



TOWN OF PALM BEACH

Building and Zoning Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, MARCH 16, 1990

AT TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

- I. Call to Order: The meeting was called to order by Chairman Sullivan at 9:04 a.m.
- II. Roll Call:

PRESENT: James V. Sullivan, Chairman
Donald W. Curl, Ph.D, Vice Chairman
Elise P. Mackintosh, Secretary
Jane Volk, Member
William S. Gubelmann, Member
Pam McNierney, Town Attorney Representative
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

RECORDING SECRETARY MARCH MEETING: Sandra G. Melvin

RECORDING SECRETARY: Cynthia M. Delp

Mr. Sullivan announced that Jacqueline Albarran and Peter Halmos will serve as two new Alternate Members of the Commission.

Let the record show that Mr. Gubelmann arrived at 9:08 a.m. and left the meeting at 9:30 a.m.

Mr. Sullivan stated there were four members of the Commission present today, and wanted to note that that does constitute a quorum, but would also means that any votes taken, in order to be approved, would have to be unanimous.

Mr. Sullivan made an announcement relative to any and all of those who were present in regard to Town Hall Historic District. Due to a number of letters and/or communication received from owners and/or their representatives requesting additional time for preparation in consideration of this matter, Town Hall Historic District will be deferred until next month in deference due to their wishes. Note is made in this regard however, that there is an expectation on the part of the Commission relevant to this matter. And that when we do take it up next month, given the additional time that has now been afforded, the responses, especially if those responses may happen to be of a somewhat negative content, will be substantive and that the Commission will not be subject to the hearsay or unsubstantiated allegations that are sometimes made, vis-a-vis the value considerations of this regard.

III. Approval of Minutes of the February 16, 1990 Meeting:

MOTION TO APPROVE THE MINUTES BY DR. CURL.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

- A. Application for Certificate of Appropriateness No. 9-90, Relocation of garage structure, and roof modifications
Applicant: Mr. Herbert Pheeneey
Owner: Mr. Herbert Pheeneey
Address: 790 South County Road
Architect: Smith Architectural Group
Project Description: Request approval to relocate garage structure 3', more or less, to the south, and roof structural modifications

Mr. Jeffrey Smith, Architect, stated that this request was approved last month subject to filing of proper legal notice this month for a flat roof on the garage. One other item had arisen, and since this property had been legally advertised, Mr. Smith thought it would be proper to bring up a change on the landscaping of the property. Currently, the north property line has an existing vegetation of trees, hedges, and such. Mr. Smith said there was discussion on the view-easement with the Schlesingers, of 801 South County Road, on the view to the lake. The Schlesingers wanted all the vegetation on the north property line cleared and replanted. Mr. & Mrs. Schlesinger were present with their Attorney, Peter Broberg. Mr. Smith presented a revised site plan, along with the original approved site plan where all the existing vegetation was being left and just adding hibiscus hedging and boxwood hedge. The proposed revised plan is to increase the view to the lake for the Schlesingers by removing all the existing vegetation and to replant with schefflera, hibiscus, and ficus, and to keep it trimmed 7 feet from the property to the wall, which is 8 feet from the property line at all times. The schefflera will serve to block the existing residence to the north. After reviewing the site plan, Mr. Smith again said they would like to keep it to a 7 feet maximum which is the agreement they are trying to work out with the Schlesingers.

Mr. Sullivan wondered whether all parties are aware that schefflera tend to grow rather fast. Mr. Smith said they tend to grow vertically, and we are talking about a width of 7 feet from the property line, not the height.

Mr. Frank stated what Staff has reviewed the proposal. There are is no specimen or historic trees affected in this proposal.

Mrs. Mackintosh asked what is going to be done with the planting. Mr. Smith said all planting in that area will be removed. Mrs. Mackintosh asked if that was landmarked. Mr. Smith said the "property" is landmarked but not the landscaping. Mr. Frank said there are some specimen trees elsewhere on the site. Mrs. Volk asked if they will be afforded the privacy that they need on the property. Mr. Smith said he hopes it will, but as Mr. Sullivan said, it is one of the accommodations that is being made, a compromise.

Mr. Sullivan asked, if there were any comments.
(no response)

MOTION BY DR. CURL TO APPROVE THE PLAN AS SUBMITTED.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

Mrs. Mackintosh asked if the trees were going to be replanted that were going to be taken out. Mr. Smith replied that they are putting back 6 tall Italian Cypress trees.

Mr. Sullivan asked, just for a point of information, whether the roof line will be flat. Mr. Smith said they are still waiting and will be doing a mock-up within the next week or two. Mr. Sullivan wanted to ensure that all parties know that although your plan is approved, we are hoping everyone could reach agreement where there will be an elevation to the roof.

B. Application for Certificate of Appropriateness No. 10-90,
Awnings

Applicant: Mr. Orator Woodward

Owner: Mr. Orator Woodward

Address: 300 Lake Park Drive

Contractor: American Awning Company

Project Description: Installation of patio awnings:
L-shape on first floor S.W. patio,
and awning over portion of South
second floor deck.

Mr. Todd Moran representing American Awning Company said the proposal is for two awnings, one L-shape on the first floor southwest patio, and one awning over portion of second floor, south. Reviewing plans, Mr. Moran said the awning on the first floor is 8 feet, and the awning on the second floor is 5 feet. Mr. Sullivan asked if the south side was the only elevation on which awnings will be placed. Mr. Moran said there is a portion that will wrap around to the west. Mr. Moran said the color is solid white with off-white trim to match the house. The trim of the house will match the trim of the awnings. Mr. Sullivan commented that the house is pure white and that is what the awnings will be.

MOTION BY MRS. MACKINTOSH TO APPROVE THE AWNINGS AS INDICATED WHICH ARE WHITE WITH A BUFF SCALLOPED TRIM.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

- C. Application for Certificate of Appropriateness No. 11-90,
Addition of sun room
Applicant: John and Laura Pomerantz
Owner: John and Laura Pomerantz
Address: 780 South Ocean Boulevard
Architect: Stedila Design and Smith Architectural Group
Project Description: Request approval for addition of
solarium-type sun room on South side
of existing residence.

Mr. Jeffrey Smith stated the proposal is a solarium addition on the south side of the house. "We wanted to respect the original Addison Mizner design. Addison Mizner often did different masses in the houses connected through vias, whether they be open air or conditioning, depending our life-styles of today. There is a large piece of vacant property to the south of the house, and we would like to add this very bright sunny room for a very casual living style that the owners would like. On the first floor are very formal rooms, and there is no place to put the television that looks proper. This room would be basically television room, sun porch. When the site was studied, (reviewing plans) we determined that by pulling this room off by itself and connecting it with a via was very sensitive to the house, as well as, preserving the living room windows here. It was very important to preserve those, so we created a garden pocket between the living room and solarium." Mr. Smith presented a plan of the room itself. "The living room windows are here creating a garden with coquina terrace and fountain, a glassed in via, solarium, fireplace,

① bathroom and surrounded it with french doors. We used the original motif of the house, which we actually worked in the transoms above, which was the original house, and they were stuccoed over at a later date. We liked the old brick with the terra-cotta clay tile. French doors will be used between the columns. Reviewing plans, this shows the west elevation with a bathroom window, french doors; and we are not sure at this time whether we will brick in or use actual glazing in the window for the bathroom. We haven't made a decision. I would like approval for either way. Mrs. Volk asked about the dimensions. Mr. Smith said " 22'-by-22'", and the solarium itself is around 450 square feet. Not a very large room, and there is plenty of property as you can see from the pictures, and still can be kept very open. It will give a very nice presence along South Ocean Boulevard, and make the house even more massive.

① Mrs. Volk stated it is beautifully designed in its feeling of the original Mizner architecture, that it does not compromise the style in any way, nor does it offend the eye as far as the original building is concerned. Here is an example of an old building being adapted to a contemporary life-style---happily. I think it is very attractive, and by all means sensible.

Mr. Gubelmann said, "I'm much happier with your idea of making it a separate building rather than try and tack it on to the original." Mr. Smith said one of the keys to this design was the way we pulled it away.

Reviewing the plans, Mr. Gubelmann asked if the little courtyard has a fountain in the middle. Mr. Smith said, yes. It will also really develop this area even more formally for the view from the living room. Dr. Curl said he agreed with everything that Mrs. Volk said. Mr. Sullivan stated the important thing here is not only that the design itself is so sensitive to a very, very important home on South Ocean Boulevard, but that it shows again how owners can take those buildings and adapt them very comfortably.

MOTION BY MR. GUBELMANN TO APPROVE THE PLAN AS PRESENTED.

MOTION SECONDED BY DR. CURL.

