK FOR APPROVAL OF OPTION B, WITH THE STIPULATION THAT THE ORIGINAL GARAGE DOOR BE RETAINED AND STORED.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED 6-1, WITH MRS. VICTOR VOTING AGAINST THE MOTION, STATING THAT SHE WOULD PREFER TO KEEP THE EXISTING WOODEN GARAGE DOOR, AND CUT AN OPENING INTO THAT WOOD FOR AN ENTRY DOOR.

G. Application for Certificate of Appropriateness #18-2004, Additions
Owner/Applicant: Peter D. and Julie F. Cummings
Address: 201 El Bravo Way
Architect: Island Designs, Inc. Mr. L. John Bellamy
Project Description: Request approval of the following:

1. Addition of a 208 sq. ft. one-story study to the ground floor master suite (which was added to the East/South County Road side of the original residence in 1998 to complement the Mediterranean Revival style). The proposed 10'8" x 19'5" study will consist of a 10'8" extension of said existing master suite wing toward the North. The design will likewise complement/match the Mediterranean Style of the previous addition as well as the original residence with hipped existing clay barrel tile roof, pecky cypress rafter extensions/soffits, wall-mounted light fixtures, painted textured cement stucco, painted wood casement windows and vertical heights in all respects. This addition replaces an existing courtyard enclosed with 6'0" high masonry stucco walls of the same footprint, thus, there will be little significant change in the exterior massing.

2. A 7'6" x 19'2" poolside westward addition to the existing second floor Media Room for a total of 144 sq. ft. The proposed second floor addition will expand the existing Media Room 7'6" to the West toward the pool above the first floor Exercise Room. This additional space located above a previous first floor westward addition to the original residence

in 1998 will not change the first floor footprint. This portion of the residence was originally a two-story connecting Service Porch between the residence and the garage which was later enclosed, enlarged and changed beyond recognition. The new roof over the second floor addition will be hipped between the existing hips to read as a three part elevation and will continue the original spirit of the design which expressed three parts in the elevation. This addition will likewise complement/match the Mediterranean Style of the original residence with hipped existing clay barrel tile roof, pecky cypress rafter extensions/soffits, painted textured cement stucco, painted wood casement windows with shutters to match the existing in all respects. Vertical heights have been designed to match the existing residence and express the connection between the garage and the residence. This addition faces West and will not be visible from El Bravo Way or South County Road.

3. Other associated changes as presented

Please note that this matter was heard informally at the June meeting.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Architect John Bellamy returned to the LPC subsequent to last month's informal review of two minor additions to this residence to improve the livability of the home. The matter was heard by the Town Council and was approved for variance with no conditions. The project is described above in detail. There were no changes to the plans since last month.

MOTION BY MR. SEGRAVES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. HOFFMAN.
MOTION CARRIED, 6-1, WITH MRS. VANNECK VOTING AGAINST AS SHE THOUGHT THE HOUSE HAS HAD TOO MANY ADDITIONS.

Let the record show that all remaining persons who wished to testify today were sworn by Mrs. Delp at this time.

VI Other Business:

A. Informal Review: 1768 South Ocean Boulevard

Architect Mark Ferguson stated that he has been asked to return to the LPC relative to an issue about the super structure of the building. He noted that the engineer has encouraged the owner and architect to improve the inner core of the structure by changing this frame building to a CBS building.

Subsequent to the LPC approval, Mr. Ferguson stated that his team had conferred with staff relative to the construction process. It was determined that it would be more effective to remove the house completely at one time and replace it at one time, as opposed to a piecemeal removal and reconstruction of the house. This would be a method which would be safer, take less time, and have less impact to the surrounding neighborhood. So, it was determined that the house would be completely removed down to the foundations. Subsequent to that, DEP approval was obtained to reinforce the top of the foundation wall so it could receive concrete slabs, thus making the first floor more sturdy. At this point, the engineer asked that the architect and owner

consider concrete block, rather than frame, since it is the prevalent type of construction here, is resistant to rot, and is a better way of building, in general. Mr. Ferguson found no reason to disregard the concrete core option, as the design calls for a wood roof, wood siding, wood windows and doors, and the exterior appearance would be just as the LPC approved. This is not a tax abatement project which would have required frame construction. Lastly, the LPC's jurisdiction applies to the exterior of the building and the site.

At this point, there was an outcry from the commission stating that demolition of the structure had never been requested, nor was it ever approved by the LPC. The LPC asked for clarification from staff.

