



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, MARCH 15, 1991

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

I. Call to Order: The meeting was called to order at 9:06 a.m. by Chairman Jane Volk.

II. Roll Call:

PRESENT: Lillian Jane Volk, Chairman
Elise P. Mackintosh, Vice Chairman
Sally Gingras, Secretary
William S. Gubelmann, Member
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member
Leslie Divoll, Member
Arthur Silverman, Alternate Member
Jane Grace, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning &
Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Wilmer J. Thomas Jr., Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Mrs. Albarran de Mendoza arrived at 9:07 a.m.
Let the record show that Mrs. Metzger arrived at 9:15 a.m.

Let the record show that Mr. Randolph arrived at 9:43 a.m. during the Designation Hearing for 134 El Vedado Road.

Let the record show that a Court Reporter was present for the Designation Hearing regarding 91 Middle Road.

Mrs. Volk welcomed Mrs. Leslie Divoll and Mrs. Jane Grace to the Commission.

III. Approval of the Minutes of the February 15, 1991 Meeting

MOTION BY MRS. MACKINTOSH TO APPROVE THE MINUTES AS MAILED.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

- A. Application for Certificate of Appropriateness No. 10-91, Awning
Applicant/Owner: Mr. H. B. Howard
Address: 151 Grace Trail, #1
Contractor: American Awning Company
Project Description: Request approval for a 5' x 4' straight pitched door awning in buff with terra-cotta trim.

Mr. Michael Lehning, of American Awning Company, presented the request for a door awning as specified above. At last month's meeting, Mr. Lehning brought forth a request for another awning at this site, which was approved by the Commission. Today's submittal will match the approved awning style and color.

MOTION BY MRS. GINGRAS TO APPROVE THE AWNING AS SUBMITTED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

- B. Application for Certificate of Appropriateness No. 11-91, Landscape Plan
Applicant/Owner: Mr. & Mrs. John Switzer c/o S.D.A. Management
Address: 10 South Lake Trail
Designer: S.D.A. Management
Project Description: Request approval of landscape plan

Mrs. Michelle Ackerman addressed the Commission presenting a xeriscape landscape plan for 10 South Lake Trail. She described two white columns on either side of the drive which are designed to be very plain and simple, and will be topped with lights in a green finish. All of the driveway will be in scored natural concrete. In the center court of the driveway, there will be golden lantana planted in a clover shape. Amid these center court plantings, facing the house, will be a 7'6" high Mexican, terra-cotta stone fountain which will age very well. Royal palms and date palms will also adorn this center court. Tall, 16' to 22' high, trees will be planted against the front elevations of the house. There will be a childrens' play area, done in sand, on the north side of the house. Also, on the north, there are ongoing attempts to save an existing large Kapok tree. Royal palms will line the pool on both sides. Seagrapes will be planted at the bike trail, and an existing ixora hedge will be retained to the east of the bike trail. At the south edge of the property, a smaller fountain is desired. The fountain is composed of two pieces: a four foot little boy holding a pitcher while sitting on a stand, and the clam shell which is two foot high and claims the contents of the pitcher. All of the landscaping, fountains, etc. will be illuminated with "up-lighting" and spot lighting.

MOTION BY MRS. MACKINTOSH TO APPROVE THE SMALL FOUNTAIN ON THE SOUTH EDGE OF THE PROPERTY.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. GUBELMANN TO APPROVE THE CENTER COURT FOUNTAIN.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

There was some discussion regarding the columns at the driveway entrance. As proposed, they would be all white. Mrs. Albarran de Mendoza's comment was that columns are usually done in the same color as the facade of the house, which, in this case, is peach. She felt that peach with white trim would be preferable to all white columns.

MOTION TO APPROVE THE COLUMNS AND FINEALS AS SUBMITTED, WITH THE UNDERSTANDING THAT THE COLOR OF THE COLUMNS IS TO BE EITHER THE PROPOSED WHITE, OR THE LPC RECOMMENDED PEACH WITH WHITE TRIM, AT THE OWNER'S DISCRETION.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

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

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

With respect to the driveway, proposed to be natural scored concrete in a broomed out finish, in 4 x4 squares with a six inch curved border, Mrs. