

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, MAY 16, 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 9:03 a.m.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Patrick Segraves, Secretary
Robert T. Eigelberger, Member
Eileen L. Bresnan, Member
Hazel Rubin, Member (arrived 9:08 a.m.)
Charles S. Roberts, Member
D. Imogene Willis, Alternate Member
Dudley L. Moore, Jr. Alternate Member
Wallace Rogers, Alternate Member
John C. Randolph, Town Attorney
Veronica B. Close, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

ABSENT: None

III **APPROVAL OF THE MINUTES OF THE APRIL 18, 2007 MEETING:**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

APPROVAL OF THE AGENDA

Mr. Pandula noted that there has been a request to add 1200 South Ocean Boulevard and 455 North County Road informally to the agenda.

MOTION BY MR. EIGELBERGER TO AMEND THE AGENDA AS STATED.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.

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

V **COMMENTS FROM THE PUBLIC:**

Patrick Flynn of the Palm Beach Theatre Guild addressed the LPC, and stated that landmarking the entire Royal Poinciana Plaza is in the Town's best interest. He distributed copies of the feasibility study relative to the theatre. Mr. Flynn noted that the Guild is proposing to change the use of the playhouse from a booking house to a regional theatre subscription house, allowing for fifteen (15) revenue streams. Anchor income will come from subscriptions. Financial needs for the theatre will be assessed, and then the community will be solicited for pledges. Mr. Flynn stated that his group will be going into the theatre soon, along with Code Enforcement. He felt a complete report on the facility should be available within 60 days.

VI **PUBLIC HEARINGS:**

- A. Application for Certificate of Appropriateness #10-2007(deferred from April)
Owner/Applicant: Royal Poinciana Chapel
Address: 58 and 60 Coconut 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.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION

Mr. Hanley spoke with the architect and members of the church, and visited the site.

Mr. Eigelberger visited the site and spoke with the architect.

Mr. Roberts spoke with the architect, and persons at the Chapel, and visited the site.

Mrs. Rubin met with the architect and various persons from the church and Preservation Foundation.

Mrs. Bresnan met with representatives from the Preservation Foundation and the church.

Mr. Segraves met with the architect and visited the site, evaluating the Seagull Cottage.

Mr. Moore visited the Chapel and spoke with staff.

Mrs. Willis visited the site, specifically to see the Hardi-board.

Mr. Pandula visited the site, and met with the architect, Mr. La Rue, Mr. Peacock, Reverend Morris, John Mashek, John Ripley, Doug (Jeff) Taylor and Bob Botkin.

Mrs. Albarran presented a materials removal/replacement plan, which had not been previously presented. Portions to be removed include the two story portion of the bay window, removing a window and creating an interior wall, removing and replicating a small porch, removing a portion of an existing small roof, removal of all windows and doors, removal of existing wood siding and shingles, removal of existing roof shingles, removal of existing wood columns and railings, and removal of existing wood floor planks. She noted, however, that existing wood studs and sheathing will remain, unless they are in disrepair. As such, the building should never appear as a "skeleton".

Mr. Pandula interjected that the project description should be corrected to indicate wood roof shingles rather than the asphalt shingles as originally proposed, and aluminum or aluminum clad hurricane impact windows. Mrs. Albarran confirmed these changes. Mrs. Albarran admitted that they are having problems finding windows which are architecturally appropriate and tested for hurricanes, but she assured the LPC that they will not need to enlarge the window openings to make the windows hurricane-proof.

As for the Hardi-board, Mrs. Albarran explained that the horizontal clapboards have been tested and approved for up to 150 mph winds. However, neither Hardi-board shingles, nor any other wood shingles are similarly wind tested and approved. As such, the Building Department will require the shingles to have a hurricane proof backing, so the shingles will actually only be a veneer. Mrs. Albarran commented that many of the members and others have visited the site to view the samples of Hardi-board placed on site. It was her opinion that there is absolutely no visual difference between the existing materials and the proposed Hardi-board.