Mrs. Day responded that the LPC approved a project for renovation and rehabilitation of this house. After the Certificate of Appropriateness was granted, staff, in collaboration with Mr. Ackerman, Assistant Building Official, discussed materials and procedures relative to the project. Because items such as impact windows and a new second story were disclosed as part of the presentation and approved by the LPC, the existing wood house could not structurally hold them. "It became obvious that the house was going to be a rebuild from the ground up in order to accommodate the changes that this board approved." She stated that it will be a brand new house in the footprint of the original landmark, with all of the aesthetic improvements as approved.

Mrs. Day noted that it is a great lesson to be learned that with the new construction materials that are available today, some of the projects may have to be kept closer to the original design than was approved by the LPC. The applicant did, however, go through the hearing process, and received approval for the project.

Mrs. Vanneck maintained that it should be the architect's obligation to disclose to the LPC, many of whom are not architects, that the project will necessitate demolition. Mrs. Day stated that staff will be sure to ask this question in the future. In this case, it was not until "everyone really got into it that they realized what was going to be necessitated by this." Mrs. Vanneck responded that the applicant should have returned to the LPC upon that realization.

Mr. Segraves asked whether the existing foundation was strong enough to hold a second floor. Mr. Ferguson answered that it is strong enough. Mr. Ferguson stated, however, that the existing wood studs are too short because the roofs are being raised on the single story pavilions; all the window heads are raised necessitating replacing window framing; all roofs need to be re-framed and replaced; the studs need to be replaced so they will be continuous. Mr. Segraves stated that it is possible to retrofit impact windows into a frame building, and Mr. Ferguson acknowledged that this is true. Regardless of the construction material, wood or concrete, Mr. Ferguson stated that the bulk of the structural material will be new.

Mrs. Day stated that when this was discussed in the field, Mr. Ferguson did not tell staff that concrete was being contemplated for the structure. Staff thought that the rebuilding process would have been similar to the rebuild of the Reef at 702 North County Road. The Reef had to be rebuilt because it was originally constructed with an aggregate mixed with beach sand, which then caused the steel to spall.

Mr. Moore elaborated relative to the rebuild of the Reef. He added, "455 North County is being rebuilt currently with an interior of frame to support some of the structural problems with the

hollow tile. So they've actually built existing new structural walls inside some of the old hollow tile. So, it is done, and it can be done. If they run into problems, it is their obligation to come back to talk to you."

Mr. Eigelberger wondered whether the ordinance actually questions what the interior structure of a house actually is. He stated that he believes that the ordinance deals with the exterior design, and in this case, all exterior materials are being identically replicated. Mr. Eigelberger felt, from his personal experience, that sometimes such a change in structural materials is warranted. He felt it was most important to preserve the design of the structure, and that is being done. Mrs. Day stated that our ordinance addresses the aesthetics of the building, rather than the construction materials. The construction materials would be at issue if the owner was applying for a tax abatement.

Mrs. Hoffman stated, "Unfortunately, it's too late for this project because we approved a pop-up which changes the whole original building completely. And unfortunately, the commission was seduced by saving a site rather than a building. And that's what has gotten us into the trouble right now. It's unfortunate, but we're stuck with it."

Mr. Segraves commented that this whole house was built out of wood, so philosophically, wood seems to be the right material, even though concrete may be a superior material.

Mr. Moore stated that the applicant is saying that the original Certificate of Appropriateness left out the fact that the house would have to be rebuilt. As such, Mr. Moore felt that they need to return to the LPC with a revised application for Certificate of Appropriateness to tell the LPC exactly what they plan to do in detail. He added that there are plenty of frame houses all over this town and all of South Florida which have withstood hurricane force winds, so it should not necessarily be considered an inferior building material.

Mr. Eigelberger responded that when you start to add impact windows to the frame building, they must be fastened into something. In cases such as this, concrete is the better option.

Mr. Pandula agreed that there is an important lesson to learn here. He stated that ARCOM and the LPC do not get into methods and sequences of construction. It is a design concept that is approved by these commissions. Either way, if every piece of wood needs to be replaced, it will be a totally new building. He wondered if it really matters, then, if the new structure is concrete or wood. At the outset, the project should have been called a reconstruction, not a renovation.

Mr. Ferguson stated that he has read the ordinance several times, and it does not really speak to the infrastructure of the building, air conditioning, electrical, etc. It is interested in the daytime exterior appearance of the house. As such, it appears that the infrastructure is outside the jurisdiction of the LPC. Mrs. Day stated that she tends to agree with Mr. Ferguson. She stated that the ordinance looks at the aesthetic of the house, and that was approved. As long as that approved aesthetic is what is delivered back to the Town, the house should be constructed in the best way possible.