① Mr. Sullivan said under comments, "Jeff, I have a question. Do you have any plans for awnings?" Mr. Smith said, "No. There is an area of the house that has an awning on it."

Mr. Sullivan asked if there were any other comments.
(no response)

MOTION CARRIED UNANIMOUSLY.

- D. Application for Certificate of Appropriateness No. 12-90,
Changes to loggia, windows, hallway and driveway
Applicant: Mrs. Robert Ballinger
Owner: Mrs. Robert Ballinger
Address: 235 Banyan Road
Contractor: Coral Construction c/o Robert Eigelberger
Design Firm: S.D.A. Management
Project Description: Request approval to enclose west
loggia first floor, two west windows
second floor west porch, enclose
hallway second floor above garage,
and driveway.

Michelle Ackerman, representing SDA Management, stated the proposal is to enclose west first floor loggia of the house, and to enclose the second floor porch, west windows. Reviewing plans, the room upstairs is being used as a dressing room. There is a problem because of glass being on three sides, and Mrs. Ballinger would be more comfortable with some privacy from her neighbors to the west. We are using the exact windows as the rest of the house, and reproducing those in enclosing the first floor loggia. On the rear north elevation, there is an exact duplication of the circle-head.

Michelle Ackerman said, "in addition to the main house, there is a garage structure, and we are proposing to enclose the second floor hallway to create two servants quarters. It only has one at the present time and Mrs. Ballinger has two full time staff. What we have done, again, is taken the exact same windows that are on the main house, set them inside the existing columns and set the wall back so you are still going to retain the imprint of the opening. And in addition she asked that we use a pecky cypress door on the bottom of the garage. I have photographs and as you can see, you basically look straight into the garage and see whatever is stored. It would be much more attractive to have the pecky cypress doors. Just something very simple, no ornamentation at all."

Michelle Ackerman stated one more thing was needed, and that is to add another staircase which would provide two entrances to the second floor garage. The staircase will be placed on the east elevation which is not noticeable from the front, because it is basically behind this wall. This matches the existing structure, all stucco. Mrs.

Mackintosh asked if it was for two separate people living there. Michelle Ackerman said, yes, so each staff could have their own access. Michelle Ackerman said another bathroom would be added as well. Mr. Sullivan questioned whether essentially the loggia on the main house is simply going to disappear. Michelle Ackerman replied that it's going to be used as living space. The house only has, on the first floor, a living room, dining room, and kitchen. There is a huge entrance hall which is lovely, it is Italian, and without destroying that, she has no place to put her furniture. So yes, it is going to be used as an extension on the living area. It will remain there, we're just enclosing it. Reviewing plans, the two on the west elevation are also going to be closed in. We are not going to do those with windows, we are just going to do those with stucco, and again, leave the imprint of the arches so that the actual imprint of the opening is going to remain. Dr. Curl asked if the very lovely and formal centerpiece was going to be kept in the entrance hall. Michelle Ackerman said that Mrs. Ballinger does not want to clutter it with any of her furnishings, which is why she needed that extra space. Michelle Ackerman said on the driveway, they have requested to put in Riverrock.

MOTION BY MRS. MACKINTOSH TO APPROVE AS SUBMITTED

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

Mr. Sullivan commented that the Commission has great respect for your sensitive treatment of that house. Mrs. Mackintosh agreed stating that it is beautiful.

E. Application for Certificate of Appropriateness No. 13-90,
Further modifications to west facade

Applicant: The Henry Morrison Flagler Museum
Owner: The Henry Morrison Flagler Museum
Address: One Whitehall Way
Architect: Jeff Falkanger & Associates Inc.
Project Description: Request approval to delete the
previously approved large fake
mansard structure and replace with
an ornamental parapet with detailed
cornice; simplify tile design of
terrace; and delete all work in
north parking lot area.

Architect Jeffrey Falkanger introduced Project Architect Randy Liebig, and stated that approval was given a year ago but they are requesting changes. Presenting plans, Mr. Falkanger said, "This is what was shown previously.

This was how the west facade was going to look with the terrace and everything. This was our original perceptual presentation. This is what we are proposing today. As you can see by the extent of the terrace and detail, it is actually much improved. And from the same perspective, (reviewing plans) this is what you see when you walk around to the west side. The elevation that we had originally proposed, this part stays all identical, but we had a large mansard roof on it. What to us architects seemed like a simple wood truss up there and so forth, when the engineer got done, because of the way the structure was of the building, it was several hundred thousand dollars for this one item here because of the way they had to practically rebuild the entire roof to hold it up. So, it became not very cost effective and very inappropriate for the whole project for that one element. What we are proposing is to go with a very detailed parapet and we have a large blow-up so you can see how it is highly detailed. Typical around the corner there, but has all the dentils and moldings (reviewing plans), highly detailed to match the original around front. The mansard structure we had proposed previously was incredibly expensive to try and do it that way."

Mr. Sullivan asked why it was so expensive.

Mr. Falkanger said, "The engineer will show you, exception to what had to be done in order to hold that up. Whereas we probably would just be putting a simple truss up here, the old columns from the old hotel and everything, the roof wouldn't support it. So they had to go back to where the columns were, and then they had to build up with beams all the way around it, and similar structure up front, and then a huge truss, and then there were drainage problems, and just a domino affect, one thing caused another and another. It would cost several hundred thousand dollars for this situation for a relatively small area."

Mr. Sullivan said, "I think we knew all along there were drainage problems, did we not?"

Mr. Falkanger said, "This is a lot different detailed parapet, much easier not to have to run under here and so forth. I mean in order to allow the water to run there (reviewing plans), but also, you have to provide safety features in case the drains clog up, the water would build up. These items here, running all the way around, complications."

Mrs. Volk asked, "Are you proposing a flat roof?"

Mr. Falkanger said, "It is flat already. This has a flat roof behind it anyway."

Mr. Charles Simmons, Director of Flagler Museum, asked to add some philosophy. "What started out, as we thought, as approximately a-half million dollar project, came in with bids over a million. That was the first stop. Secondly, what we originally were thinking of, as I described to the architects before we even decided, how about a little pizza-hut roof, you know, to trim the edge. This grew into a whole new attic that was about 9 or 10 feet high with lights in it, had tile on the outside, something on the inside. Drainage came in here, had to go back out underneath, and so forth. Then I began looking at the building, which in the elevations looked very nice, but I realized the perspective along the terrace, of course, barely even shows the tile in either one, unless it was one little bump of things coming across the top. The whole point was the view from the distance. Then I looked at the pictures from across the lake taken in 1905, before the hotel addition was built, and Flaglers two small wings disappeared in palm trees. And what showed was the huge massive roof that we have now. We add another massive roof, and to me, we were going to end up with a step pyramid of Egypt and Zoroaster in red tile stepping down on the lake. The main thing in raising the roof was to hide that mess of skylights you saw. At the moment, we also think we are just going to roof those flat, instead of restoring the skylights on the outside. They can always be rebuilt as skylights later, but why let the heat, sun, and additional leakage in there now, when we could just roof them over and put in artificial lights from inside, and forget about the skylights. So there is nothing that is going to hide that mess on the roof, except to paint it white and pretend it is not there. I think the best thing that can be done for the whole historic view of Whitehall is just the cluster of palm trees. Tops, partially, hide the roof even now pretty much, both from the Flagler Bridge and from the Royal Park Bridge, and from West Palm Beach. In other words, I would like to minimize, philosophically, that intrusive west wing. What we were doing was getting into a situation of maximizing it, plus hopefully, we will save some money, and not build another problem for a Hurricane Hugo to rip to shreds either. I have enough loose tile sliding around now on roofs that were done four years ago."

Mrs. Volk said, "My personal experiences with skylights is equally bad, so I think you are on the right course."

Mr. Sullivan asked how the raised roof line would appear in relation to the lake.

Mr. Simmons said, "It has to be raised for drainage control, because since that tower was ripped off, there has never been anything. The water falls off wherever it happens to go, which is now inside."

Mr. Falkanger said, "With the changes, it is now within our budget."

Dr. Curl said he would like to comment. "I never liked it, period. I always thought it looked more like Worth Avenue than Whitehall. And if money is a problem, I would suggest to simplify it even more and remove some of the detailing on the west side. To me it just doesn't go with the east side."

Mr. Simmons said, "The detailing on the west side is pretty much down to just-- I mean, we have the columnettes now, which are so elaborately plateresque, es-spanish, mooresque. It gets it to the simple columns copying the facade on the front, and I don't think you will find it elaborate at all. It needs to have a little something. Under the arches for instance, some of that plaster work on a larger scale that is under the arches of the front windows, cut down to a simple mold." Mr. Falkanger stated previously it was matching stucco, which was very ornate.