Mr. Segraves recommended that since the building is going to be raised by one foot, the building should be raised first, and then follow that by working on the building one section at a time. He felt that if work is done in this manner, it will not appear as though the building has been torn down. Mrs. Albarran agreed with this approach.

Mr. Eigelberger questioned the extent of the Preservation Foundation's renovation on Seagull Cottage approximately 20 years ago. John Mashek of the Preservation Foundation responded that he did not recall the percentage of materials which were replaced at that time, but certainly any siding which was in poor condition was replaced. Mr. Mashek commented that it has only been in recent years that the maintenance has slipped on the property. Mr. Mashek added that the Preservation Foundation has been involved with the Seagull Cottage for years, and is interested in saving and preserving the building. He felt that the applicant's proposal is the best solution for preserving the building in its current location, especially since the Chapel has agreed to landmark the cottage in perpetuity if this is approved. He strongly encouraged the LPC to approve this plan.

Mr. Carroll Peacock, President of the Royal Poinciana Chapel, and architect with Peacock and Lewis Architects, asked for the LPC's approval of the plan presented today for the 128 year old Seagull Cottage. He noted that there had been a good deal of concern regarding the use of Hardi-board on the cottage. He commented that Hardi-board is a fine product, not a cheap product, and it is preferable for maintenance concerns. Mr. Peacock passed some information showing the use of Hardi-board on historic structures. He stated that he had been in contact with the New York Conservancy Group, and was assured that Hardi-board was used on a number of historic projects, most of which were churches. Mr. Peacock stated that the Chapel is a non-profit corporation. As such, if the project is not approved, the project will be "dead", or in need of someone willing to

donate \$1,000,000 to take care of the building. He noted that the Chapel, itself, is a wooden building and has its own set of maintenance requirements.

① Mr. John Ripley of the Preservation Foundation stressed the importance of the Chapel's willingness to landmark the cottage for perpetuity, together with an approval of the project as presented. He remarked that this is certainly preferable to having to look for a new home for Seagull Cottage. In light of the fact that wood shingles only last for about 20 years; that Hardi-board is being used in other historic buildings; and; since the suggested roofing material (wood shingles) is a higher grade roof material than originally proposed, Mr. Ripley endorsed the project, as proposed, with Hardi-board.

Ms. Close reported that staff met yesterday with representatives from the Chapel, the Preservation Foundation and its consultants. The Town's Building Official, Jeff Taylor, attended the meeting as well. Mr. Taylor indicated that the Florida Building Code allows replacement of like materials without having to meet the requirement for hurricane windload. If the materials are changed, however, they must meet the windload requirement. On the first floor, Hardi-board is tested and approved to meet the windload, provided there is a vapor barrier underneath. On the second floor, however, where the Hardi-board will be cut up into shingles, the Hardi-board can only be used as a cladding or veneer. As such, the second floor will need wood sheathing with a vapor barrier, to be topped by the cut shingles.

Mrs. Day stated that this is a very complicated project. It is essentially a reconstruction project, and that is acceptable to the State Historic Preservation Office (SHPO). SHPO feels that the best way to accomplish preservation goals is to replace materials in kind, which agrees with the Town's LPC ordinance. The Chapel, due to maintenance concerns, seeks to use alternative materials. Mrs. Day was concerned about the precedent this might set. Previously, St. Edward's Church and Bethesda by the Sea have been asked to make replacements in kind. Mrs. Day indicated that the LPC would have to choose how to proceed in this particular situation.

① Mr. Eigelberger asked Mrs. Day her opinion about the appearance and profile of the Hardi-board. She responded that the Hardi-board is aesthetically good, especially to the untrained eye, but noted the larger issue is preservation theory.

There was some discussion about the 50% rule and having to bring the building up to code. Mr. Eigelberger feared that all of the existing clapboard would be lost in the process. Mr. Pandula responded as follows: "I think there are provisions in the code for historic properties, that only materials that are removed need to be replaced, and if they are replaced in kind, it does not need to be brought up to current code. Once you remove a material and reapply something new...a different material...then the building gets brought up to current codes. I do not think the 50% rule applies to historic structures in this regard." Mrs. Albarran stated that the Chapel is very committed to bringing the building up to code by updating all wiring, plumbing, windows, hurricane strapping, sheathing, etc.

