TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
WEDNESDAY, MAY 18, 2005 AT 9:00 A.M.
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

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

II **Roll Call:**

PRESENT:
Eugene Pandula, Chairman
Judy Hoffman, Vice Chairman
Wendy Victor, Secretary
Ann Blades, Member
Patrick Segraves, Member
William Lee Hanley Jr., Member
Robert T. Eigelberger, Member
Eileen Bresnan, Alternate Member
Gail Coniglio, Alternate Member (arrived at 9:12 a.m.-family emergency)
Hazel Rubin, Alternate Member (arrived at 9:07 a.m.)
Sterling Clarke, Representing Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Jane Day, Staff Preservation Consultant

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

III **Approval of the Minutes of the April 20, 2005 Meeting**:

MOTION BY MRS. BLADES FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.

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

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V **Public Hearings:**

A. Application for Certificate of Appropriateness #5-2005, (deferred from April) Restoration, Addition, Garage Doors

Owner/Applicant: David and Elizabeth Wetherell

Address: 222 El Brillo Way

Architect: Brower Architectural Associates Inc.

Project Description: Request approval for restoration, addition to historic structure, and garage doors, which is further described as: This is a one and two story addition to an existing recently landmarked house. The additions attach to the existing garage and guest apartment. The project consists of a sitting room on the second floor for the existing guest rooms and an exercise room on the ground floor. At the east end there is another two-story element with a cabana on the ground level and the owner's office above. A one story open loggia will connect the two, two-story structures. The restoration work consists of the completion of the work contemplated, but not completed three years ago including: adding windowsills and/or brackets to windows at various locations (specifically on the north side of the garage; on the south side of the garage; on the south side of the dining room; on the east side of the house both on the first and second floor; on the west of the house both front and second floor. Additionally, add brackets to the balcony on the north and south elevation.) Also, widen the garage doors from 8' to 9'. Other associated changes as presented. **Please note that at the April meeting, this item was deferred for further study.**

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION.

Ken Brower, Architect, requested deferral to the end of the agenda to provide him additional time to confer with his client.

MOTION BY MR. EIGELBERGER TO RESCHEDULE THIS ITEM TO THE END OF THE AGENDA.

MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

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PLEASE NOTE THAT THE ATTORNEY FOR THE APPLICANT HAS REQUESTED A DEFERRAL OF ITEMS B. AND C. FOR 1768 SOUTH OCEAN BOULEVARD TO THE JUNE 15, 2005 MEETING OF THE LANDMARKS PRESERVATION COMMISSION.

B. Application for Certificate of Appropriateness #6-2005, (deferred from April)
Landscape/Hardscape, Lanterns
Owner/Applicant: Mr. Stephen Schwarzman
Address: 1768 South Ocean Boulevard
Architect: Ferguson & Shamamian Architects, LLP
Project Description: Request approval for landscape/hardscape, and wall and ceiling mounted lanterns, which is further described as: Bronze lanterns are proposed to be mounted at all entry locations and within outdoor porches. The lanterns in the forecourt are to be lit with gas. All others will be electric. Proposed hardscape design, hardscape materials, planting plans and lighting. Other associated changes as presented. **Please note that at the April meeting, this item was deferred to the May meeting as staff recommended, together with a re-study of the front east lawn and terrace, the lanterns, the design of the wall fountain at the pool, re-using the original coquina if possible, and the south pool.**

As the applicant has requested deferral to the June meeting.....

MOTION BY MR. EIGELBERGER FOR DEFERRAL TO THE JUNE MEETING.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness #7-2005
Addition to historic structure/Landscape/hardscape
Owner/Applicant: Mr. Stephen Schwarzman
Address: 1768 South Ocean Boulevard
Architect: Ferguson & Shamamian Architects, LLP
Project Description: Request approval for addition to historic structure, and landscape/hardscape which is further described as: Descending sash: a single operable window sash to enclose the west elevation of the loggia in inclement weather. The sash descends into the basement when not in use. It is glazed with eight clear full-height panes of glass. The middle two panes are operable (slide open) for egress to the terrace. The track and frame are completely concealed in the adjacent walls and ceiling. The loggia is not part of the original structure. Cabana skylight: a fixed 3 ft diameter skylight to admit daylight into the basement cabana. The skylight is a thick slab of frosted glass set flush with the adjacent terrace paving stone. The terrace is not part of the original structure. Replace existing north retaining wall with new retaining wall of same style in same location. And other associated changes as presented.

As the applicant has requested deferral to the June meeting....

MOTION BY MR. EIGELBERGER FOR DEFERRAL TO THE JUNE MEETING.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #8-2005, Restoration/Addition to Historic Structure/Landscape/Hardscape
Owner/Applicant: James Harpel
Address: 1102 North Ocean Boulevard
Architect: Smith Architectural Group Inc.
Project Description: Request approval for restoration, addition to historic structure, and landscape/hardscape, which is further described as:

PLEASE NOTE THAT THE ARCHITECT HAS REQUESTED DEFERRAL OF THIS PROJECT TO THE JUNE 15, 2005 MEETING.

On the Colonial Lane "Entrance Facade"
The applicant proposes to add a second story addition to the existing west "Library"wing to balance the five-part main facade. This addition will consist of a new guest bedroom, bath and closet.

The applicant proposes to construct a new bow window at the west end of the "Library" wing.

The applicant proposes to add "heavy lintel moldings" over the existing six/nine shuttered windows to match the windows at the center "Greek Temple" front entrance. This detailing was referred to in the Landmark Preservation Commission Designation Report dated Nov. 17, 1989.

On the North Ocean Boulevard Facade
The applicant proposes to restore the Master Bedroom Loggia back to the original John Volk design. This requires removal of the current window infill and replacement of the columns and wood picket railing.

The applicant proposes to remove five (5) of the six/nine shuttered windows and replace with hurricane impact rated french doors leading to a new terrace. The applicant proposes to add "heavy lintel moldings" over these french doors to match the windows at the center "Greek Temple" front entrance. This detailing was referred to in the Landmark Preservation Commission Designation Report dated Nov. 17, 1989. The grade at the east lawn will be leveled to alleviate the "bowl" effect that currently exists.

The applicant proposes to infill the existing basement laundry room entrance/clothes drying yard "pit" (where there are currently eight air conditioning condensing units located) with a new foundation to support a new open Loggia and Roof Terrace (195 sq. ft.) and a two-story addition consisting of 245 sq. ft. to provide a much needed Family Room on the first floor and a Guest Room on the second floor.