Dr. Curl said, "The Foundation did a walking tour of the Trail a few weeks ago, and a comment by one of the participants I thought was so good, "If you see any pictures of old Palm Beach in that area, there are masses of coconut Palms." Again, I hope you do go back with lots of them." Mr. Simmons said, "Yes, I've gotten rid of the Australian Pine there and we were suppose to come back with the final landscaping on the original permit, as I recall. We will be back with that, and I guarantee it is pretty much going to be Coconuts and I think maybe Queens which seem to have survived the freeze very nicely. Except for the year it was built, it was always a cluster, a thick coconut grove all the way around the west facade." Mrs. Mackintosh said, "It has been changed so often---really misguided a few times, so I think this is a very acceptable solution for a physical problem."

Mr. Sullivan asked if there were any other comments from the Staff. Mr. Frank had no comment.

MOTION BY DR CURL FOR APPROVAL OF REVISED PLAN AS SUBMITTED.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 14-90,
Exterior Color Change

Applicant: Mr. and Mrs. Robert Montgomery
Owner: Mr. and Mrs. Robert Montgomery
Address: 1800 South Ocean Boulevard
Architect: The Lawrence Group
Project Description: Request approval of exterior color change

Architect Gene Lawrence stated the main house was recently painted and it was significantly different than the guest house. The Staff wanted me to bring it back before you. Presenting samples, these are the colors, primarily field color of the guest house, staff, and inside the windows, an accent here (directing). The color that has been put on the main main house is a gray with a lighter inside the window field here. And then between the two, the cypress' and driftwood here, the outlookers are a darker version of that. The doors are dark brown. Mrs. Mackintosh asked why there are so many different colors.

Mr. Lawrence said it does give better articulation with the different colors. The Montgomerys have looked at these colors and like the colors and are requesting approval.

Mr. Sullivan stated, "Some of us find the colors you are showing us this morning are not what we think we are seeing as we drive by the structure."

Mr. Lawrence said, "As far as I know it is. I could be wrong, but these are the samples that were given to us that are on the building."

Mr. Frank suggested that it could be that those are on wood, and when the paint is actually applied to stucco, the colors come out differently.

Mr. Lawrence said, "It could be, I would have no problem with that, but these are the colors that were given to me on the house, and I can't say there is much difference."

Dr. Curl said that it seems so much darker on the house. Mr. Lawrence replied that from an architects point of

view, it takes a very little bit of color and goes a long way when you put it on the wall. That probably is the hue, but when you put it up there it looks deeper than it looks here.

Dr. Curl said, "There is a very real difference between the house and the guest house, something that just jumps out at you. The house looks like it is not finished yet and they are waiting to paint it, like the guest house." Mrs. Mackintosh said, "like an annex". Mrs. Volk said, "It doesn't look like an estate."

Mr. Lawrence said, "I think the reasoning behind that is you have two different architectural masses, two different sets of architectural details."

Mrs. Mackintosh said they should be blended more. Mr. Lawrence said, "If you look at the trim color, they do work between the two. That helps to pull the two together." Dr. Curl said, "not when you are going 30 miles-per-hour". Mrs. Mackintosh said, "I'm sorry, I don't like it". Dr. Curl said, "I'm very serious with this, when you drive by, it looks like the main house has not been painted yet and they are waiting to do it."

Mr. Lawrence said that the Montgomerys have looked at this and these are the colors they would like to use. Mrs. Mackintosh said, "They have spent a lot of money---they don't want it to represent one terribly worked-over place. I do think it should be all one color." Mr. Lawrence said, "I could discuss it with them if you would like, and we could postpone it." Mr. Sullivan asked Mr. Lawrence if he would prefer a vote be taken on it this morning. Mr. Lawrence said, "Since you have four, I think that I will discuss it with the owners and come back next time if that is alright." Mr. Sullivan thought that was a good idea.

MOTION BY DR. CURL THAT REQUESTED APPROVAL OF EXTERIOR COLOR CHANGE BE DEFERRED UNTIL THE APRIL MEETING.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

V. Designation Hearings:

(For the record please note that Items #1 - #5 had been deferred from previous hearings.)

Item 1: 801 South County Road

OWNER: Mr. Richard and Leslie Schlesinger

LEGAL: 35-43-43, W 25 FT OF E 206 FT OF S 50 FT
OF N 541 FT OF GOV LT 1 LYG W OF OCEAN
BLVD & S 150 FT OF N 491.52 FT OF GOV LT 1
LYG E OF CO RD

Let the record show that standing, Mr. Robert Moore, Mr. Timothy Frank, Mr. James E. Sved, and Mr. Peter Broberg who represents Mr. & Mrs. Schlesinger, were sworn in by Mrs. Delp.

Mr. Sullivan: Mr. Frank, given that this is a deferred item, has proper notice been received?

Mr. Frank: Yes, it has.

Mr. Sullivan: First of all, could we receive these Staff's recommendations? If you want, we can take the expert witness first.

Mr. Frank: Yes, please do.

Mr. Sved: Good morning. The property at 801 South County Road is a large Mediterranean Revival design by the architectural firm of Treanor and Fatio. The building was designed in 1929. I might add, the carriage house to this property at 790 South County Road has already been passed and landmarked by the Town of Palm Beach. The building at 801 South County Road is a Mediterranean Revival U-shaped plan which incorporates both one story, two story members, and a three story tower at the southwest corner of the building. I might add, a very unusual feature of this house is the corning, which is the rustication that usually frames the borders of the walls of the building, the corning in the case of this structure frames in the first floor windows, especially on the oceanfront facade. This, as I said, has a full third story tower which offers magnificent views of both the lake and the ocean. This house is rather impenetrable with foliage. I believe that some of the foliage on the oceanside could be cut down to afford better view of the ocean. The house is a beautiful design and very well kept up. I understand that minor renovations have been on-going, compatible with the structure. It is a beautiful structure and worthy of Landmark consideration.

Mr. Sullivan: Thank you, Mr. Sved. Could we now hear Staff's recommendations?

Mr. Frank: Thank you Mr. Chairman. Staff believes, for the record, this property located at 801 South County Road meets the criteria of our Ordinance under criterion:

(a) It exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or town; and also

(c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; and also

(d) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age. In this case it is Maurice Fatio and a biography has been attached.

MOTION BY DR. CURL TO MAKE THE DESIGNATION REPORT PART OF THE RECORD.

MOTION SECONDED BY MRS. VOLK.

Mr. Sullivan: Are there any comments on the acceptance of the designation reports? (no response)

MOTION CARRIED UNANIMOUSLY.

Mr. Sullivan: Are there any other comments or testimony to be entered? Mr. Broberg.

Mr. Broberg: On behalf of the Schlesingers, we would like at least in the record to reflect that we would not object to the Landmarking if the record does so reflect that in keeping with the modern lifestyles and the need to update and appoint different houses, they have the opportunity and the right to expand the house as the needs arise, if the expansion is, of course, within the architectural and landmarking design as set out in the Ordinance.

Mrs. Mackintosh: We would have no objection to a revision in the style if it is within the architectural design.

Dr. Curl: As a matter of fact, we have already accepted approval of the swimming pool.

Mr. Sullivan: I think I can amplify on this. I have already advised Staff that in my own conversations with the owners of the property, they have first of all indicated to me their "total" sensitivity toward the importance of the architectural integrity of the home. They also are a active and growing family. They have indicated that they feel as though the future

may require some expansion, but that there is no question they would maintain any (indiscernible) expansion in sympathetic treatment with the rest of the property. And that they have already proven that, by the way they have already come here, and have expanded the house to some extent already. And I've assured the owners both presently on behalf of the Commission that consistent with everything that they have done, and what they have represented to me previously, and you, Mr. Broberg, this morning, that there be no problem whatsoever. We all recognize that. We also want to make a point that we appreciate very much their willingness to have their home considered as a Landmark.

Mrs. Mackintosh: I just want to compliment them on the beautiful work they have done. It is very, very impressionable.

Mr Moore: Mr. Chairman, I believe, Mr. Broberg, in discussions that I've had with him was indicating---although I would like to clarify that now, was indicating that this was a so called voluntary designation, by acceptance of our processor, by the current owners. However, Mr. Broberg indicated his clients may wish some assurance that sometime in the future if the property were to be sold, that a subsequent owner would also have the same right to expand upon the structure. And I know that this, before it gets to the Town Council, would be considered as a condition, and we would like some clarification if Mr. Broberg is asking for a condition so we can transmit this to the Mayor and Town Council as a condition, or whether he is just taking your assurances as this group sitting here today that it will be promended in the future. I have an idea that he may be calling me later if we do not deal with this directly. And if it is a condition, we would suggest that the condition, that would be phraseology as acceptable to Mr. Broberg, that the property owner would not be prevented from future expansion consistent with the landmark architecture. A simple statement to that affect.