Mr. Eigelberger stated that he is in favor of the use of the Hardi-board. He felt it was so important that the turret is going back on the building; that the roof is being replaced in wood; and; that the building will receive new windows and new siding.

① Mr. Hanley commented that this project is totally unique. He stated that the existing site is the best site for the building; that the church and the Preservation Foundation are not for profit; and funding is very much an issue. He cited the problem when preservation theory is at odds with practicality, particularly when a superior product is available. Mr. Hanley felt the current proposal is "an incredibly wonderful solution" to the problem of how to handle the Seagull

Cottage. This situation, he felt, is totally unique, and will not, in any case, set a precedent for other landmarks.

Mrs. Rubin agreed with Mr. Hanley's comments. She felt the circumstances are totally different in this case, and will not be precedent setting. It is also unique because it is not an original building of the Chapel, and needs to be supported. She agreed that the project was well done, and a great compromise to satisfy all.

Mr. Segraves stated that the Hardi-board appears like wood, especially when painted, and it is a low maintenance solution. He felt that this was quite unlike the situation with the St. Edward's dome which would have looked vastly different if another material had been used instead of the copper which was a requirement of the LPC.

Mrs. Bresnan stated that she feels quite the same as Mr. Hanley and Mr. Segraves about the project. She did not think the difference between Hardi-board and wood was easily discernible. Her concern was whether, by approving use of this alternate material, the LPC was ignoring the ordinance it is charged to uphold. She stated that this is a unique situation, and that she was very impressed by what she heard today.

Mr. Roberts agreed that this is a great project, and the Chapel has done a great job, but approving this project would be an exception to normal LPC practice. He had no problem with the shingles in Hardi-board, and felt that the addition should be done in Hardi-board. He suggested a compromise of using wood on the first floor to in some way decrease the impact of the LPC making such an exception in this case. Mr. Roberts suspected that if Hardi-board is approved for Seagull Cottage, homeowners will want to use it on their historic homes as well.

Mr. Segraves attempted to move the focus to a discussion regarding the windows, since he felt that the windows will affect the aesthetics more than the siding.

Mr. Moore did not see the logic in the compromise suggested by Mr. Roberts, since any percentage of Hardi-board used still introduces a non-original material. Mr. Rogers stated that he visited the site, and could only distinguish the Hardi-board from the wood by knocking on it. He felt that the Hardi-board was the better solution for this application.

Mr. Pandula stated that he had done research online relative to historic preservation synthetic products, and found that conversations, such as the one being held today, are occurring everywhere. After reading minutes from other preservation commissions, Mr. Pandula noted that they largely agree that it is best to repair first, and failing repair, to replace using materials in kind. There is, however, a growing openness to accept substitute materials under certain circumstances, especially with regard to roof materials and siding. Interestingly, he found Hardi-board specifically mentioned as a substitute material which is being used and is allowed. Mr. Pandula read from Technical Brochure #16 of the National Park Service:

"As a general matter, the standards of rehabilitation do not prohibit the use of synthetic, substitute materials. They only require that new materials provide a suitable match for the historic ones."

"The Secretary of the Interior's Standards for Rehabilitation require that deteriorated architectural features be repaired rather than replaced wherever possible. In the event that replacement is necessary, the new materials should match the materials being replaced in composition, design, color, texture, and other visual properties. Substitute materials should be used only on a limited basis and only when they will match the appearance and general properties of the historic materials and will not damage the historic resource. The practice of using substitute materials in architecture is not new. Yet it continues to pose practical problems

and to raise philosophical questions. On the practical level, the inappropriate choice or improper installation of substitute materials can cause a radical change in the building's appearance and can cause extensive physical damage over time. On the more philosophical level, the wholesale use of substitute materials can raise questions concerning the integrity of historic buildings largely comprised of new materials. In both cases, the integrity of the historic resource can be destroyed. Some preservationists advocate that substitute materials should be avoided in all but the most limited cases. The fact is, however, that substitute materials are being used more frequently than ever in preservation projects, and in many cases, with positive results. They can be cost effective, and permit the accurate visual duplication of historic materials and last a reasonable time. Growing evidence indicates that with proper planning, careful specifications, and supervision, substitute materials can be used successfully in the process of restoring the visual appearance of historic structures."