On the Queens Lane Facade
The applicant proposes to add 315 sq. ft. to continue the existing third floor condition. This addition will provide a modest staff apartment in the same location as the original John Volk floor plan design.

On the West, Courtyard Facade

The applicant proposes to provide new window fenestration to accommodate the new third floor extension and to provide symmetry in the facade. The entrance door to the garage shall be raised one half flight of stairs to join with a back staircase leading to the main floor of the residence.

The applicant proposes to restore the original second floor Sleeping Porch by removing the current window infill, restoring the columns and providing a new wood picket railing. Behind this railing the applicant proposes to provide a series of french doors in place of the existing infill windows.

General Site Improvements

The existing west courtyard, pool and tennis court will all remain in their original locations. The tennis court will be resurfaced and a new retaining wall with perimeter chain link fencing will be provided. The pool shape has been slenderized and lengthened to complement the gentle massing of the main house. The courtyard paving has been modified to be symmetrical.

The entire site shall be completely re-landscaped and shall have new motorcourt paving and low site walls as designed by Mario Nievera Design Incorporated.

The entrance and exit gates and perimeter wall between shall be reconstructed to match the original John Volk design.

All windows and french doors shall be replaced in kind with hurricane impact rated windows and french doors.

MOTION BY MR. EIGELBERGER FOR DEFERRAL TO THE JUNE MEETING.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

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

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

As Attorney Frank Lynch was en route, but detained....

MOTION BY MR. EIGELBERGER TO DEFER THIS ITEM TO THE END OF THE AGENDA.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness #9-2005, Restoration/Rehabilitation
Owner/Applicant: 123 L.L.C.
Address: 455 North County Road
Architect: Ralph Cantin
Project Description: Request for restoration and rehabilitation which is further described as: New proposed entry stair design, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Let the record show that Mrs. Delp administered the oath to Architect Ralph Cantin who presented this request along with David Easton of David Easton Incorporated, New York. Mr. Cantin passed a photo of the entry stair. He stated that the center wall, between the two risers was approved as a solid wall. The proposal is to open the center of that wall with a pre-cast balustrade for better views to the front door. An aluminum railing alternative was also shown, but not preferred by the applicant. Mr. Cantin noted that a recessed circular niche is proposed for the entry stair center wall.

Mr. Pandula preferred the aluminum alternative as it ties into an element on the building, and recommended deleting the circular niche below. Mr. Eigelberger likewise did not like the niche, but liked the pre-cast balustrade better for its heaviness. Mrs. Day stated that this house has been so changed, that this is simply an aesthetic decision, and not based on history.

Mr. Eigelberger asked about handrails on the entry stairs. Mr. Cantin replied that a simple wrought iron railing will be installed to meet code.

Mr. Frank reminded the members that the entry was previously approved. It is a departure from the architecture of the house, and as such, meets the Secretary of the Interior's standards.

MOTION BY MR. EIGELBERGER FOR APPROVAL (pre-cast option) WITH THE NICHE ELIMINATED.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

Mr. Pandula asked whether the once presented planter is still a part of the entry stairs. Mr. Cantin responded that the planter is included and will be planted with climbing ivy.

Mr. Cantin was asked about the progress of the job. He responded that the outside should be wrapped up in approximately 90 days, but the interior will take much longer. All impact windows have been installed. Mr. Frank reported that the building is dried in, and he is happy with the conditions at the site.

G. Application for Certificate of Appropriateness #10-2005, Restoration/Rehabilitation

Owner/Applicant: Society of the Four Arts, Inc.

Address: 1-2 Four Arts Plaza

Architect: Morgan Wheelock Inc.

Project Description: Request approval for restoration and rehabilitation which is further described as: This project involves the reconstruction of the Four Arts Garden. Based on the 1954 plan by Innocenti & Webel, the reconstruction is proposed to repair and restore facets of the gardens that were impacted by the hurricanes of 2004. In addition, the reconstruction addresses the need to improve the paving elements that have been deteriorating over time resulting in a potential public hazard. The reconstruction plan includes proposed replacement of canopy trees with an emphasis on trees that are more resistant to storm damage and replacing the understory planting which is appropriate to shade and light considerations. The reconstruction of the water features, paving and boundary walls will improve the safety, functionality and appearance of the entire garden. The significant changes proposed include replacing three brick paver sections with precast pavers that will match the existing precast pavers in the Moonlight Garden. The Chinese Garden revised paving will relocate the existing gray slate stones as edging for the new paving that will be tan "Island Stone". The Keystone paved sections in the Jungle, Spanish Facade, Informal and Madonna Gardens will be re-installed over a reinforced slab. The Madonna Garden pool and raised stepped section is proposed to be moved approximately 3 ft. to the northeast. The service gates to the west of the Palm Garden are proposed to be moved 5 ft. to the west and be attached to the new wall section built to match the existing boundary walls. New seating areas consisting of a bench and two chairs are proposed for the Madonna, Informal and Jungle Gardens. Finally, we are proposing to remove the heavily storm damaged Sapodilla and Orchid trees located along the west boundary wall. And other associated changes as presented.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION:

Mr. Eigelberger visited the site. Mrs. Bresnan visited the site. Mr. Hanley met with the landscape architect and visited the site. Mr. Segraves met with the landscape architect at the site. Mrs. Hoffman met with the landscape architect at the site. Mrs. Victor met with the landscape architect at the site. Mr. Pandula met with the landscape architect at his office. Mrs. Blades met with Mr. Wheelock at his office, with Mr. Skowron at the site, with Mr. Dugan at the site, with Mrs. Flanagan, the President of the Garden Club, and she spoke with several members of the Garden Club including former LPC member, Ann Vanneck. Mrs. Coniglio met with the landscape architect at the site. Mrs. Rubin met with the landscape architect at the site.

Morgan Wheelock was sworn by Mrs. Delp. He began with some history. In 1938, the Four Arts Garden was started by the Garden Club of Palm Beach with a purpose to display plants that would grow in this climate, and then show them grouped in communities appropriate for various forms of garden. As a result, different garden "rooms" were created, i.e., a Chinese Garden, a Jungle Garden, a Palm Garden, a Rock Garden, etc. In 1947, a major hurricane occurred, after which there was "an effort to restore, reconstruct, recondition and re-create the garden." In 1956, Innocenti and Webel were hired to produce a master plan, creating order from the disjointed parts of the garden. Recently, there were the hurricanes of 2004, after which Morgan and Wheelock was hired to restore the garden as closely as possible to the Innocenti and Webel plan. Mr. Wheelock noted that between 1947 and 2005, the garden had experienced irrigation failure, electrical failure, paving failures and inappropriate plan replacements. The project involves paving and planting as appropriate, and the removal of inappropriate plant material. The garden will be restored for safety and durability. All paving will be set on slabs, rather than on stone dust, for safety and durability. Landscape communities will be created for each of the gardens and their individual shade conditions. The Morgan and Wheelock plan provides a manual for maintenance and suggestions for plant replacements for the future. Mr. Wheelock explained that their plan only presents one major departure and that is for the Chinese Garden where they will use Island Stone instead of gravel.