Mrs. Vanneck commented that this is a very talented architect, and he should have realized what would be required for this project before the project received approval. The LPC should have been given all of the information at the outset. Mrs. Blades saw this as setting a very bad

precedent.

Mrs. Victor asked staff to charge themselves with the mechanics of the construction for LPC projects. Mrs. Day responded that in the future staff will ask more detailed questions.

Mr. Pandula reiterated that we will end up with the house that was approved by the LPC. He noted that when the project was approved by the LPC by a split vote, the objections to the project were based on the aesthetics and the amount of change to the house, not on the materials.

Mrs. Victor asked whether the house should be de-landmarked. Mrs. Day replied that it would be a mistake to consider that, and it would set a bad precedent. This project did go through the hearing process pursuant to our ordinance, and now the applicant has returned to ask how to proceed. If the house were de-landmarked, the beautiful site that was so important to the LPC during the review process would be removed from the LPC's jurisdiction.

Mrs. Vanneck stated that it is obvious that the LPC ordinance needs more teeth. It was her opinion, as a purist, that the house should be constructed with wood.

At this point, Mr. Randolph interjected his comments stating that Mr. Ferguson was here for a clarification, not a new application. The design of the house has been approved, and the LPC has done what is required pursuant to the criteria in the code. "So I think for you, now, to go beyond that and start getting into the materials that need to be used to make this the way that you approved it, I think you're going a little bit beyond your jurisdiction. So, I think the purpose here is for a clarification today, and not for a new application, as has been suggested by Mr. Moore. I think if you had any doubt in your mind that the materials that are being requested to be used will in some way change what you had approved, then perhaps, you ought to look at it on another application. But if what is being represented to you is correct, that he is not going to change the appearance of it....it's going to look exactly like you have decided, then I think he is here simply for a clarification and to get you to advise him to move forward with whatever materials are appropriate."

Mr. Eigelberger asked whether the LPC had the right to say what the interior core is made of. Mr. Randolph responded that the LPC would have such a right, if it was made a condition of the approval. Mrs. Day added that the LPC would also have such a right if the project was a tax abatement project.

Mr. Hanley commented that it was nice that Mr. Ferguson was here to discuss this matter, but apparently the ordinance would not have required him to appear. Mr. Hanley also felt that it was the aesthetic that was approved, and if that remains unchanged, it is acceptable. Also, better construction methods will contribute to the longevity of the house. "It is all to the good of what you will see driving down South Ocean Boulevard thirty years from now, as opposed to something that is crumbling."

Mr. Randolph stated that he was not sure that there was any action required on the LPC's part, if it's been decided that the LPC does not have jurisdiction. Mr. Ferguson was here in an advisory capacity. Mr. Ferguson responded that they are prepared to return for a formal hearing, but he is not convinced that such is warranted per the ordinance. Mr. Randolph replied that the hearing would be necessary only if the change in materials for the infrastructure would even potentially

change something that was approved in the original application. "Assuming that the change in materials is doing nothing in that regard, then I think this is just an informal review and advice of the problem that you have run into and why you're needing to use a different material."

Mrs. Vanneck inquired whether the footprint, or the interior size of the rooms, would be affected by using concrete construction. Mr. Ferguson replied that there will be no affect on either of the two.

Mrs. Blades saw this as a public relations problem for the Landmarks Preservation Commission.

F. Informal Review: 290 Sunset Avenue (within the 280 Sunset Avenue property)

Attorney Frank Lynch and Architect Dario Giacomelli were present for this informal review for Coco's. Mr. Giacomelli reviewed what has already been approved for this site. The subject matter for today's informal review was fresh air intake grills, needed for the restaurant's mechanical equipment, on the west sides of the building and in the courtyard on the north side. Mr. Giacomelli stated that stainless steel plant grids had been approved for the west elevation, inside the arches, to allow plant material to grow on them. The plant grid would mask the intake grills behind them.

The LPC noted that the plants will never survive on the grids because they will be dried out due to the flow of air into the intake grills. This would become a serious eyesore. It was suggested that wood louvers would be a better solution. Mr. Eigelberger suggested intake grills with smaller louvers, together with wood lattice covers without plant material. Another suggestion was for shuttering the openings with operable pairs of shutters.

Mrs. Day stated that staff has had a problem with this project for a long time as they have tended to proceed without LPC approval. The intake grills were never approved by the LPC. Now, the applicant is telling the LPC that they must have them. The LPC will have to compromise, yet again, to allow the kitchen to function.