Mr. Sullivan: During my conversations with the property owners, their indication to me was that a statement in the minutes was sufficient, so we would welcome the comments of their representative, as well.

Mr. Broberg: That is fine, Mr. Moore, if we want to load language to say "property owners present or future."

Mr. Moore: But, you are asking for a condition? Or, you are not asking?

Mr. Broberg: No, the way its been said is fine. However, I would just like it to reflect that the property owners present or the property owners future would be entitled to do this, if they are inclined.

Mrs. Mackintosh: At that time they would have to come here and apply. It can't be some strange design.

Mr. Sullivan: Sure, it is still a landmark. Thank you, Mr. Broberg.

MOTION BY DR. CURL THAT 801 SOUTH COUNTY ROAD BE RECOMMENDED TO TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. MACKINTOSH.

Mr. Sullivan: Any comments on the designation? (no response)

MOTION CARRIED UNANIMOUSLY.

ITEM 2: 700 North Lake Way

OWNER: Robert C. & Joyce C. Fisher

LEGAL: 10-43-43, N 200 FT OF TH PT OF SUB G OF
GOV LT 3 LYG S OF MARK RAFALSKY TR & W
OF LAKE WAY

Mr. Sullivan: My understanding is that there are still ongoing consultations between Staff, Town Attorney, and Property Owners. Is that correct, Mr. Frank?

Mr. Frank: Yes. I just want to comment that it has been deferred before. Basically, we are requesting a continuance of the deferral. It is our understanding, at this point, it is a so-called uncontested landmark. However, a letter of conditions was written by the attorneys for this project which basically go beyond the scope of the Landmark Commission. There are certain illusions to subdivision of the property and some other things that are actually the proprietary jurisdiction of the Town Council. So the Town Attorney has suggested that this language is unacceptable. I just talked to the Attorney yesterday and they were considering putting in an alternative proposal where they would protect the landmark facades of the house through a restrictive covenant. And I assured them that really at this stage of the game, a counter proposal was not necessary. That we did agree to the terms, it was just the language that we had problems with. Mr. Randolph has a very busy trial schedule right now. I know it is very difficult for him to get back to these attorneys. They have had trouble contacting each other, and we are requesting this be continued to be deferred. Pam, you may want to add to this?

Ms. McNierney: Mr. Randolph was hoping to have this deferred because he wanted to work it out with the Fisher's attorney. Did not seem to be a problem.

MOTION BY DR. CURL THAT THE LANDMARK CONSIDERATION OF 700 NORTH LAKE WAY BE DEFERRED TO THE APRIL MEETING, WITH THE PROVISIO THAT THE OWNERS RECOGNIZE THEY ARE WAIVING THEIR RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

ITEM 3: 314 Australian Avenue
OWNER: M. & Biagina Pucillo
LEGAL: ROYAL PARK ADD, E 11 FT OF LT 20, LT 21
& W 10 FT OF LT 22 BLK 6

Mr. Sullivan: Would all those who wish to testify on this matter, and have not already been sworn in, rise and be sworn.

Mr. Pucillo: The only testimony I will have is to submit some pictures. I don't know if you want me to take the oath or not?

(Let the record show the swearing in of Mr. Michael Pucillo was waived.)

Mr. Sullivan: Can we verify that notice of legal service has been received?

Mr. Frank: Yes, sir, it is.

Mr. Sullivan: Thank you. Do we have Staff recommendation?

Mr. Frank: This property at 314 Australian Avenue has been presented before, and is a bungalow style, and under Criteria for Designation, Staff feels it meets criterion:

(a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or town; and also, Staff feels it meets Criterion

(c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship. I would like Mr. Sved to articulate further.

Mr. Sved: Thank you. Before I begin describing the building on the property at 314 Australian Avenue, I would like to remind the Commission that you heard and recommended a virtually identical building next door at 318 Australian Avenue to be nominated as a Landmark of the Town of Palm Beach. Last week the Town Council chose not to designate it as a landmark. This structure at 314 Australian Avenue is virtually identical and

possibly even a little bit better bungalow design than that of 318 Australian Avenue. In my research of that property, which you have in front of you, I came across an advertisement from a book called, "Buildings by Mail," which is a book done by the National Trust's Historic Preservation of 1986, which dealt solely with the buildings designed and still being constructed by Sears, Roebuck and Company. The building at 314 Australian Avenue, which was designed, approximately, 1920 by an unknown architect, was renovated. And I believe, most was interior renovation by Gustav Maass in 1947. Sears and Roebuck houses were built all over the country between 1908 and 1940, and were very highly respected and very popular types of houses. I would like to read you a very short excerpt from this book which explains the genesis of these buildings..."between 1908 and 1940 Sears was the place to find not only everything to fill the American home, but it also manufactured and sold half the houses themselves--approximately 450 ready-to-assemble designs from mansions to bungalows and even summer cottages. Ordered by mail and sent by rail wherever a boxcar or two could pull up, these popular houses were meant to fill a need for sturdy, inexpensive and, especially, modern homes--complete with such desirable conveniences as indoor plumbing and electricity. Sears provided precut lumber at a time when power tools were almost unknown, as well as a complete set of specifications and instructions to aid in construction." The reason I like to read that quote when I speak of the Sears & Roebuck houses, is because the Sears & Roebuck houses became very popular because of the railroad, and Palm Beach is a town founded by and on the railroad. I believe it is very pertinent to the history of the Town of Palm Beach that anything that would come in by rail to help start the Town in its beginning should be considered historic value to the Town. And as such, I believe this is worthy of landmark consideration.

Mr. Sullivan: Thank you, Mr. Sved.

MOTION BY DR CURL THAT DESIGNATION REPORT OF 314 AUSTRALIAN AVENUE BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. VOLK.

Mr. Sullivan: Are there any comments on the acceptance to the designation report? (no response)

MOTION CARRIED UNANIMOUSLY.

Mr. Pucillo: Good morning, Mr. Chairman and Members of the Panel. My name is Mike Pucillo and I am an attorney with the law firm of Alley, Maass, Rogers, & Lindsay. I am here on behalf of the property owners who are also my aunt and uncle. I have just handed the Staff some pictures of the house and some close-ups showing the condition of the house which I would like

to pass around and have made part of the record. Since our last meeting we have given serious thought to whether we could possibly consent to the designation of this house as a landmark, and we decided that we cannot consent, and must come to you today opposing the designation with a recommendation of designation as a landmark.

The property, according to Staff, meets two criteria under the statute. First, that it reflects the broad cultural, political, economic or social history of the nation, state, county, or town. I submit to you that, that category is an extremely broad and extremely vague category which essentially encompasses every piece of property and every structure in this Town---that a Commission such as yourself, that has the authority to designate, landmark, or recommend the designation of landmark thinks is, I submit to you it is an extremely vague, perhaps inappropriate hook to hang one's hat on in designating a landmark. The other provision of the Statute, subsection (c) distinguishing characteristics of an architectural style and type, is slightly less vague, but I still submit to you that it encompasses a good many of all the properties in this town. With respect to the other criteria, there is no question that this property was not built by a master builder. The recent testimony of Mr. Sved with respect to Sears catalog, if it was intended to imply that this is, in fact, a Sears catalog house, I submit to you that there is simply no evidence in this record to support any suggestion that it is. Mr. Sved's speculation with respect to that is precisely that, "speculation". This is not a Sears catalog house, as far as we know. It was not slept in or owned by anybody of great note, and does not meet that criteria under the designation provision. So, I submit to you this is not a "landmark" in the traditional sense that we think of a landmark. There are some very, very fine properties that are up for recommendation today, some fine mansions which reflect the work of great master architects. This is not such a property, this not such a house.

Finally, I would like to address briefly the economic impact of the designation of this house as a landmark. I know that the conventional view held by some of the members of this panel is that designation as a landmark is, in fact, an economic benefit. I submit to you that is a view I simply have to disagree with, of which many professionals would disagree with. The notion of property rights in this country is a notion of "conveyance of a bundle of rights". When you landmark a piece of property, when you put restrictions on that property, when you say you cannot do this to that property, you are depriving the property owner of one, if not more, of those "bundle of rights". I submit that is what the landmark designation process does, it denies the property owner of one or more options. I'm familiar with the zoning code. I'm familiar with the current setback requirements. I realize that having some unusual circumstances

with re-construction, the house on this piece of property would be difficult, however, there are options which are available to the owner. We cannot foresee all the events that may occur in the Town of Palm Beach in the future, and the designation of landmark status to this piece of property would take away some of the rights and some of the options the property owners have. And finally, for the same reasons that properties such as these reflect a different era from the mansion, they reflect houses owned by craftsmen and merchants. That is the same reason that there is a punitive economic effect on the people that own these properties when they are designated as landmark status. The people who own this particular property, with the other bungalows that you consider, are not wealthy people in this town. This is very often their nest egg, if you will. In the case of my uncle, he's approximately sixty years old and will retire shortly. His children are educated. And like Ms. Sadler who was before you last week, this is an economic nestegg. Designated as a landmark, you are, in my judgment, going to reduce the value of that nestegg. And I submit to you, the economic effect on the citizens of this Town who own these bungalows, and in the instant case, my aunt and uncle, that economic punitive effect simply outweighs whatever benefits come to the Town from designating this property as a landmark. The house is still there. Nobody threatened to tear it down or sell it to a developer. It has been there since 1920 without being designated as a landmark, and it probably will be another forty or fifty years from now. And I submit, the best way to do it is to leave it in the hands of the property owner, and not designate it as a landmark. Thank you.