Before getting into the details of the presentation, Mr. Pandula asked Mr. Wheelock about the concept of the plan, and what it is trying to achieve. Mr. Wheelock responded that the physical integrity is about 95% true to what was there. There are only two changes: That the Madonna Garden will be moved forward by three feet; and the other, a material change. As for the plant material itself, the importance lies with the plant colonies expressing individual rooms, some formal and others informal.

Don Skowron of Morgan Wheelock was sworn by Mrs. Delp. He described these gardens as display gardens with different collections of plants. The gardens serve educational purposes as well. Plant species are tagged, and water and light requirements are noted.

In the Chinese Garden, specimen material will remain. They want to re-establish the idea of rocks being the main component of the garden; eliminate the symmetry that had been created over time; and, re-work the shape of the pond softening it with plant material.

The Moonlight Garden was the most disturbed by the hurricanes. The Areca Palms which enclosed this garden were very damaged in the storms and have been removed. The Southeastern corner of the garden will be kept in full. The understory plantings will be removed. Two Bismark Palms will be planted along with scented specimens.

Mr. Skowron discussed the true display gardens, the Jungle Garden, the Spanish Facade, the Madonna Garden, the Formal and Informal Gardens, the Palm Garden, and the Rock Garden. Aroids will identify the Jungle Garden. Specimen plants and more palms will be added to increase shade in the Jungle Garden. The Spanish Facade typically instructed how to plant a foundation of a facade, and this process will be formalized in the new plan. The Informal Garden was once a grass path and contains a large sausage tree which has completely shaded out the garden and deposits large sausages on the ground, damaging plant material underneath. The proposal includes using large cut leaf aroids in this garden. In the Madonna Garden, the corner will be screened, and large existing orchid trees will be removed and replaced with specimen trees to highlight white flowering plant material. Jamaican Capers will line the west perimeter. The six palms running along Four Arts Plaza will be replaced with five Cocoanut Palms with 8-10 feet of clear trunk. The combination of the Jamaican Capers and the Cocoanuts will provide the enclosure that the Four Arts wants. The formal quality of the Formal Garden will be maintained in this most sun worthy space in the garden which will be planted with Italian Cypress.

Mr. Wheelock noted that many exterior vines have been removed, and that removal left tracks on the walls. As a result, the walls will be re-stuccoed. An existing wooden gate will be replaced in wrought iron and moved forward. A wall behind the Jungle Garden was damaged in the hurricanes. It has since been removed and will be replaced as part of this project. The project also includes a new irrigation system, drainage system, and electrical and mechanical pumps. All will drain to the Chinese Garden and then to a retaining system of the Sculpture Garden.

Mrs. Hoffman asked whether the window in the Spanish Facade will be opened. Mr. Wheelock responded that it is clear that it was intended to be a window, and as such, they will remove the plywood covering it to open up the window in an effort to give some interest beyond the window.

Mr. Eigelberger disagreed with opening up the window. Mr. Eigelberger was also quite concerned about the many proposed concrete slabs and the activities involved in the construction of the slabs which might interfere or damage the root systems of the trees. He stated that the existing walkways are built on sand, and the new garden proposal will be 25% slab. Mr. Wheelock responded that the paving will be raised above the root systems, and they can bridge over the roots to have no affect on the trees. Mr. Eigelberger countered that if the paving is raised, persons will look down at the fountains, for example. Mr. Wheelock stated that fountains will likewise be raised, if required. Mr. Eigelberger stated that while he is in favor of restoring these gardens, the existing trees and their root systems must be protected. He felt that in reality, they are building a new garden. Mr. Wheelock responded that as they find root systems, they will ramp up and down.

Mr. Pandula stated that there are other ways to stabilize the soil other than pouring a slab. Mr. Wheelock stated that loose gravel is the only other solution, which is permeable and does not impact root systems, but is bad for walking. Mr. Eigelberger added that so many slabs will interfere with water reaching the plant material, but Mr. Skowron noted that the irrigation system will take care of this.

Mr. Eigelberger commented that he likes the existing walking rocks in the Chinese Garden, but Mr. Wheelock replied that these present a safety concern. He stated that the same effect can be accomplished with plants.

Mrs. Day thanked the landscape architects and the members of the Garden Club for their work on this project, and the commissioners who offered valuable comments. She had visited the gardens after the hurricanes to document them with archival photographs, and verified the damage done by the storms. She called this project a reconstruction, not a renovation, and by changing so much of the hardscape, the original character of the garden will have been changed. Mrs. Day stated that this garden is the only garden, other than the Memorial Fountain, that is landmarked. It is so important because of the role of the women in the Garden Club, not the because of the Innocenti and Webel plan. The Garden Club, founded in 1928, did the first Comprehensive Plan in 1930, and was so instrumental in how Palm Beach looks today. She felt it was important to look at the original intent of the women who started the garden, as they are the important historical characters related to the garden. Mrs. Day commented that the overall plan is wonderful, but perhaps with input from the Garden Club, certain plant choices could be modified to better reflect the intent of the original design. She added that she agrees with Mr. Eigelberger about loving the walking stones in the Chinese Garden as they lead your eye right to the statue, although she recognized the liability issues which have been noted.

Mr. Wheelock did not disagree with the points that Mrs. Day made, but he stated that their mandate was to return the gardens back to the Innocenti and Webel plans of 1956. She noted that Mr. Webel, per a newspaper article, also felt that his intent was to pay tribute to the original women of the Garden Club. Mrs. Day felt this site is extremely important as a locally landmarked garden, and re-stated that this is a reconstruction, not a restoration. She stated that she is more concerned about the architectural elements of the garden, but noted that what is now the Moonlight Garden was originally the Fragrant Moonlight Garden, and should be re-created as such.

Mrs. Victor commented that because of the hurricanes, there is an opportunity to re-create a historic garden. She agreed, however that the walkways should not be raised, and advocated steps or slopes instead. She approved of the project as a historic design, and was very much in favor of it.