Mr. Pandula stated that, from the meeting minutes that he read, the general trend is toward allowing substitute materials, when appropriate and under certain conditions. Mr. Pandula suggested three caveats for allowing the use of Hardi-board at the Seagull Cottage:

1. That the LPC will consider the use of substitute materials only on a case by case basis, and it is not intended to be the LPC's protocol for any future approvals.
2. That the materials removal plan should certify that at least 80% of the existing siding is damaged or deteriorated beyond repair, which allows for the introduction of a new material.
3. That the application shall be reversible, so that at any time in the future, the building can be restored with original materials.

Mr. Roberts complimented the Chapel and its architect, the Landmarks Preservation Commission and staff for all of the time and effort which was devoted to this project. He further complimented Mr. Pandula on his research which may lead to the LPC accepting new standards, ideas and visions. He stated that he had made a motion to defer the project last month for the precise purpose of allowing this study and time to be devoted to the resolution of this matter. He felt it was important that the record be clear that the LPC gave careful evaluation to this matter prior to making a decision. Mr. Roberts stated that any motion for approval should include the requirement that the Seagull Cottage be landmarked for perpetuity, as was offered by the Chapel.

Mr. Segraves brought the discussion back to the windows, which he felt would make more of an aesthetic impact than the siding. He felt that neither aluminum, nor aluminum clad windows will look the same as the existing windows. He noted that the only wood windows that meet hurricane code are mahogany, not cypress, and will become a maintenance issue as painting will be required. Mrs. Albarran stated that she would like to request a deferral on the windows so she can do more research to find the most appropriate window. She also requested deferral of color for the building.

MOTION BY MR. EIGELBERGER AMENDING THE PROCEDURES OF THE LANDMARKS PRESERVATION COMMISSION WHEN CONSIDERING THE USE OF NON-ORIGINAL MATERIALS, THAT THE FOLLOWING CAVEATS BE FOLLOWED:

1. **THAT THE LPC WILL CONSIDER THE USE OF SUBSTITUTE MATERIALS ONLY ON A CASE BY CASE BASIS, AND IT IS NOT INTENDED TO BE THE LPC'S PROTOCOL FOR ANY FUTURE APPROVALS.**
2. **THAT THE MATERIALS REMOVAL PLAN SHOULD CERTIFY THAT AT LEAST 80% OF THE EXISTING SIDING IS DAMAGED OR DETERIORATED**

BEYOND REPAIR, WHICH ALLOWS FOR THE INTRODUCTION OF A NEW MATERIAL.

3. **THAT THE APPLICATION SHALL BE REVERSIBLE, SO THAT AT ANY TIME IN THE FUTURE, THE BUILDING CAN BE RESTORED WITH ORIGINAL MATERIALS.**

MOTION SECONDED BY MR. ROBERTS.

Mr. Segraves clarified with Mrs. Albarran that the shingles on the new addition will match the shingles on the original structure exactly in proportion.

MOTION CARRIED UNANIMOUSLY.

Mr. Peacock addressed Mr. Roberts' offer of compromise to use wood on the first floor only. Mr. Peacock noted that the south side, which is two-story and uncovered, would really take "a beating" if done in wood, and this would surely be a maintenance concern. He advocated use of the same material on both floors.

MOTION BY MR. ROBERTS TO APPROVE COA#10-2007 WITH THE HARDI-BORD AND THE SHINGLES AS SUBMITTED, GIVEN THE NEW POLICY (STATED IN MOTION ABOVE); 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.

**MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.**

It was noted that the columbarium, which is part of CoA#10-2007 was not included in the approval above, and will be brought back to the LPC next month for review.

At this point, 10:15 a.m., there was a short recess.