Mr. Sullivan: Are there any questions or comments?

Mrs. Mackintosh: My only comment is all the buildings that are landmarked in Palm Beach do not necessarily have to be palaces. They do not have to be expensive houses. Palm Beach started off with exactly these wonderful small houses. They are part of history. They are wanted for that reason. In New York City---I mean, any place, you find cute little ^{places} ~~faces~~, they stand out for what they are. They represent what the world was like. That was their responsibility to prove this to the world. That is what so much of is being destroyed in Palm Beach. Soon we will not have that wonderful background to prove it did start simply. I think it is an honor to have a house with that quality representing the standards of years ago.

Dr. Curl: I would like to say that I agree with everything that Mrs. Mackintosh has said. And I think it is very unfortunate that the owner has not voluntarily come forward with this, because I think we all know it is not a hardship to have a property landmarked. On the other hand, I want to say that we will not recommend this to Town Council because I can't vote for the recommendation. Town Council has already denied an equal

property. It takes a unanimous consideration.

Mr. Moore: Mr. Chairman. Ms. McNierney and I have researched the Ordinance, and I believe that unlike the Architectural Commission Ordinance, your quorum of four is sufficient for you to act, but we do not believe that you would be required to pass this unanimously one way or the other. However, if there is a split vote in this particular case, that is "no action". And I will defer it to the attorney for the final ruling on that. A split vote would be "no action" on the motion whatsoever, which would mean it would fail.

Ms. McNierney: That is correct, it would have to be a majority of the quorum for it to pass.

Mr. Sullivan: I think just to paraphrase what Dr. Curl has said, is that he has already stated an indication that he would probably vote against the designation for the reason the Town Council has denied designation of a similar piece of property. Is that correct?

Mrs. Volk: It's just that---if it is a question about the value of these properties. Our Chairman has gone into that to quite a degree, and you might be interested in the results of the survey. But perhaps I feel as Dr. Curl does, since we did meet the opposition of the Town Council, that I won't vote for it either. But perhaps, I know you and your family, and I know how big a part you have played in this history for thirty, forty years---I was there at the opening night---so perhaps if you would think about it, you know perhaps you might want to come back and save this house another time. It would be---it is for the love of the Town. It is something we have wanted to do, is to save these bungalows and we are not going to be able to do it---sadly.

Mr. Pucillo: I understand, Mrs. Volk. As you know, my family has been in this Town for some forty-five years and owned this property for a considerable period of time. And I was sincere in my final remarks. This house has been in this town, and with the members of my family for about thirty years...been there, still there, without landmark status.

Mr. Moore: Mr. Chairman. I wish to comment, not on the fact on how you are going to vote, but I wish to set the record straight, if I might, from the Staff's standpoint, as to the criteria. Mr. Pucillo very eloquently discussed the fact with you that the criteria (a), was a very vague criterion. In fact, he was addressing the possibilities of the criteria, not being any of them available or applicable to this particular structure. I believe we've already had discussion, and it perhaps is the short

coming of one of our young consultants that we've had, didn't recognize the name of the family that actually lived in the

structure and has been living there for some time and owns it, Mr. Pucillo's uncle. The Pucillo family is a part of the history of Palm Beach, and it's already been established earlier in the conversations in these discussions.

I would like to address the economic issue. This is not the first time this subject's come up, and it is not the last time it will come up. I would like to point out, if my figures are correct, that this home sits on what we would call in zoning, a non-conforming lot, it only has about 46 feet of frontage. It is in a "R-C" zoning district, which is a low density multi-family zoning district. Mr. Pucillo has an excellent knowledge of the zoning ordinance, and knows that if this property were to be sold as it exists now, that the only possible reconstruction could be placed on this property is a single-family residence, even though it would be nonconforming. Council is obligated by the laws of the land to allow a reasonable use of the property, and that would be a single-family residence. The economic benefit that is being described by Mr. Pucillo, although not said directly, has been said indirectly, and I would like to speak to that. That if a group of these homes were to be sold to one developer, there is a possibility that these homes could be packaged and brought in for redevelopment under townhouse-type concept, similar to the homes on 400 block, north-side Brazilian Avenue. So there is a possible financial gain further than the single-family residence that this property has. However, there is no guarantee that the Town Zoning Ordinance in the future would permit additional units. In fact, the history of the Town Zoning Ordinance has been such that it looks to cut down density within the Town, rather than increase density, and historically from 1974, I think that one will find that has been the record of the Town, the Town Zoning Commission, and the Town Council. So, the economic value, for the record of this particular meeting, I do not believe exists. It is a potential in the future and the possibility of packaging for redevelopment. It is not a direct harm to this particular property if it were to stand on its own use, which is single-family residence.

Mr. Sullivan: Thank you. Are there any other comments? (no response) Given that two members of the Commission have already indicated they would vote against this recommendation, there is no point in calling for a motion. It would be a split-vote and it fails.

Ms. McNierney: I think you still need to call a motion, to be passed or not.

Mr. Sullivan: Would any Commissioner like to make a motion?

MOTION BY DR. CURL THAT THE DESIGNATION OF 314 AUSTRALIAN AVENUE AS A LANDMARK PROPERTY OF THE TOWN OF PALM BEACH BE DENIED.

Mr. Sullivan: Is there a second to that motion?

(Let the record show there was no response.)

Mr. Sullivan: Hearing none, the motion fails for a second. Would any Commissioners like to make a substitute motion?

Mr. Pucillo: Perhaps for the record, Mr. Chairman, there was a motion to recommend and that motion failed for lack of second. I think the record was clear as to what you've done, and correct me if I'm wrong.

Mr. Sullivan: That may be, but I think that the rule of the Commissioners here is that there was a Commissioner who wanted to vote for a move for denial, that failed for a second. No other Commissioners---

Mrs. Volk: Make a motion for recommending it. Take a vote---

Mr. Moore: I think you have to take some action in lieu of the fact you do not get a second to, on the motion to deny. I think it would be proper, if there are Members that are going to feel it should be approved, then you should go forward with the action.

Mrs. Mackintosh: Could we have deferral?

Mr. Moore: I would not be willing to say that Mr. Pucillo would be willing to waive his rights.

Mr. Sullivan: Unless legal counsel strongly overrules me, the Chair feels that if the Commission does not wish to take any action on this designation, it does not need to. I don't believe that any of this Commission should be forced to either move one way or the other, if two or more Commissioners do not feel that they wish to. I think that is the indication of everybody. And you can overrule the Chair on that.

Mr. Moore: At the risk of seeming to be at 6's and 7's which I fully admit we are, I would want you to understand that if that is the case and that is the Chair's prerogative, it would be forwarded to the Mayor and Town Council as a "no action" item. Mr. Pucillo would like you to take, and obviously the Staff would like you to take, some action one way or another, as he has a right to have his application acted upon with the 30 days. And I think that is what he is asking for and I think that is what the Staff is recommending. If it is your strong feeling you wish no, to take "no action," you will have the same effect as a nonrecommendation in this matter. And this matter would be

forwarded to Town Council with that record that there was "no action" other than the failure to get the motion seconded for denial; and that it would have the effect, in my opinion and hopefully our Attorney would agree, that it would be a nonrecommendation of Council, and would be treated as such.

Mr. Sullivan: And the Chair agrees, also. I will make one final call for a motion from the Commission.

MOTION BY MRS. MACKINTOSH THAT THIS PROPERTY BE RECOMMENDED TO TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

Mr. Sullivan: Motion to recommend the designation by Mrs. Mackintosh. Is there a second?

(Let the record show there is no response.)

Mr. Sullivan: Hearing none, there is no motion.

Mr. Pucillo: Do I take it then, the property will not go to the Council?

Mr. Moore: It will go to the Council as---these are recommendations, Mr. Pucillo. It will go to the Council with the full record of the transcript. We do word-for-word on these. And it will be pointed out to them that there was no recommendation. There were two motions that failed; one for no designation, and one for designation. And they will act upon the results of this Commission's recommendations at that time, June 11th.