Mr. Pandula asked how much of the existing paving is historic. Mrs. Day stated that the brick is from 1956, but the old coquina is original, along with some elements of the Chinese Garden. Mr. Wheelock felt that the brick is appropriate in the garden, and has been durable. There are no plans to change the brick at this time, unless the architects are directed otherwise. The old coquina will be re-used if possible. The infill in the Chinese Garden will be changed, however, to Island Stone.

Mrs. Hoffman commented that back in the 30's and 50's, liability issues were not as prevalent as they are today. She regarded the proposal as a beautiful job which balances safety concerns with historic restoration in this very public place.

Mrs. Day asked whether sculptures would be removed entirely. Mr. Wheelock responded that one, which is actually Japanese, will be removed from the Chinese Garden. Mr. Skowron stated that the Foo Dogs will be relocated to entrances where two smaller Foo Dogs exist. Mrs. Day added that the Foo Dogs were given by Douglas Fairbanks Jr.

Mr. Segraves stated the proposal was a great job, provided they work out the pathway issues. He preferred that the window be opened at the Spanish facade.

MOTION BY MR. SEGRAVES TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MR. HANLEY.

Under discussion, Mr. Eigelberger recommended that Bismarcks not be used for the Moonlight Garden as he felt they were out of proportion for the garden. Instead, he suggested a Magnolia or other flowering tree. He reiterated his disagreement with opening the window at the Spanish facade, and re-stated the potential problems which will be encountered with the existing plant material as a result of the pending construction. He predicted that in a short amount of time, the site will be cleared. Mr. Wheelock responded that much of the work will be done by hand rather than with heavy equipment in an effort to preserve the trees and plants. Mr. Frank reiterated that staff is calling this a reconstruction.

Mrs. Blades stated that she is very concerned about the hardscape changes, and asked whether there is another more porous means, other than concrete slabs, to stabilize the soil. Mr. Wheelock replied that there is a "rootscape" material consisting of pre-cast concrete on pedestals. Attempts will be made to save the coquina, and where it cannot be saved, new coquina will be used in its place. Mrs. Blades also stated that the Bismarcks are too large in the proposed location; the existing Carrotwood trees at the library might be replaced with the three Bismarcks; and, cocoanut palms should not be used at the west perimeter as they are high maintenance trees.

Mr. Wheelock noted that there will be three groupings of benches...in the Madonna Garden, the Informal Garden and the Jungle Garden. The benches will match those approved for the Sculpture Garden. They will be black with an anodized finish. Mrs. Blades asked Mr. Wheelock to consider cast stone benches.

MOTION AMENDED BY MR. SEGRAVES TO APPROVE THE PROJECT AS PRESENTED WITH THE PROVISO THAT THE LANDSCAPE ARCHITECT EXPLORE THE POSSIBILITY OF A MORE POROUS METHOD RATHER THAN USING CONCRETE FOR THE PATHWAYS.

MR. HANLEY AGREED WITH THE AMENDMENT.

Mr. Moore explained that Mr. Wheelock must be concerned with liability issues, and not only slip and fall issues, but also with the Americans Disability Act requirements. He noted that ADA requirements cannot be waived in a reconstruction. Proper width, proper slopes, and non-slip surfaces must be provided, together with handrails, as required. Mr. Moore stated that there are two major issues to be considered with this project, survivability of the material and access to the public.

Mr. Segraves, as the maker of the motion, stated that the accessibility issues and safety issues are technical issues which probably cannot be resolved today, or even with a deferral. He stated that visits to the site will help to make determinations for such items as whether a slope is too high. Mr. Wheelock responded that there will be no slopes to speak of, but path widths may be a bit smaller. He promised to return to the LPC with any required changes. Mr. Wheelock suggested that they may have to depart from historic hardscape materials in order to achieve permeability.

Mr. Pandula remarked that with Mr. Wheelock's expertise, surely he and his firm have made plans to ensure permeability so that the plants survive. Mr. Wheelock answered that this will be handled with irrigation.

Mr. Dugan of the Four Arts was sworn by Mrs. Delp. He explained that Mr. Wheelock actually has two clients, the Four Arts and the Garden Club. He assured the commission that they are very concerned about preserving the plant material, and trying to restore the visitor's experience to enjoy the spiritual quality of the garden in addition to the physical.

MOTION AMENDED AGAIN BY MR. SEGRAVES TO APPROVE THE PROJECT AS PRESENTED WITH THE PROVISO THAT THE LANDSCAPE ARCHITECT EXPLORE THE POSSIBILITY OF A MORE POROUS METHOD RATHER THAN USING CONCRETE FOR THE PATHWAYS, AND ADDING THAT THE APPLICANT WORK WITH STAFF AND RETURN WITH ANY CHANGES THAT NEED TO BE MADE, AND THAT THE WINDOW (SPANISH FACADE) BE OPENED.

MR. HANLEY AGREED WITH THE AMENDMENT.

MOTION CARRIED 6-1, WITH MR. EIGELBERGER VOTING AGAINST.

H. Application for Certificate of Appropriateness #11-2005, Replacement of roof system
Owner/Applicant: The Breakers Palm Beach Inc.
Address: 1 South County Road
Roofing Consultant: Williamson and Associates, Inc.
Project Description: Request approval for replacement of roof system which is further described as: Replacement of gray, asphalt shingles (c. 1980) that are situated atop the Breakers wood-structured roofs, Roofs No. 24 and 25. These roofs are located above the main building 5th floor attic space. The existing gray, asphalt shingles are approximately 24 years old and are in very poor condition due to age and recent hurricane conditions. The Breakers intends to replace the shingles with new clay tiles to match the color and material of adjacent clay tile roofs. And other associated changes as presented.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mr. Ken Wise, Director of Facilities Management at the Breakers, presented this request. Mrs. Delp administered the oath to Mr. Wise and any other remaining persons who wished to testify. Mr. Wise explained that the original roof material was clay tile, which was replaced at a later date with asphalt shingles. He noted that, structurally, the roof will hold clay tile. It is the desire of the Breakers to re-roof these buildings as quickly as possible due to the impending hurricane season. Due to the 4+ month wait for barrel tiles, the Breakers is requesting to re-roof with Spanish S tiles. The roofs are 105 feet in the air with a parapet around them. As such, Mr. Wise stated that they will not be easily seen. He passed photos of the proposed S tiles placed on top of a section of an existing barrel tile roof, and claimed that the difference was not distinguishable. The three color blend of the S tiles matches the color blend of the barrel tiles. In response to a question, Mr. Wise stated that only the asphalt shingle roofs will be re-roofed with the S tiles. The barrel tile roofs will remain as such.