- B. Application for Certificate of Appropriateness #15-2007
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.

Mr. Eigelberger met with the architect at the site.

Mr. Rogers visited the site.

Mrs. Bresnan met with the architect, and spoke with the lawyer about the project.

Mr. Segraves met with the architect at Mr. Segraves' office to discuss the project.

Mr. Roberts met with the architect.

Mrs. Rubin met with the architect at the site and at his office.

Mr. Pandula met with the architect at Mr. Pandula's office.

Mr. Frank read a letter into the record from Dr. and Mrs. Francis P. Conroy which asked that the LPC "pay close attention to the fabric of Colonial Lane"; that notes that Colonial Lane "is a very narrow one way street and caution must be used at all times when entering and exiting driveways"; that "the proposed driveway is almost opposite" the Conroy's driveway and poses a "safety concern"; requesting that the proposed driveway be moved several car lengths to the east; and, requesting that the proposed six foot wall be properly landscaped, and perhaps set back further.

Persons present on behalf of this project were: Ames Bennett, Architect, Michael Perry, Associate Architect, Maura Ziska, attorney for the owner, and the owner, Mr. Henkin.

Mr. Perry reviewed the project as a 1930's Howard Major design. The LPC had previously approved an addition to the house and a new accessory structure. This is a through lot, and the two lots are being joined by Unity of Title. After the approvals given, the necessity for a setback variance was noted. To avoid having to obtain variance approval, the plans were re-designed moving the cabana back 35 ft. and reducing the size of the cabana from 1680 sq. ft. to 1205 sq. ft., changing the configuration of the cabana. The pool was relocated along the east side of the property. The cabana loggia will front the pool. The changes include a resulting increase in landscaped space from 50.1% to 55.3%. Mr. Perry showed the revised elevations of the cabana. Along Colonial Lane, there is a six foot (6 ft.) wall which is set back three feet (3 ft.) from the road with a low hedge and jasmine trained on it. There is a ten foot (10 ft.) hedge behind the wall. Drainage plans have been filed. Water will be maintained on the property per code requirements.

Mr. Eigelberger commented that he likes the original plan for the site better as it is more in keeping with the symmetry of the main house. Mr. Segraves agreed. That plan would, however, require a variance. Mr. Eigelberger stated that seeking a variance is still an option, especially since density is being reduced by joining the lots with unity of title rather than having a whole new single family dwelling there. Mr. Pandula agreed that the first plan was preferable, and asked how the LPC could assist the applicant. Ms. Close responded that if the applicant files for a variance, the LPC will be able to make a recommendation in an advisory capacity. She stated that staff can work with Ms. Ziska relative to the variance. Ms. Close indicated that the reduction in density would most likely work in the applicant's favor.

Dr. and Mrs. Conroy, 266 Colonial Lane, addressed the LPC. Mrs. Conroy stated that her primary concern is access and egress to her driveway and general safety concerns since the Conroys had already been involved in an accident when leaving their driveway. The Conroys would prefer that the Henkin driveway be flipped to the other side of the property, and object to the Henkin driveway being directly across the street from their driveway. Dr. Conroy noted that there are no other driveways on Colonial Lane which are directly across from each other. Mrs. Conroy likewise expressed concern about flooding in the street which might be further complicated by the proposed wall. She questioned whether the wall could be moved back further than 3 feet.

Mr. Perry responded that perhaps the driveway can be moved over a bit, but flipping it to the other side of the property is not an option. As for the wall, it could be lowered to four feet (4 ft.) in height, but all of the water retention requirements are met in this proposal. Ms. Ziska, though

sympathetic to neighbor concerns which have merit, stated that safety concerns relative to driveways should be left to Public Works, and that her client has the right to design the project as he chooses, within reason. Ms. Ziska and Mr. Perry, in fact, stated that Public Works has already given approval of this plan. Ms. Ziska stated that her client would like to move forward at this point, without becoming distracted by a driveway issue. LPC members were in agreement that the safety concerns relative to the driveway should be left to Public Works and the Town Engineers.