Mr. Pucillo: Thank you. Thank you, Mr. Chairman.

ITEM 4: 255 South County Road

OWNER: First National Bank in Palm Beach
LEGAL: PL OF EAST PLAZA, LT 1, LTS 8 TO 12
INC & PLATTED PRIVATE ROADS & ALLEYS

Mr. Sullivan: There was a difficulty with the legal advertisement and for that reason Staff is making a request that consideration of this property be deferred until the April Meeting. Would a Commissioner care to make any motion for the deferral?

MOTION BY MRS. VOLK THAT LANDMARKING CONSIDERATION OF 255 SOUTH COUNTY ROAD BE DEFERRED TO THE APRIL 20, 1990 MEETING.

MOTION SECONDED BY DR. CURL.

Mr. Sullivan: Are there any comments?

Mr. Moore: The Attorney representing the property is well aware of the request, and they have no problem in you asking for this, and providing deferral.

Mr. Sullivan: Is this the Attorney that I hear is out West.

Mr. Frank: Yes.

Mr. Sullivan: I felt very bad because the Chairman of this Commission flew in at 4:00 o'clock from skiing, whereas that attorney is still out there skiing.

Mrs. Mackintosh: I'm surprised you are still awake.

MOTION CARRIED UNANIMOUSLY.

Mr. Frank: I think I should just also add for the record, this has already been readvertised for next month with the correct legal. Just to quickly explain, we generally use the legal from the tax rolls. In this case, that included only some of the buildings which we are recommending for designation, plus some adjacent properties to the east that has no real structures of note on it. And we had to rewrite a legal description which includes all the buildings that front on South County Road, and exclude those parking areas and those other areas that the bank owns with structures that are not relevant.

Mr. Sullivan: Thank you.

ITEM 5: 137 El Vedado Road
OWNER: Jacques & Francoise Cohen
LEGAL: 26-43-43, W 206.5 FT OF N 175 FT OF
S 1/2 OF GOV LT 2 E OF COUNTY RD/
LESS SIDEWALK/

Mr. Sullivan: First of all, has notice of legal service been received?

Mr. Frank: Yes, sir. It has.

Mr. Sullivan: If there are any parties here including the owners who wish to speak on this recommendation, would they please stand.

(Let the record show there was no response.)

Mr. Sullivan: Seeing none, I will call for the Staff recommendation.

Mr. Frank: This property of 137 El Vedado Road was partially presented and deferred at the last meeting. I'll quickly go through the criteria so we will have that on the record. And

I'll also announce that this is a designation without resistance with some recommended conditions, and I will read those conditions to you. First, Staff believes that it meets criterion:

(a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or town; and also

(c) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

In addition to that, based on your directive, I had a meeting with the owner of the property and essentially, the owner has some concerns, and these concerns would be recommended as conditions of the designation and I'll read those to you. First of all, the property was recently approved by the Architectural Commission for some modification and changes. And with that there is an area of upper breezeway and a cloistered archway on the first floor or the courtyard level. And essentially when a new central air conditioning system was put in this building, there was air conditioning ductwork that was installed to both the breezeway on the upper level and the archway on the first floor. In the event that these areas may at some point in time be enclosed or glassed in or whatever, and become interior spaces, the condition would allow present and/or future owners the right to enclose this upper breezeway and cloistered archway on the first floor. The owner at present, essentially says that she has no intention to enclose these areas. However, they would like to maintain that right in the future. This would also include possible enclosure of the towers. I understand the air conditioning availability may also be expanded at sometime in the future. That is condition (1), for the record.

Condition (2) is, there is an uncovered exterior stairway on the north elevation with a porch on the north section, all of which the owner would like to have the right of enclosure. And of course, this condition and condition (1) that we previously talked about, would be providing that these enclosures are consistent with the style of the house. They have no intention with jeopardizing the integrity of the design. That particular section on the north section, they felt that there was a need or might possibly be a need, for protection from the elements of these open stairways and the open porch.

And Item (3), there was an area of complete reconstruction of an existing balcony that was approved by the Architectural Commission recently. The contractor, when he completed this particular job, did so in a manner that did not meet the

standards acceptable to the owner. This matter got into litigation and apparently, there was an award by the Court to have this entire area reconstructed. It would be the same reconstruction that the Architectural Commission approved. And basically, the owner would like the condition to be put in that this area which may be extended, because part of the problem, apparently with the size, may be extended a couple of feet. But nevertheless, it would be the same item that was approved by the Architectural Commission and allowed to be reconstructed in that matter. Again, as I say, in conformance with the approval. Also, that this condition be transferred on to any possible future owners.

Those are the three (3) conditions that we have. We should probably turn it over to Mr. Sved if you want to hear more details on the structure itself.

Mr. Sved: Thank you. The building at 137 El Vedado Road was designed and built in 1926 by an unknown architect. The builders of this property were the Wilcox Brothers. There were subsequent additions connected also by the Wilcox Brothers. This is a very interesting Spanish version of Mediterranean Revival design, which is laid out in a U-shaped courtyard plan. A very interesting aspect of this building is that although it has an El Vedado address, the front-door faces South County Road. Most notable details of this house are very intricate use of cast stone work. In between the windows of the first and second floors, there is a very interesting fourleaf-clover design, which I'm not sure as I've never been close enough to really figure it out, I'm not sure if it is the dark stone or terra-cotta. But regardless, it is an excellent design which is seen between the windows and the first and second floor all the way around the property. On the El Vedado elevation which is the south elevation of this property, a small bay offers a very nice look---and you can see in the back of your designation report, offers a very nice look into this courtyard. As Mr. Frank said, there is an arcade on the first and on the second floor of this courtyard. And the proportions of these arcades are very much in the Italian Renaissance and High-Roman proportions. I might also add, that properly and in accordance with Roman and probably Greek traditions as well, the order on the first floor of the arcade is---the columns on the first floor of the arcade is that of the Doric order. And the order of the columns on the second floor arcade is that of the Ionic order. Traditionally, the orders become more ornate as they rise. Where this building has to achieve this proper order is in the third floor tower where the columns are very simple commercially unadorned columns made out of pecky-cypress. I might also add that in this cloistered courtyard, there is a wildly beautiful use of pecky-cypress rafter-ends and beams and columns. That is one of the most beautiful uses that I can think of in Palm Beach of pecky-cypress as a major design

element. It is a beautiful building. It is very worthy of landmark consideration.

Mr. Sullivan: Thank you, Mr. Sved.

MOTION BY DR. CURL TO MAKE THE DESIGNATION REPORT A PART OF THE RECORD.

MOTION SECONDED BY MRS. VOLK.

Mr. Sullivan: Any comments on the acceptance?

(Let the record show there was no response.)

MOTION CARRIED UNANIMOUSLY.

Mr. Sullivan: As Mr. Frank has indicated, the owners have voluntarily offered their home for recommendation as a Landmark to the Town Council with the conditions that were indicated by Mr. Frank. And if any Commissioner is prepared to make a motion for acceptance, then it should include a preference of acceptance of the conditions as outlined by Mr. Frank.

Dr. Curl: I'm more than willing to make a motion because I feel if the property owner has already gone through the process of approval, that we should not put a second player in.

MOTION BY DR. CURL THAT THE PROPERTY KNOWN AS 137 EL VEDADO ROAD BE RECOMMENDED TO TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA AS PRESENTED, BE MADE A PART OF THE RECORD, AND THAT THE CONDITIONS AS STATED BY THE PROPERTY OWNER ALSO BE INCLUDED IN THE RECORD.

Mr. Sullivan: Thank you, Dr. Curl.

MOTION SECONDED BY MRS. MACKINTOSH.

Mr. Sullivan: Any comments on the recommendation for designation? Hearing none, all those in favor?

MOTION CARRIED UNANIMOUSLY.

TO REVIEW THE JUSTIFICATIONS FOR THE DESIGNATION CRITERIA REGARDING THE AFOREMENTIONED DESIGNATION HEARINGS, PLEASE SEE THE ATTACHMENTS TO THESE MINUTES.