Mrs. Day stated, for the record, that this is a tax abatement project.

Mr. Eigelberger asked why they would want to use S tiles, a different material than is used everywhere else on the Breakers. He felt that the Breakers should wait for the correct roof material, as it is not the tile that makes a roof waterproofed; it is the underlayment. Mr. Wise stated that they will not be able to obtain the 140 mph rating without the tiles placed on the roof along with the underlayment.

Although Mr. Wise maintained that the S tile matches the barrel tile, Mr. Eigelberger and Mr. Segraves countered that this is not a match. Mr. Segraves noted, however, that at that height, the difference may not be noticeable.

Mr. Pandula commented that the S tiles are not tax abatement worthy, and not Secretary of the Interior Standards appropriate. While visually, the roof may not be seen, he felt it was an awful precedent to set, especially since the decision for S tile is based upon an anticipated material delivery time.

Mr. Frank stated that the LPC ordinance provides review over all exterior surfaces, whether or not they can be seen. The Breakers is asking for tax abatement. S tile does not meet the Secretary of the Interior's Standards. S tile would not be permitted under tax abatement. Likewise, ARCOM typically does not approve S tile in situations where barrel tile exists. "This is a 5 star hotel. I think it should have 5 star materials."

MOTION BY MR. EIGELBERGER TO DENY THE REQUEST FOR S TILE. MOTION SECONDED BY MRS. VICTOR.

Mr. Wise remarked that the Breakers could have simply done the re-roof with asphalt shingles without coming to the LPC. In this case, they are asking for a major upgrade. Mr. Moore stated that at this point in time, with staff's opinions and the commission's expressed opinions, the Building Department would not issue a permit to replace the asphalt shingles with asphalt shingles. He noted that the underlayment for a barrel tile roof could be applied to waterproof the roof, and then wait for the barrel tile delivery.

Mr. Frank stated that staff believes that asphalt shingles were not part of the original construction. This roof material was added prior to the building being landmarked. As such, if the asphalt shingles were there at the time of the landmarking, they could be replaced. Mr. Moore thought the Breakers should request a deferral to go back to the drawing board. In light of the great amount of money that the Breakers has spent in the last years to renovate the buildings, Mr. Moore did not think the request for S tile was due to monetary concerns. Mrs. Day stated that if the S tile was approved, the re-roof would not qualify for tax abatement. She felt the real issue for the Breakers is how readily they can obtain the roof materials. The choice for the LPC is whether to approve the S tile since it is an upgrade and a good color match, or send them back to the drawing board.

Mr. Pandula note that the hurricane season is already here. He appreciated the Breakers' effort to not replace the asphalt shingles with shingles, but noted that this is a building on the National Register and a local landmark. As such, he advocated waiting for the correct material, barrel tile.

Mr. Wise stated that he will pull the request for tax abatement to allow them to use the S tile.

Mr. Frank noted that if there is a denial of the S tile, the Breakers cannot make that same request for a year. Mr. Wise, in light of today's comments, felt that the S tile request should be abandoned, and requested approval of some roof system to waterproof the building and then wait for the barrel tile.

MOTION FOR DENIAL OF S TILE WITHDRAWN.

MOTION BY MR. EIGELBERGER FOR APPROVAL FOR THE BREAKERS TO PROCEED WITH INSTALLING A NEW TRUE BARREL TILE ROOF IN THE COLOR BLEND TO MATCH THE EXISTING ROOFS, AND THAT THIS IS AN APPROVAL IN CONJUNCTION WITH TAX ABATEMENT.

MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

Let the record show that at this point, 11 a.m., there was a short break. The meeting reconvened at 11:15 a.m.

E. <u>455 North County Road: Continuation of Deterioration by Neglect</u>
Owner: 123, LLC
Continuation of quarterly reports: Attorney Frank Lynch

<u>CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION</u>: None declared

Attorney Frank Lynch passed of series of photographs indicating the current condition of the job site. He noted that the roof is on; the stucco is being completed; the doors and windows have been installed; the room partitions are up; and; the electrical and plumbing work is being done. Last month, the Town Council granted an extension to next February to complete the project.

It was agreed that Mr. Lynch should return in three months for the next report.

A. <u>Application for Certificate of Appropriateness #5-2005, (deferred from April) Restoration, Addition, Garage Doors</u>
Owner/Applicant: David and Elizabeth Wetherell
Address: 222 El Brillo Way
Architect: Brower Architectural Associates Inc.
Project Description: Request approval for restoration, addition to historic structure, and garage doors, which is further described as: This is a one and two story addition to an existing recently landmarked house. The additions attach to the existing garage and guest apartment. The project consists of a sitting room on the second floor for the existing guest rooms and an exercise room on the ground floor. At the east end there is another two-story element with a cabana on the ground level and the owner's office above. A one story open loggia will connect the two, two-story structures. The restoration work consists of the completion of the work contemplated, but not completed three years ago including: adding windowsills and/or brackets to windows at various locations (specifically on the north side of the garage; on the south side of the garage; on the south side of the

dining room; on the east side of the house both on the first and second floor; on the west of the house both front and second floor. Additionally, add brackets to the balcony on the north and south elevation.) Also, widen the garage doors from 8' to 9'. Other associated changes as presented. **Please note that at the April meeting, this item was deferred for further study.**

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION.

Mr. Hanley spoke with the architect prior to the last meeting and visited the site.
Mr. Segraves visited the site, met with the architect at the site, and spoke with the owner.
Mrs. Hoffman met the architect at the site, and spoke with the owner.
Mrs. Victor: Nothing since the last meeting
Mr. Pandula: Spoke by phone to the architect and Mrs. Wetherell
Mrs. Blades: Nothing since the last meeting
Mr. Eigelberger: Nothing since the last meeting
Mrs. Bresnan met with the architect and the owner at the site
Mrs. Rubin met with the architect at the site
Mrs. Coniglio: Nothing since the last meeting

It was noted that this is not a tax abatement project. Ken Brower, Architect, stated that he has tried to address the previously stated concerns about this project, and will re-address certain aspects of the project which were not apparent last month. The major concern voiced was that the building was too massive and that the addition is too close to the existing house. Mr. Brower presented a Scheme B, with the front portion of the south elevation pulled in and narrower doors, to present a more narrow facade on the cabana portion of the building.

