

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, JUNE 20, 2007 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 9:02 a.m.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Patrick Segraves, Secretary (arrived at 9:08 a.m.)
Eileen Bresnan, Member
Hazel Rubin, Member
Charles S. Roberts, Member
D. Imogene Willis, Alternate Member
Dudley L. Moore, Jr., Alternate Member
Wallace Rogers, Alternate Member
Stirling Clarke Halversen, seated as 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: Robert Eigelberger, Member (Absence pending classification)

III **APPROVAL OF THE MINUTES OF THE MAY 16, 2007 MEETING:**
MOTION BY MR. ROBERTS FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.

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

V **APPROVAL OF THE AGENDA:**
MOTION BY MR. HANLEY FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.

VI COMMENTS FROM THE PUBLIC:

Mr. Patrick Flynn from the Palm Beach Theater Guild reported to the LPC relative to the Guild's visit to the Playhouse. He explained that the Guild's representatives spent three days at the theater. Approximately twenty (20) persons comprised this group including John Ripley from the Preservation Foundation, Bill Diamond from the Civic Association, experts from the Maltz Theater, Conkling & Lewis General Contractors, an architect, and persons from the Kravis Center and the Caldwell Theater. Neither Town staff, nor LPC members were permitted access. The group reviewed all of the mechanical systems, electrical systems, air conditioning, plumbing, roofing, fire protection, handicap access, rigging, and box office and computer technology. Air quality was very good, except for minor problems in the office area. Some systems renewal may be required, i.e., lighting, rigging, theatrical rigging, etc. Mr. Flynn informed the Commission that the tour of the Playhouse can be seen on the Guild's website at www.pbtheaterguild.org.

VII PUBLIC HEARINGS:

- A. Application for Certificate of Appropriateness #10-2007 (deferred from April & May)
Owner/Applicant: Royal Poinciana Chapel
Address: 58 and 60 Cocoanut Row
Architect: SKA Architect & Planner, Ms. Jacqueline Albarran

Project Description: Request approval for restoration, addition to historic structure, and landscape/hardscape which is further described as: A two-story addition to the Seagull Cottage to match existing in detailing and style. Addition of new turret reminiscent of the original removed turret. The Cottage also needs to be raised by one foot to correct drainage problems. A one story covered walkway connecting the Cottage to the Chapel is also proposed. The existing wood siding will be replaced by "Hardi" planks simulating the existing. The wood shingle roof will be replaced with high profile asphalt shingles to match existing. Existing wood windows and doors will be replaced with custom made hurricane impact wood windows and doors to match existing. An addition to the existing columbarium located near the South property line. The addition will match the existing columbarium architecture. The applicant is also seeking approval of a new garden area West of the Chapel and South of the Cottage. Other associated changes as presented.

Please note that at the April meeting there was a motion to defer the project for 30 days to allow time to work with the Chapel; to visit the site; and to allow time for the applicant to do a mock up of the project with the shingles clearly shown.

At the May meeting, there was a motion to approve CoA#10-2007 with the Hardi-board and the shingles as submitted, given the new policy of the LPC with regard to use of non-original materials; and that the applicant is to return with paint color, windows, and a roof sample at the next meeting; and that the building will be raised one foot prior to commencement of reconstruction; and, that the Seagull Cottage will be landmarked in perpetuity. It is noted that the motion does not include approval of the windows at this time. It is further noted that the roof material approved is wood shingles, as presented, rather than the asphalt shingles originally requested. It was also noted that the columbarium was not included in the approval.

PLEASE BE ADVISED THAT THE ARCHITECT HAS REQUESTED DEFERRAL TO THE JULY MEETING.

MOTION BY MR. HANLEY FOR DEFERRAL TO THE JULY MEETING.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.

- B. Application for Certificate of Appropriateness #15-2007 (deferred from May)
Cabana/Garage and landscape/hardscape
Owner/Applicant: Queens Lane LLC, Mr. Ed Henkin
Address: 270 Queens Lane
Architect: Ames Bennett & Associates
Associate Architect: M Perry Design, Inc.
Project Description: Request approval for new accessory structure and landscape/hardscape which is further described as: Revision to previously approved one-story cabana/garage, and revised pool, hardscape and landscape per new cabana garage layout. Other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION.

At the May meeting, there was a motion to defer the accessory building for 30 days together with the recommendation to the Town Council that the variance be approved for Design #1, as originally approved by the LPC.

MOTION BY MR. SEGRAVES FOR DEFERRAL TO THE AUGUST MEETING.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.

- C. Application for Certificate of Appropriateness #17-2007
Generators
Owner/Applicant: The Society of the Four Arts
Address: Four Arts Plaza and 2 Four Arts
Architect: Giacomelli Architecture, Inc.
Morgan Wheelock Inc.
Project Description: Request approval to install 3 generators which is further described as: Addition of a 425 square foot mechanical room at southeast corner of the "Esther O Keeffe" building to house (2) 150 kilowatt emergency generators to protect artwork during power outages. These generators will serve this building and the "Rovensky" building. Addition of a 100 kilowatt emergency generator with wall enclosure at north side of the "Gioconda and Joseph King" library. All units will comply with the level of noise allowable by Town regulations and will be properly screened with concrete walls and landscaping. Other associated changes as presented.