(For the record please note that the Items #6 - #37 represent properties included in the Town Hall Square Historic District)

- Item 6: 346-354 South County Road
OWNER: Bustani Building Ltd.
LEGAL: ROYAL PARK ADD, LTS 11 TO 17 INC BLK 7
- ITEM 7: 356 South County Road
OWNER: Preservation Foundation of Palm Beach Inc.
LEGAL: ROYAL PARK ADD, LTS 18 TO 20 INC BLK 7
- ITEM 8: Lot-Corner of Australian Avenue & South County Road
OWNER: Town of Palm Beach
LEGAL: ROYAL PARK ADD, LTS 1,2,3,4 & N 100 FT OF
W 25 FT OF LT 52 BLK 8
- ITEM 9: 359 South County Road
OWNER: Shirley Saleeby
LEGAL: ROYAL PARK ADD, LT 5 BLK 8
- ITEM 10: 361-363 South County Road
OWNER: M. L. Brummel
LEGAL: ROYAL PARK ADD, LTS 6 & 7 BLK 8
- ITEM 11: 365 South County Road
OWNER: G. J. Hannon
LEGAL: ROYAL PARK ADD, LTS 8 TO 10 INC BLK 8
- ITEM 12: 375-381 South County Road
OWNER: Three Seventy Five South County Assoc.
LEGAL: ROYAL PARK ADD, LTS 1 TO 4 INC (LESS RD
R/W) BLK 9
- ITEM 13: 381 South County Road
OWNER: Three Seventy Five South County Assoc.
LEGAL: ROYAL PARK ADD, W 22 FT OF LT 66 & LTS 67
TO 69 INC BLK 9
- ITEM 14: 374-378 South County Road
OWNER: Rector Wardens & Vestry of Church of
Bethesda-By-the-Sea
LEGAL: ROYAL PARK ADD, LTS 24 TO 27 INC BLK 10
- ITEM 15: 380 South County Road
OWNER: Dean Vegosen TR c/o Coral Springs
Commercial Ctr.
LEGAL: ROYAL PARK ADD, LTS 28 TO 31 INC BLK 10
- ITEM 16: 400 South County Road
OWNER: Worth Avenue Associates Ltd. c/o The
Goodman Company
LEGAL: ROYAL PARK ADD, LTS 22 TO 27 INC BLK 15

- ITEM 17: 201 Worth Avenue
OWNER: IFP (Nevada) Inc. c/o Grosvenor
International Atlantic
LEGAL: ROYAL PARK ADD, LTS 28 TO 33 INC BLK 15
- ITEM 18: 401 South County Road
OWNER: H-A Assoc. c/o Love Mgmt. Corp.
LEGAL: ROYAL PARK ADD, LTS 1 TO 8 INC BLK 16
- ITEM 19: 411-417 South County Road
OWNER: H-A Assoc. c/o Love Mgmt. Corp.
LEGAL: ROYAL PARK ADD, LTS 60 TO 62 INC & LTS 63
TO 69 INC (LESS GALLERY PLACE CONDO) BLK 16
- ITEM 20: 360 South County Road
OWNER: Town of Palm Beach
LEGAL: ROYAL PARK ADD, UNNUMBERED PARCEL IN SOUTH
COUNTY RD LYG BET BLKS 7 & 8
- ITEM 21: 360 South County Road-Memorial Fountain
OWNER: Town of Palm Beach
LEGAL: ROYAL PARK ADD, UNNUMBERED PARCEL IN SOUTH
COUNTY RD LYG BET BLKS G & H OF ROYAL PARK
ADD, AS IN PB4P1
- ITEM 22: 304-308 South County Road
OWNER: Smith & Yetter Inc.
LEGAL: ROYAL PARK ADD, W 7 FT OF S 112.5 FT OF LT
7, N 67.5 FT OF LT 7, W 7 FT OF S 55.88 FT
OF LT 35 & S 75 FT OF LT 36/LESS E 16.7 FT
OF N 19.12 FT/IN DB747P564 BLK E
- ITEM 23: 310-316 South County Road
OWNER: Thirty-Sixty South Ocean Inc.
LEGAL: ROYAL PARK ADD, S 112.5 FT OF LT 7/LESS W
7 FT/BLK E
- ITEM 24: 288-294 South County Road
OWNER: Thomas Campaniello c/o Campaniello Imports
Ltd.
LEGAL: ROYAL PARK ADD, N 125 FT OF LT 35 & E 13
FT OF N 125 FT OF LT 36 BLK E
- ITEM 25: 296-302 South County Road
OWNER: Milton Feldman
LEGAL: ROYAL PARK ADD, S 75 FT OF LT 35/LESS E
5 FT & W 7 FT OF S 55.88 FT/ & E 16.7 FT OF
N 19.12 FT OF S 75 FT OF LT 36 IN DB747P387
BLK E

- ITEM 26: 305 South County Road
OWNER: City Federal Savings
LEGAL: ROYAL PARK ADD, N 112.5 FT OF LT 8 BLK F
- ITEM 27: 311-315 South County Road
OWNER: Margrit Bessenroth
LEGAL: ROYAL PARK ADD, S 67.5 FT OF LT 8 BLK F
- ITEM 28: 293 South County Road
OWNER: Home Fed Sav & Loan Assn of PB c/o City
Fed-T. Stolting
LEGAL: ROYAL PARK ADD, LT 34, BLK F
- ITEM 29: 340 South County Road
OWNER: BP Oil Inc.
LEGAL: ROYAL PARK ADD, E 129.2 FT OF LTS 1 TO 3
INC & LTS 4 & 5 BLK G
- ITEM 30: 336 South County Road
OWNER: Lillian M. Rousseau
LEGAL: ROYAL PARK ADD, LTS 28 & 29 BLK G
- ITEM 31: 332 South County Road
OWNER: Eleonore F. Roddy
LEGAL: ROYAL PARK ADD, LTS 30 & 31 BLK G
- ITEM 32: 204 Brazilian Avenue
OWNER: Brazilian Realty Co. Ltd.
LEGAL: ROYAL PARK ADD, LT 32 BLK G
- ITEM 33: 331 South County Road
OWNER: Mero Susnar
LEGAL: ROYAL PARK ADD, LTS 29 TO 32 INC & NLY 9.95
FT OF LT 33 BLK H
- ITEM 34: 333 South County Road
OWNER: Mero Susnar
LEGAL: ROYAL PARK ADD, SLY 15.05 FT OF LT 33, LT
34 & NLY 5.6 FT OF LT 35 BLK H
- ITEM 35: 345 South County Road
OWNER: Town of Palm Beach
LEGAL: ROYAL PARK ADD, S 15.6 FT OF LT 35 & LTS 36
TO 40 INC BLK H
- ITEM 36: 175 Worth Avenue-Gallery Place Condo
OWNERS: Wally Findlay Galleries International -
Unit A&B
H-A Assoc. c/o Love Management - Unit C
LEGAL: GALLERY PLACE COND DECL FILED 10-1-79,
50-43-43-26-14

ITEM 37: 215 Brazilian Avenue - Plaza Hotel
OWNER: Bank of Palm Beach & Trust Co Tr
LEGAL: ROYAL PARK ADD, LOT 5 & LOT 6 (LESS E 15
FT) BLK E

Mr. Sullivan: This item is a very lengthy number of properties all of which comprise what is to be the Town Hall Square Historic District. At this point, I would like to make a comment that we have received already three different requests from three major owners that deferral of this item be made. I would like to note, for the record, that one of the requests for deferral is to the April Meeting, one is for the May Meeting, and one simply asks for a deferral. The Chair is going to attempt to establish some order for this, and request all or any of the Commissioners a motion to defer until the next meeting date, where it would be impossible to defer it any further than that because it then would be too late for designation period. In addition, all of these owners have received notice already which gives them an additional month in order to make preparation. So, if a Commissioner is of the mind to make a motion for deferral it would be for the April Meeting.

MOTION BY DR. CURL THAT LANDMARK CONSIDERATION FOR 32 PROPERTIES KNOWN AS TOWN HALL SQUARE HISTORIC DISTRICT BE DEFERRED TO THE APRIL MEETING, WITH THE PROVISIO THAT THE OWNERS RECOGNIZE THAT THEY ARE WAIVING THEIR RIGHTS BY ORDINANCE TO REQUIRE THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. MACKINTOSH.

Mr. Sullivan: Are there any comments? (no response) Under comments, I would like to advise the Commissioners that there had been in-discussions with both some of the owners and with interested parties some question in terms of the parameters of the boundaries of this particular district. I think that the majority of these comments, if I can interpret them, relate to whether it is appropriate to define the district as that which is purely contiguous to the roadway around Town Hall, or whether, as initially perceived, should also include the properties along South County Road from Town Hall south to Worth Avenue, and north to Royal Palm Way. I was wondering if any of the Commissioners had some thoughts on this subject that they might care to give Staff some guidance on this particular question.

Dr. Curl: Fine. I think it should be mentioned that the Commission did give Staff guidance on this question. That the Staff did not set these boundaries out on their own. That there was talk in the beginning that it would mean these properties. Again that I think it would be unanimous (indiscernible) of the Commission because site line, the visual quality of County Road

and the island-like feeling that both Town Hall and the Memorial Fountain gave to all of this, that it was necessary to improve the entire area between Royal Palm Way and I guess it was (indiscernible).