Mr. Lynch stressed to the LPC that this restaurant needs to be completed so they can open for business, and at this point, mechanical inspections are needed to allow progress to continue. Based on the direction given today, he thought those inspections could occur.

The matter will be heard formally at the August meeting of the LPC.

The LPC noted that the property owner, not the tenant, should take care of the courtyard fountain and landscaping. There were also issues relative to the painting of the building.

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Mrs. Blades noted that the Southern Boulevard Bridge is scheduled for replacement by 2011 according to the DOT. She urged the LPC to be proactive with regard to the bridge and the preservation of the traffic roundabout on South Ocean Boulevard. Mrs. Day noted that Mar-a-Lago is a national landmark and would have to be taken into consideration in any plans for change at the bridge and traffic circle. The LPC requested that Mr. Bowser, Town Engineer, come to the next LPC meeting relative to plans to re-do both the north bridge and the Southern Boulevard Bridge.

Secondly, Mrs. Blades brought up the Royal Poinciana Plaza, particularly saving the theatre. Again, there is a plan to demolish the theatre to build condominiums. Mr. Moore guessed that there was a contract pending on the property. This will be a matter for the Planning and Zoning Commission and Town Council during the upcoming zoning season. There is a deed restriction relative to the theatre which was placed by the Town Council, and would have to be removed by the Town Council. Mr. Eigelberger noted that his wife's family built the Royal Poinciana Plaza in the 60's, and there are specific restrictions on record relative to the property.

Thirdly, Mrs. Blades stated that she had heard that Seagull Cottage has been deemed a sick building due to mold issues. Mr. Moore stated that the Chapel no longer wants the Seagull Cottage on their property. It is landmarked until 2009. The Chapel is not using the building, and is willing to have it moved elsewhere in town. Possible sites might be the Flagler Museum property, the Breakers Hotel property, or the Royal Poinciana Plaza property. Any movement of the building will be brought to the LPC for review. Members questioned whether the air conditioning system is turned on and working in the building to alleviate the problem.

Mrs. Victor noted that the 5-6 day National Trust Conference will begin on September 27th in Louisville. She offered information relative to the conference. Mr. Moore added that as of October 1, 2004, the Planning, Zoning & Building Department will have funding available for LPC members to attend conferences such as this.

VII Adjournment:

The meeting adjourned at 12:08 p.m. without benefit of a motion.

The next meeting of the Landmarks Preservation Commission will be held on **Wednesday, August 18, 2004** at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

TOWN OF PALM BEACH **ATTENDANCE RECORD 2004**
LANDMARKS PRESERVATION COMMISSION

MEMBERS	1/04	2/04	3/04	4/04	5/04	6/04	7/04	8/04	9/04	10/04	11//04	12/04
Eugene Pandula	P	P	P	P	P	P	P					
Sari M. Wilkey	E	P	(Term expired)									
Ann Vanneck	P	P	P	P	U	P	P					
Ann Blades	P	P	P	U	P	P	P					
Jack Pyms	P	P	P	P	P	P	E					
Judy Hoffman	P	P	P	E	P	P	P					
Patrick Segraves	P	P	P	P	P	P	P					
Wendy Victor	P	P	P	P	P	U	P					
ALTERNATE MEMBERS	**1/04**	**2/04**	**3/04**	**4/04**	**5/04**	**6/04**	**7/04**	**8/04**	**9/04**	**10/04**	**11/04**	**12/04**
William Lee Hanley Jr.	P	P	P	P	P	P	P					
Robert T. Eigelberger	P	P	P	P	P	P	P					
Eileen L. Morris	n/a	n/a	P	P	P	P	U					

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

TOWN OF PALM BEACH **RECORD OF VOTING CONFLICTS 2004**
LANDMARKS PRESERVATION COMMISSION

MEMBERS	1/04	2/04	3/04	4/04	5/04	6/04	7/04	8/04	9/04	10/04	11/04	12/04
Eugene Pandula												
Sari M. Wilkey			(Term expired									
Ann Vanneck												
Ann Blades												
Jack Pyms												
Judy Hoffman												
Patrick Segraves												
Wendy Victor												

ALTERNATE MEMBERS	1/04	2/04	3/04	4/04	5/04	6/04	7/04	8/04	9/04	10/04	11/04	12/04
William Lee Hanley Jr.												
Robert T. Eigelberger												
Eileen L. Morris	n/a	n/a										

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)	