Various LPC members re-stated their preference for the first plan, especially because of the symmetry shown in that plan. While the owner, Mr. Henkin, also stated his preference for the first plan, he did not want to experience the delays involved in the variance process. He commented that the second plan would offer the appearance of a larger expanse of lawn. As such, he asked the LPC to review the second design today. Mr. Segraves felt that the windows and shutters were too tight to the corners on the second plan, and there were too many windows. Mr. Roberts, hearing the property owner, asked if another 30 days would provide the time necessary for the architecture of design #2 to be revised in keeping with LPC comments.

MOTION BY MR. EIGELBERGER 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 SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #16-2007
Shutters

Owner/Applicant: Donna P. Flammerion

Address: 137 Root Trail

Project Description: Request approval for wood shutters which is further described as: Install decorative wood louvered shutters to second and third floors, plus one window on the first floor. Style of shutters to be Colonial where they will fit and Bahama at remaining locations. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION
Mr. Rogers stated he visited the site.

As this matter had been reviewed informally last month, and per contractor, Jeff Sullivan, no changes were made since last month, the matter was approved without additional presentations.

**MOTION BY MR. EIGELBERGER AND MR. SEGRAVES FOR APPROVAL.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.**

VII OTHER BUSINESS:

- A. Informal Review: Four Arts Plaza
(In conjunction with Special Exception #6-2007 with Site Plan Review)
Install three (3) generators

Herbert C. Gibson, Attorney and member of the Four Arts, Don Skowron of Morgan Wheelock, Inc, landscape architect, and architect, Dario Giacomelli presented this request for informal

review seeking the LPC's recommendation relative to the Special Exception. Mr. Gibson explained that the generators are necessary to protect both present and future library and art collections and require a Special Exception as the Four Arts is located in a residential area. Two (2) generators over 150 kw, in an enclosed solid concrete mechanical room, (17 ft. x 24 ft., and 15 ft. tall), will be located in the utility area at the O'Keeffe Building. One (1) 100 kw generator will be enclosed by a wall at the north side of the King Library in the utility area..

Mr. Eigelberger suggested that the mechanical room have a flat roof instead of a tile roof so it does not appear as an architectural feature. He recommended landscaping the walls.

MOTION BY MR. EIGELBERGER TO RECOMMEND THAT THE TOWN COUNCIL APPROVE THE SPECIAL EXCEPTION.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

B. ARCOM REFERRAL: 101 El Bravo Way

Please note that the Architectural Commission reviewed a request for demolition of this single family residence, accessory structures, hardscape and interior landscaping at the April meeting. ARCOM deferred the matter to its May meeting, and referred the matter to the LPC for an opinion as to whether the property can be considered for landmark protection under the Town's ordinances.

Mr. Frank explained that ARCOM reviewed a demolition request for this property. The building, however, is roughly only 10 years old and was designed by Smith Architectural Group. ARCOM felt that the architecture of the existing structure is meritorious. They were not shown plans for a replacement building. As such, ARCOM referred the matter to the LPC for evaluation for possible landmarking.

Staff recommended against landmarking the building, despite its architecture, because the building is only 10 years old. Also, Mr. Frank cited a previous situation where a demolition was requested, and the building was subsequently placed under consideration for landmarking by the LPC. This resulted in a law suit, and the Town was defeated in that law suit. Mrs. Day stated that 101 El Bravo Way is a lovely house sitting within a neighborhood where there are already eleven (11) landmarked homes on two streets. Mrs. Day plans to do a slide show for ARCOM to give them information about the type of architecture which is appropriate for that neighborhood.

Mr. Pandula summarized that this site is essentially in a historic district, and that ARCOM should look very carefully at the design of the new house which will eventually be submitted for review. Due to the building's age and previous litigation with the Town on a similar matter, the LPC has elected not to place this property under consideration for landmark designation.

Mr. Rogers commented that he had attended the ARCOM meeting when this was discussed. He felt it would be criminal to tear the existing house down.