Mrs. Volk: We did discuss that to great lengths.

Mr. Sullivan: And I think for the record that Dr. Curl's recollection of the Commission's recommendation to Staff in this matter was unanimous. Mrs. Mackintosh, do you have any comments to make?

Mrs. Mackintosh: Well, I feel we should keep it the way it is and not allow new structures (indiscernible).

Mrs. Earl: Good morning. I ^{to} ~~comment~~ *Change the peaceful* ~~comment~~ *ambiance that has* ~~comment~~ *been created* for the Preservation Foundation that consideration of this area, establishing continuity over the site and the affinities of the area will be beneficial. ~~comment~~ *the area, it* will be protected of the large ~~comment~~ *ment that are* being visualized here, particularly the Town Hall. And we support your efforts. ~~comment~~ *ment on exactly* where you draw the line. I think that is something that you all should decide. But I would like to make what we hope is a constructive suggestion regarding the one other way of looking at this Town Square District. And that is the suggestion that you might adopt the practice that I believe is fairly common in other historic districts throughout the country, distinguishing between buildings which are contributory and non-contributory to the district itself. And we feel that, that might clarify perhaps some of the confusion that may exist when people read that designation is being proposed of buildings that clearly are not historical. I think that if the Commission could adopt a procedure or an administrative approach that would allow you to make record "initially" of the buildings in the district that are contributory, and those that are still in the district that are not contributory. That might help to clarify things in general for linear procedures and for the public.

Mrs. Volk: I think that is an excellent suggestion.

Mr. Sullivan: It is an excellent suggestion, and Mrs. Earl is one hundred percent correct. Almost every major landmarking program in the country has this type of definitive dichotomy. And it might be an extremely wise function to sustain. And on that basis I would like to recommend to Staff that they consider some definition and some language that might be considered to be included.

Mr. Frank: The Staff report on the district has it broken down in that manner. We have three categories...the first category

being the actual description of the four landmark structures, those structures which are already landmarked in the district, those buildings which we believe are contributory structures, and those which we believe are non-contributory. In addition to that we have also done an analysis in the report that shows whether or not they are conforming to the standards.

Mrs. Earl: I think it would be very beneficial for the Commission and Staff to be able to explain to both, the general public and the owners of the structures involved, that you have extended this degree of analysis in your formulations. And I was just handed the overall report on the Historic District and I was not aware that you had gone into it in that depth. And I think it is a good thing, and I hope you are doing your utmost to explain this distinction to everyone involved.

Mr. Sullivan: I think that in the deferral, that is already a motion on the floor, that we are going to be using the additional time ourselves, as well as allowing property owners to respond as we have continued to do throughout this designation period.

Mrs. Mackintosh: Don't you think, in regard to buildings that we don't really feel are too appropriate, that the buildings could ever be changed to be appropriate?

Mrs. Volk: In the hope that they would be. They could be upgraded.

Mr. Sullivan: Right. There is no question that changes "will" be allowed in a million instances. As indicated, the point is that a district is (indiscernible). Are there any other comments?

(let the record show there was no response.)

MOTION CARRIED UNANIMOUSLY.

VI. Other Business

Mr. Sullivan: The only other item I have on the agenda then, is other business. Mr. Frank, does Staff have any?

Mr. Frank: There are some items of other business that we have but nothing to bring up at this time.

VII. Adjournment

Mr. Sullivan: In that case, a Motion to Adjourn will be in order.

MOTION TO ADJOURN BY MRS. VOLK.

MOTION SECONDED BY DR. CURL.

MOTION CARRIED UNANIMOUSLY.

(Whereupon, the Minutes of this Meeting concluded at 10:53 a.m.)

The next meeting of the Landmarks Preservation Commission will be held on Friday, April 20, 1990 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,

Elise P. Mackintosh

Elise P. Mackintosh, Secretary

sm

314 AUSTRALIAN AVENUE

VI. Criteria for Designation

Section 16-38 (a) of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation.

(a) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or town."

Bungalow style houses are frequently found on the streets which were first developed in the teens and twenties. Although modest in comparison with the mansions for which Palm Beach is famous, these houses built by the earliest residents of the island have tremendous charm and employ high quality Craftsman details.

Despite their northern design influence, the wood shingle siding (often changed to clapboard) and ventilated attics allow the bungalow to "breathe" in the tropical Florida climate. The front porches which appear on nearly every bungalow encouraged outdoor living in the days before air conditioning.

314 Australian Avenue has distinctive characteristics of the Bungalow style. Although the house has been modernized, it remains very close to its original appearance. 314 Australian Avenue offers a brief glimpse of Palm Beach's vanishing past.

(c) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

The Bungalow style is a wholly American design type developed in California in the late nineteenth century. Originally conceived as a one-story version of the Queen Anne style, the Bungalow style incorporated Queen Anne, Stick, and Craftsman style influences in "a distinctively American synthesis."

Features of this style include a low pitched roof, twin double hung windows, and exteriors of weatherboard, decorative siding, and wood shingles. The entrance will always be found on a front porch, which is supported by battered, elephantine piers in the most authentic versions. While these piers are often heavily rusticated, simpler piers are often found in Bungalow variations.

314 Australian Avenue is a very pure example of the Bungalow style in Palm Beach. The battered, elephantine piers, front porch entrance, shingle and decorative siding, and gabled rooflines typify the Bungalow style and make 314 Australian Avenue an architectural specimen suitable for study.

801 SOUTH COUNTY ROAD

Criteria for Designation

Section 16-38 (a) of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation.

(a) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or town."

Large estates like 801 South County Road are the last remains of the grandeur of Palm Beach in the 1920's. They serve as a reminder of the glory of past days and impart a felling of glamour into today's Palm Beach.

801 South County Road was built just before the Depression, which forever changed the scope of architecture in Palm Beach. It was built by Mrs. Margaret Durant Cooper (later Cooper Rice), a member of Palm Beach's elite who is best known today for having donated the Widener Library at Harvard.

(c) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

801 South County Road is a first rate Mediterranean Revival design by one of the most important Palm Beach architectural firms, Treanor & Fatio. It has wonderfully complex massing, incorporating numerous setbacks, loggias, terraces, and balconies. The use of quarry key, a native Florida stone, is of the highest order and has aged beautifully. Of special interest are the carved heads seen in the frieze of the tower's entablature and the columnar entrance, whose complex carving stands in proud contrast to the stark entrance facade.

(d) "Is representative of notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age."

PLEASE SEE MAURICE FATIO BIOGRAPHY, AS ATTACHED.

VI. Criteria for Designation

Section 16-38 (a) of the Town of Palm Beach Landmarks Preservation Ordinance #2-84 outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation.

(a) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

Large Mediterranean Revival houses have come to symbolize the cultural, economic, and social history of Palm Beach, Florida. These houses were designed by Palm Beach's most influential architects, including Addison Mizner, Maurice Fatio, Marion Sims Wyeth, Howard Major, and John Volk.

Built primarily in the second decade of the twentieth century for America's wealthiest families, the fanciful Mediterranean Revival designs reflected this prosperous economic period in American history. Following the stock market collapse of 1929, and the severe Depression which followed, these same houses were reinterpreted as symbols of the gross excesses indulged in by the American elite which foreshadowed the Depression. Mediterranean Revival houses like 137 El Vedado Road formed the foundation of Palm Beach's cultural, economic, and social history, serving today as the cornerstones of Palm Beach.

(c) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

The Mediterranean Revival is the amalgamation of Spanish and Italian influences often set off by accents of Renaissance, Baroque or even Gothic details. The style began simultaneously in Florida and California around 1908. Mediterranean Revival structures were built in Palm Beach during the first decade of the twentieth century, but it was Addison Mizner who so popularized the style for both residential and commercial structures that it is sometimes called the Mizner style.

Almost anything goes in Mediterranean Revival design, from Romanesque to Venetian, Byzantine to Moorish. Walls are often covered with coquina, or quarry key stone. Mediterranean Revival structures are almost always topped with a barrel clay tile roof.

The most popular style of architecture in Palm Beach, the Mediterranean Revival, can be found in number of variations. The windows usually have some interesting details like round or pointed arches, wrought iron grilles, cast stone columns and decorations, and pecky cypress sills. A variety of balconies, towers, porches, and courtyards are also found.

137 El Vedado Road is an excellent example of the rich possibilities of the Mediterranean Revival style of architecture. The house has elaborate cast stone detailing, a wonderfully proportioned Spanish courtyard with a double arcade as well as extensive use of stained cypress wood. The massing and detailing of this fine house make 137 El Vedado Road a specimen inherently valuable for study of the Mediterranean Revival style of architecture.