Please note that this was reviewed informally at the May meeting, and the LPC recommended that the Town Council approved the special exception requested.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mr. Roberts stated that he had spoken with Don Skowron and the architect on site.

Attorney Herbert C. Gibson stated that the Town Council gave unanimous approval to this project at their meeting yesterday. Mr. Gibson stressed the urgency of this project coming to fruition in light of hurricane season. Mr. Don Skowron of Morgan Wheelock only gave a brief review of the project since it had been presented at a previous meeting. Mr. Skowron clarified that the two generators at the O Keeffe building will be totally enclosed.

**MOTION BY MR. SEGRAVES FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.**

- D. Application for Certificate of Appropriateness #18-2007
Driveway relocation
Owner/Applicant: Mr. and Mrs. David Koch
Address: 150 South Ocean Boulevard
Architect: Thomas M. Kirchhoff, AIA, P.A.
Project Description: Request approval of landscape/hardscape and driveway relocation which is further described as: Relocate driveway from alley to Clarke Avenue. Relocated driveway will simplify access to gated service court. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION.

**MOTION BY MR. HANLEY FOR DEFERRAL TO THE JULY MEETING.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.**

- E. Application for Certificate of Appropriateness #19-2007
Owner/Applicant: Estee Lauder 2002 Trust Fund
Address: 126 South Ocean Boulevard
Architect: Smith Architectural Group
Project Description: Request approval for addition to historic structure, awning, and landscape/hardscape which is further described as: Proposed extension to existing terrace and awning on East facade. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None

Architect Jeffery Smith and Laura DiGregorio presented this request. Mr. Smith explained that as the Lauder family has grown, the need for more space has become evident, particularly at the east terrace where the family regularly enjoys breakfast and dinner. Thus, the family has requested the enlargement of the existing terrace and the related awning. Currently, there is an awning covered terrace at the living room and another at the breakfast room. The proposal would extend the existing living room terrace out by 5 ft. and join both terraces to create one long terrace, together with a continuous awning all the way across the east facade. The steps at the breakfast room will be moved from the side to the east.

**MOTION BY MR. HANLEY FOR APPROVAL OF THE PROJECT.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.**

VIII OTHER BUSINESS: None

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

Mr. Pandula stated that he had a brochure relative to the National Trust National Conference which will be in St. Paul, Minnesota from October 2nd to October 6th. He offered to share the information with any of the members.

Ms. Close reported that there is no news about a ruling in the lawsuit relative to the Royal Poinciana Plaza. Staff will keep the LPC updated relative to this matter.

Ms. Close reported that the Town Council has considered the Royal Poinciana Area Planning Study at its meeting yesterday with respect to the Planning and Zoning Commission's recommendations regarding consultants to perform the study. All four consultants interviewed presented estimates in excess of \$300,000 and greater. The Planning and Zoning Commission will meet again to consider other options, including the Treasure Coast Regional Planning Council.

Mr. Moore expressed his displeasure with LPC applicants being able to so easily request deferrals of their projects. He explained that it is not convenient for some members to attend the LPC meetings, and quite often, members are spending a good deal of time and money to be able to attend. He felt it was unfair to ask members to do this for a 30 minute meeting. He maintained that if an applicant has filed for an LPC hearing, they need to be ready and prepared to be heard, unless there are extenuating circumstances. Mr. Hanley agreed saying that he experienced six hours of flying time (round trip) to be able to attend this 30 minute meeting.

Stirling Halversen, seated as Town Attorney, stated that her office can look into this matter concerning excessive deferrals. Mr. Pandula felt Mr. Moore made a good point, and supported the Town Attorney looking into this.

Ms. Close advised that the LPC may wish to adopt some new procedures relative to deferrals. She reported that with the Architectural Commission, they typically use a "3 strikes and you're out" rule. Ms. Close also noted that the Planning and Zoning Commission has made similar comments regarding the burden placed on members to attend the meetings, especially when the meetings are short. Staff will look at all the options.

Mr. Segraves felt that if deferral requests are known sufficiently in advance of the meeting (at least one week), that might permit a given meeting to be cancelled.

Mr. Roberts presented the opposing viewpoint that the LPC exists to serve the homeowners and the Town. He was not in favor of cancelling any LPC meetings, even though he also had to travel to attend this meeting. As a developer himself, Mr. Roberts appreciated the need for deferrals when architects and owners attempt to resolve issues, such as in the Koch matter (158 South Ocean Boulevard).

Mr. Moore responded to Mr. Roberts' remarks by stating that he is here to serve as well, but he felt that applicants should be held to the same standard of attendance as the commission members are. He did not feel that his offer to serve was meant to allow him to be abused in this way. He stated that architects/owners should have their negotiations before filing an application for a hearing, not after. Again, he felt it is too easy for an applicant to obtain a deferral.