C. 455 North County Road - Continuation of quarterly reports relative to deterioration by neglect

Attorney Frank Lynch passed photos of the property which were taken yesterday. He reported that the exterior has been painted, some outbuildings have been completed, a good portion of boundary landscaping has been installed, and floor covering and stonework is installed. The Town Council has authorized the renewal of the permit, with the condition that if the project is

not finished by the end of 2007, the owner will incur a \$ 2,000/day fine. The next progress report relative to this matter will be given at the August LPC meeting.

D. 1200 South Ocean Boulevard - Architect Jacquie Albarran

Mrs. Albarran stated that this house has been in disrepair, and is currently undergoing required repairs. Facing the ocean, however, is an existing balcony which is falling apart. As such, she was seeking permission, informally, from the LPC to remove the balcony, and not replace it. Mrs. Albarran stated that this balcony was not original to the structure, and she based that on Mizner drawings which she found. She noted that the balcony was built incorrectly from the beginning, and today, presents an unsafe condition. She likewise was not in favor of the configuration of the balcony.

Mr. Eigelberger commented that typically Mizner did many different drafts of plans for each project, and we cannot be sure that the plans Mrs. Albarran referenced are the as built. He felt the building is nicer with the balcony, so if it needs to be re-built or repaired, that should be done. Mr. Pandula likewise thought that the balcony should remain and asked Mrs. Day if the balcony was in place when the building was landmarked. Mrs. Day confirmed that. Mr. Frank stated that there is photographic evidence that this balcony has been in place for quite some time, if not from the beginning.

Mr. Hanley encouraged Mrs. Albarran to preserve the beams of the balcony. Mr. Roberts agreed. He stated that in his own home, currently under renovation, numerous things were found in the house which were not structurally sound. These items need to be repaired and restored, not deleted. Mr. Roberts agreed that the balcony should remain. Mr. Pandula summarized that the LPC wants this balcony to remain, and it should be shored up until necessary repairs are completed.

Mr. Pandula commented that repair of the existing balcony is a staff level issue, and does not require LPC approval.

The architect is to return to the LPC with a formal plan of how she plans to restore the balcony.

VIII COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR: None

IX ADJOURNMENT:

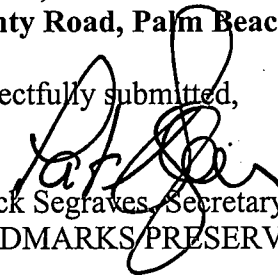
MOTION BY MR. EIGELBERGER TO ADJOURN AT 11:45 A.M.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, June 20, 2007 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 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> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </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> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </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> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Robert Eigelberger	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Eileen Bresnan	<u>_U_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Hazel Rubin			<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Charles S. Roberts			<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </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> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Dudley L. Moore			<u>_P_</u>	<u>_U_</u>	<u>_P_</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Wallace Rogers			<u>_P_</u>	<u>_P_</u>	<u>_P_</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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



**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

RECORD OF VOTING CONFLICTS 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	___	___	___	___	___	___	___	___	___	___	___	___
Judy Hoffman	___	___	(No longer a member)									
Patrick Segraves	___	<u>V</u>	<u>VPD1</u>	<u>VPD1</u>	___	___	___	___	___	___	___	___
Wendy Victor	___	___	(No longer a member)									
William Lee Hanley Jr.	___	___	___	___	___	___	___	___	___	___	___	___
Robert Eigelberger	___	___	___	___	___	___	___	___	___	___	___	___
Eileen Bresnan	___	___	___	___	___	___	___	___	___	___	___	___
Hazel Rubin	___	___	___	___	___	___	___	___	___	___	___	___
Charles S. Roberts	___	___	___	___	___	___	___	___	___	___	___	___
<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>
Gail L. Coniglio	___	(Elected to the Town Council)										
Hazel Rubin	___	___	(Promoted to regular member)									
D. Imogene Willis	___	___	___	___	___	___	___	___	___	___	___	___
Dudley L. Moore	___	___	___	___	___	___	___	___	___	___	___	___
Wallace Rogers	___	___	___	___	___	___	___	___	___	___	___	___

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)**