Mrs. Victor remarked that she does not notice a change in the plans since last month. Mr. Brower attempted to explain, but when asked again by Mr. Moore if the plans changed, Mr. Brower responded that he made no changes to the plans, but the presentation is different. Last month, Scheme B had not been presented since there was already a motion for deferral made. Also, last month there was a question about the height of the cabana addition. Mr. Brower stated that the maximum height of the cabana is 19 feet, while the main house is at 20 feet. Mr. Pandula had previously stated concern about a lack of sufficient details on the addition. Mr. Brower attempted to show that the details on the addition match the main house. In summary, Mr. Brower stated that in reviewing the site, he did not find a more appropriate location for the addition than that which is proposed. He submitted a letter from Kathy Hammer, the former owner of the property, which was in support of the proposed plans.

Mr. Frank commented that at the informal review and last month, there was a problem with mass and scale. Scheme B had not been presented until today, but it is not that different. Staff recommended denial of the project. Mrs. Day stated that she had met with the architect and the owner at the site, and had reiterated the LPC's concerns. She felt that the architect has not done anything to address those concerns, and nothing has really changed on the plans.

MOTION BY MR. EIGELBERGER TO DENY THE PROJECT.
MOTION SECONDED BY MRS. VICTOR.

Mr. Brower stated that he did make changes to the plans after the comments heard at the informal review of this project. Mrs. Day responded stating that the LPC tries to work with property owners and make suggestions to make the project better, but in this case, nothing was done since last month to revise the plans. She felt that the addition could be better placed on the property. The proposal, unfortunately, places the largest part of the addition mass furthest away from the main house. She supported the fact that the proposed addition is attached to the garage rather than the main house. Mr. Frank added that regardless of the number of changes that Mr. Brower made, during all reviews of the this project, Mr. Brower heard negative comments about mass and scale.

Mr. Eigelberger stated that at last month's meeting, they were given the benefit of a deferral to provide another month to revise the project, but that has not been done. He stated that all of the commissioners have been to the site, and agree that the addition is too large. Mr. Pandula stated that he really does not have a problem with the square footage of the addition, but the articulation of the addition needs work. He stated that the main house is rich with details, but those are not repeated on the addition. Mr. Hanley remarked that there are different ways for the architect to enclose the square footage that is requested. He also recalled that the LPC had previously suggested significant changes to the proposed site plan concerning the cabana and the pool, none of which have been implemented.

Mr. Brower stated that he has gotten mixed signals from the commission, and attempted to explain why certain site plan changes would not work, in his opinion. Mr. Pandula responded that if Mr. Brower had done drawings to illustrate the site plan changes, perhaps the commission might have agreed with him, but no new drawings were done, and "it is all speculative." Mr. Pandula stated that he knows Mr. Brower is designing according to the zoning code. He appreciated that the driveway is being eliminated in favor of a garden area. His main problem with the design, however, is that the new addition "looks naked" next to the rest of the building. He asked Mr. Brower to repeat the wonderful details of the main house on the addition to break down the mass.

Other commission members differed with Mr. Pandula as they felt that the size of the addition was a problem. Mrs. Bresnan did not feel the addition would be very visible from the street due to how far it is set back on the property. She was in favor of the proposal, as designed. Mr. Segraves commented that the addition does not impact the front view of the house, but it looks like another new house is being built. He recommended that the additional square footage be placed elsewhere on the property. Mrs. Victor asked about the LPC's role as preservationists when faced with new landmark property owners wanting to add 20%-50% more to a landmarked structure.

Mrs. Blades asked, in consideration of Mr. Brower's claim that he is receiving mixed signals from the commission, what is the most fair way to proceed. Mr. Moore responded that the LPC has always tried to work with property owners. The fair approach, he felt, was a deferral with conditions. Mr. Moore chastised Mr. Brower for taking the time of the commission to "pitch the same proposal" three times, once informally and twice formally. Mr. Moore urged the commission, if they choose to defer the project, to make it very clear that he is not to return with the same proposal.

Mr. Pandula recognized that Mr. Brower is trying to meet the client's functional needs and also hide the looming wall of the house to the North by building the proposed addition. However, "supersizing this to be a site wall, essentially, isn't the way to go."

Mr. Brower requested a deferral from the commission.

MOTION FOR DENIAL OF THE PROJECT WITHDRAWN.

MOTION BY MR. EIGELBERGER TO DEFER THE PROJECT TO THE JUNE MEETING WITH SPECIFIC STIPULATIONS, THAT IS, THAT THE ARCHITECT STUDY THE STAIRCASE FROM THE FIRST FLOOR TO THE SECOND TO SEE IF IT CAN BE PLACED OUTSIDE THE BUILDING; THAT THE ARCHITECT STUDY SLIDING THE STUDY/CABANA ROOM OVER TO THE OTHER BUILDING, AND FOLLOW A LONG HIPPED ROOF LINE FROM ONE END TO THE OTHER; AND, THAT THE ARCHITECT STUDY AN OPEN ONE STORY LOGGIA BY THE CABANA AND FOR THE POOL TO CREATE A U-SHAPED HOME.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED 6-1, WITH MRS. VICTOR VOTING AGAINST.

Let the record show that Mrs. Hoffman left the meeting at this point.

V **Other Business**:

Mr. Frank stated that at the **Palm Beach Public School**, an air conditioning package unit has been placed on the roof which was not part of the plans presented to the LPC. Staff has contacted the School Board architect and instructed her that the unit must be removed. Mrs. Coniglio added that the structure, as built, allows no room for landscaping on the school property. Landscaping will have to encroach on the Town's property if there is to be any landscaping at all. As such, she requested that if we can address the air conditioning, we must address the landscaping as well. Mr. Frank will address these issues.

Relative to **Coco's (290 Sunset Avenue)** west facade, Mr. Frank has instructed the contractor to clean up the facade. This clean up was delayed because the Public Works Department would not allow the work in the right of way during the season. It was noted that outdoor seating has just been approved at Coco's by the Town Council. Mrs. Blades pleaded that Coco's be required to paint the building a different color, since they have to re-paint the building.

Mr. Pandula requested that the property at **442 Seaspray Avenue be placed "under consideration"** for landmark designation. It is a 1926 Fatio design which is almost in pristine condition. Mr. Pandula passed the gavel and made the following motion:

MOTION BY MR. PANDULA TO PLACE 442 SEASPRAY AVENUE "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.

MOTION SECONDED BY MRS. VICTOR.

MOTION CARRIED UNANIMOUSLY.

Mr. Pandula asked Mr. Moore for clarification about how to proceed with the projects being reviewed informally due to needing a variance. He wanted to be sure that the LPC was providing the correct feedback to the Town Council, recognizing that the LPC was not to discuss hardship or the merits of the variance. Mr. Moore stated that the LPC can only comment on the architecture with respect to the variance, and whether it negatively impacts the landmark. As with the recent generator review at 5 Middle Road, Mr. Moore felt that comments as to where else the generator could be located were reserved for staff or the Town Council.