Mr. Hanley agreed with both viewpoints. He suggested that if there is no urgency to approve a particular item, it might be able to be pushed back to the next meeting, which might allow a meeting to be cancelled. He felt this would save staff time, in addition to helping commissioners. In cases where an item is on the agenda as a matter of formality, as in the case of the 4 Arts project which had been reviewed informally last month, he felt these cases of formality could be postponed. Mr. Hanley suggested that there might be a way to eliminate at least one of the summer meetings.

Mr. Segraves noted that sometimes deferrals occur at the suggestion of the commission. Also,

for architects, it may take more than a month to resolve an issue. Mr. Segraves suggested that members be allowed additional absences during summer months.

Mrs. Bresnan wondered whether there should be consistency among all Town boards with regard to deferral procedures.

Mr. Roberts spoke in defense of applicants who might have to file a couple of months in advance of a meeting, and then run into problems after they have filed. He has experienced this situation with his own home, where he had the best of intentions, but could not be ready for the designated meeting date. Mr. Moore reiterated his position about the sacrifices made by the members, and that he was merely asking for fair treatment of commissioners in tandem with fair treatment of applicants.

Mrs. Rubin noted a scheduling conflict with the November LPC meeting and Thanksgiving. Staff will look into this and report back at the July meeting.

X **ADJOURNMENT:**

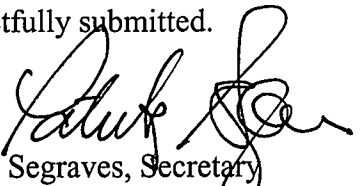
MOTION BY MR. SEGRAVES TO ADJOURN AT 9:42 A.M.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, July 18, 2007 at 9:00 a.m. in the Town Hall, Town Council Chambers, 2nd floor, 360 South County Road, Palm Beach, Florida.

Respectfully submitted.


Patrick Segraves, Secretary

LANDMARKS PRESERVATION COMMISSION

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**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2007

MEMBERS	1/07	2/07	3/07	4/07	5/07	6/07	7/07	8/07	9/07	10/07	11/07	12/07
Eugene Pandula	<u>P</u>	<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>	_____	_____	_____	_____	_____	_____
Judy Hoffman	<u>P</u>	<u>P</u>	<u>(no longer a member)</u>									
Patrick Segraves	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	_____	_____	_____	_____	_____	_____
Wendy Victor	<u>P</u>	<u>P</u>	<u>(no longer a member)</u>									
William Lee Hanley Jr.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	_____	_____	_____	_____	_____	_____
Robert Eigelberger	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	_____	_____	_____	_____	_____	_____
Eileen Bresnan	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	_____	_____	_____	_____	_____	_____
Hazel Rubin			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	_____	_____	_____	_____	_____	_____
Charles S. Roberts			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	_____	_____	_____	_____	_____	_____

ALTERNATE MEMBERS	1/07	2/07	3/07	4/07	5/07	6/07	7/07	8/07	9/07	10/07	11/07	12/07
Gail L. Coniglio	<u>P</u>	<u>(Elected to the Town Council)</u>										
Hazel Rubin	<u>P</u>	<u>P</u>	<u>(Promoted to regular member)</u>									
D. Imogene Willis	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	_____	_____	_____	_____	_____	_____
Dudley L. Moore			<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	_____	_____	_____	_____	_____	_____
Wallace Rogers			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</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 2007

MEMBERS	1/07	2/07	3/07	4/07	5/07	6/07	7/07	8/07	9/07	10/07	11/07	12/07
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Eugene Pandula	—	—	—	—	—	—	—	—	—	—	—	—
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Judy Hoffman	—	—	(No longer a member)									
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Patrick Segraves	—	<u>V</u>	<u>VPD1</u>	<u>VPD1</u>	—	—	—	—	—	—	—	—
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Wendy Victor	—	—	(No longer a member)									
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William Lee Hanley Jr.	—	—	—	—	—	—	—	—	—	—	—	—
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Robert Eigelberger	—	—	—	—	—	—	—	—	—	—	—	—
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Eileen Bresnan	—	—	—	—	—	—	—	—	—	—	—	—
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Hazel Rubin	—	—	—	—	—	—	—	—	—	—	—	—
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Charles S. Roberts	—	—	—	—	—	—	—	—	—	—	—	—
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<u>ALTERNATE MEMBERS</u>	<u>1/07</u>	<u>2/07</u>	<u>3/07</u>	<u>4/07</u>	<u>5/07</u>	<u>6/07</u>	<u>7/07</u>	<u>8/07</u>	<u>9/07</u>	<u>10/07</u>	<u>11/07</u>	<u>12/07</u>
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Gail L. Coniglio	—	(Elected to the Town Council)										
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Hazel Rubin	—	—	(Promoted to regular member)									
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D. Imogene Willis	—	—	—	—	—	—	—	—	—	—	—	—
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Dudley L. Moore	—	—	—	—	—	—	—	—	—	—	—	—
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Wallace Rogers	—	—	—	—	—	—	—	—	—	—	—	—
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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)
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