MOTION BY MRS. VICTOR TO ADJOURN THIS MEETING TO 2:00 P.M.
MR. EIGELBERGER SECONDED THE MOTION.
MOTION CARRIED UNANIMOUSLY.

*****

VI **<u>Landmark Preservation Commission Workshop at 2:00 pm.</u>**

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

ABSENT: Patrick Segraves, Member

RECORDING SECRETARY: Cynthia M. Delp

Mr. Pandula made reference to 24 Staff Recommendations, as listed in the memorandum entitled **FOUR WINDS PANEL**, Dated December 1, 2004. He turned the presentation over to Mr. Frank and Ms. Day for discussion relative to "Department Recommendations Regarding the Landmarks Preservation Program."

Mr. Frank explained that this document was prepared for distribution to the Four Winds Panel, and was reviewed at the meeting which occurred at the Colony Hotel. Mr. Eigelberger attended that meeting. The panel made no changes to this document, but the Town Council would like a summary of the commission comments relative to these issues. Mr. Frank explained that Numbers 1-6 relate to the Ordinance; Numbers 7-17 refer to policy issues; Numbers 18-20 refer to administrative issues; and Numbers 21-24 refer to Building Division issues.

STAFF RECOMMENDATION

Staff recommends the following changes to the Landmark Preservation Program.

1. Do not adopt Secretary of Interior Standards for non-tax-abatement projects. (No action required)

Mr. Frank stated that the Secretary of the Interior's Standards deal mostly with pure forms of architecture and do not even recognize Mediterranean Revival as a style, for example. He felt that the standards were deliberately left out of our ordinance. Mrs. Day stated that the LPC ordinance, adopted in 1979, is a very strong ordinance. Per Mr. Randolph, the less we modify the ordinance, the less likely we will be subject to challenge.

While Mrs. Victor spoke in favor of including the standards in the LPC ordinance, Mr. Pandula suggested that the commission keep the standards in mind during project reviews, and keep the ordinance intact. Mrs. Day stated that since our ordinance was enacted prior to the Bert Harris Act, it is stronger against legal challenges. Sterling Clarke, seated as Town Attorney, stated that the ordinance should not be made so restrictive that it might prompt owners to file suit with the town.

2. Adopt wording in ordinance confirming current practice of consideration of structural components of non-tax-abatement projects. (Ordinance Modification)

Mrs. Day explained that this involves looking at materials, which is something that the LPC already does in the review process. She saw no reason to change the ordinance. The commission agreed that the ordinance should not be changed.

3. Remove un-designation/economic hardship provisions in the ordinance. (Ordinance Modification)

Mr. Frank stated that the economic hardship provision of the ordinance was introduced by the Preservation Foundation years ago, and was ultimately placed in the ordinance. Mr. Frank had strongly objected to adding it at the time, and staff still believes that it should not be in the ordinance. As such, staff recommends removal of the provision. Commission members thought that Mr. Randolph should be consulted about this, and expressed concern about changing the ordinance for the same reasons expressed in #1 above. Mrs. Day commented that while owners may wish to claim economic hardship, they are not likely to be willing to open up their personal finances to review.

Maia Farish of the Preservation Foundation stated that with the economic study that is being prepared now, perhaps the information in the study will help in determining whether to keep the provision in the ordinance or not.

After further discussion, the commission elected to wait for the Preservation Foundation's economic impact study and for this matter to be reviewed by Mr. Randolph. All agreed that they did not want to take any action that would weaken the ordinance.

4. Allow landmark designations of properties less than 50 years old. (Town Council policy)

Staff pointed out that the LPC ordinance does not preclude designating properties less than 50 years old, so there is no need to change the ordinance. The commission agreed.

5. Modify ordinance to include a requirement that permits hiring experts, such as engineers, at the applicant's expense (similar to the provision in the zoning code permitting hiring of traffic consultants or similar experts). (Ordinance Modification)

Staff stated that the Town already hires experts as needed as a matter of policy, without changing the ordinance. The commission agreed that no change to the ordinance is necessary.

6. Remove an ordinance provision which requires that all staff approvals are presented to the Landmarks Preservation Commission quarterly. (Ordinance Modification)

Mrs. Day stated that this is in the ordinance, but staff has not been bringing all of the staff approvals to the LPC. She asked the commission if they wanted Mr. Frank to do this. Mr. Frank stated that staff typically only staff approves awnings, signs, window change outs in the same window opening, and other very minor revisions. No commissioner voiced an objection to the policy described by Mr. Frank. No change to the ordinance was recommended.

7. Do not require owner approval for landmark property designations. (Town Council policy)

Mrs. Day stated that the ordinance does not require owner approval for landmark designations. The LPC agreed with staff regarding this recommendation.

8. Continue to consider the means and methods of construction when issuing certificates of appropriateness. (LPC/Staff)

Mrs. Day explained that as a result of Four Winds, this came to the forefront. The Commission agreed that this should continue to be done during the review process.

9. Support voluntary placement of properties on the National Register. (All)

Mrs. Day explained that by placing buildings on the National Register, buildings are being honored rather than protected. She advocating spending staff and commission time on local landmark designation. While the commission agreed with properties receiving National Register status, they also agreed with Mrs. Day's point. .

10. Support the continued consideration of landmark designations of historic districts. (LPC/Staff)

Mrs. Day explained that when a district is considered, it actually requires doing an individual designation study on each of the properties to be able to determine whether a building is contributing or non-contributing and why. Staff time is greatly increased in the designation process of an historic district. Also, cumulative objection to the district from a group of property owners may lead to a legal challenge. Staff cited the once proposed Pendleton Avenue district which never came to fruition due to owner objection.

Mr. Pandula stated that as a policy, districting should be supported by the LPC, and new districts should be sought, provided the Town Council will support the LPC, and not overturn the LPC's decision to create a landmark district based on owner objection. Mrs. Farish stated that the Preservation Foundation is very interested in districting.

11. Support the establishment of a trust fund by local non-profit organizations for the purpose of preserving landmark properties. (All)

Mrs. Day explained that such a trust fund would take care of sites such as 455 North County Road, which fell into deterioration by neglect. This would avoid the Town having to spend its resources on such properties.

Mrs. Victor re-stated her opposition to this proposal. She commented that it gives owners and landlords "an out" to not care for their properties. The commission expressed that the concept might be better adopted for public buildings rather than those which are privately owned. Mr. Pandula reminded that the recommendation does not specify public or private and noted that the distribution of the funds could be decided at a later date.

12. Continue to consider the designation of properties of a wide variety of architectural styles. (All)

All agreed.

13. Continue to develop broader public participation in Landmark Preservation Commission activities. (LPC/Staff)

All agreed. Mrs. Day stated that the Preservation Foundation would like to partner with the Town to have a Preservation Celebration next year. This event had been paid for by the Town in the past, and more recently by public donations.

14. Implement new budget initiatives regarding expenditures for LPC participation in local and state conferences and seminars. Seek guest speakers and additional sources of information for use by the LPC. (LPC/Staff)

Staff stated that this is already being done. There is funding available for the state conferences, and for the Chairman and perhaps one member to attend the national conference. Mrs. Day is looking for guest speakers, and Mrs. Farish pledged her assistance with this as well.

15. Assist the Town Council in identifying qualified citizens interested in serving as Landmark Preservation Commission members. (LPC/Staff).

Mrs. Day stated that this is currently being done, and she encouraged the existing members to encourage others who might want to apply for service on the commission. Mrs. Victor thought that she recalled that the Town Council requires that a person could only apply for service on one of the boards at a time. She noted that many of the previous applicants to the LPC also applied for other boards as well. Mrs. Delp explained the current application procedure which does allow an individual, on one Application for Service, to apply for as many boards and commissions as they choose.

The commission agreed that this assistance should be given to the Town Council.

16. Assist in promoting continued Town Council support of LPC activities. (Staff)

All agreed.

17. Establish a workshop procedure by the LPC for review of major projects prior to reviewing the project formally. (LPC/Staff)

Mrs. Day explained that this came up because perhaps, with large projects, a two month review might be better, first in a workshop and then formally. This can also be accomplished by simply deferring projects as is done now.

Several members thought this would be a good idea. Mr. Frank predicted that the typical morning meetings of the LPC would evolve into all day meetings. It would also require that every major project would take two months to approve. He noted that the workshops would be mandatory. Mr. Pandula was not in favor of this proposal as he felt that the design professional should be accountable for thinking through the project and making a fully prepared presentation to the commission, rather than relying on the commission to provide free design services. Mr. Frank stated that the same result can be achieved through the deferral process, without creating a mandatory two month cycle. The commissioners agreed that the process is already being helped by receiving their agendas earlier, a procedural change that was recently enacted by staff. The consensus of the commission was to abandon the idea for mandatory workshops.

Mrs. Farish recommended that the members review the designation reports for the properties prior to reviewing Certificates of Appropriateness. Staff responded that the reports are available at Town Hall through Mrs. Delp if the commissioners would like to see them.

18. All Certificates of Appropriateness (CoA) will be signed by Staff. (Staff)

All agreed. Mr. Frank noted that the Certificates of Appropriateness repeat the information found in the meeting minutes.

19. Modify CoA application to accommodate additional descriptions, clarifications, and incorporate a Materials Removal Plan. (Staff)

All agreed.

20. Continue to allow informal items to be considered by the LPC, incorporated into the workshop portion of the agenda. (LPC/Staff)

All agreed. (Please note, however, that while all agreed to allow informal reviews, the commission recommended against mandatory workshops.)

21. Institute the requirement for a Materials Removal Plan to clarify the nature and extent of work to be undertaken. (Staff)

Mr. Frank stated that for major projects, a separate drawing, entitled "Materials Removal Plan" will be required upon submission of the project. It will show materials in the existing building which are either being removed or altered in the course of construction.

Mr. Pandula saw the value in having this drawing on file, but stated that the procedure must allow for "in progress" changes which may have to return to the LPC. All agreed.

22. Continue to encourage a change in the Florida Building Code supporting landmark building standards. (Staff)

This is happening at a state level, and the matter is scheduled to be discussed in July. Mr. Frank stated that Mr. Pandula has offered to help in the development of a manual which describes acceptable construction procedures for landmark properties which include updating to hurricane standards while being sensitive to the original structure. He anticipated that this was a two year study.

23. Require plan updates for all Department of Environmental Protection changes to the project. (Staff)

All agreed that this should be submitted to the Town.

24. Seek additional funding for increased and earlier Staff inspections for conformance to CoA approvals. (Staff)

Mrs. Day reported that Mr. Moore has already informed her that in the coming year, she will look at all of the landmarks on an annual basis to check their status. She will develop a form to use in this process. The consultant budget will be increased to accommodate these activities.

As for projects already underway, Mr. Frank ultimately signs off on the Certificate of Occupancy, and the building inspectors monitor the job for compliance to the plans. Mr. Frank and Mrs. Day are required to sign off on tax abatement projects.

Staff will prepare a draft of all of the above commission comments, and it will be presented to the commission prior to it being forwarded to the Town Council.

VII **Adjournment**:

The meeting adjourned at 3:30 p.m. without benefit of a motion.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, June 15, 2005 at 9:00 a.m. in the Town Council Chambers, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary
LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION

ATTENDANCE RECORD 2005

MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11//05	12/05
Eugene Pandula	P	P	P	P	P							
Ann Vanneck	P	P	(n/a-terms expired)									
Ann Blades	P	P	P	P	P							
Jack Pyms	P	P	E	(Resigned 3/29/05)								
Judy Hoffman	P	U	P	P	P							
Patrick Segraves	P	P	P	P	P							
Wendy Victor	P	P	P	P	P							
William Lee Hanley Jr.	P	P	P	P	P							
Robert Eigelberger				P	P							

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/54	6/05	7/05	8/05	9/05	10/05	11/05	12/05
Robert T. Eigelberger	P	P	P	(Promoted to regular member)								
Eileen L. (Morris) Bresnan	P	P	P	P	P							
Gail L. Coniglio	n/a	n/a	P	P	P							
Hazel Rubin	n/a	n/a	n/a	P	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 2005

MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
Eugene Pandula		VPD1										
Ann Vanneck			(n/a- terms expired)									
Ann Blades												
Jack Pyms			(Resigned 3/29/05)									
Judy Hoffman												
Patrick Segraves												
Wendy Victor												
William Lee Hanley Jr.												
Robert T. Eigelberger												

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/54	6/05	7/05	8/05	9/05	10/05	11/05	12/05
Robert T. Eigelberger				(promoted to regular member)								
Eileen L. (Morris) Bresnan												
Gail L. Coniglio												
Hazel Rubin												

LEGEND:
V = One Voting Conflict during a meeting
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)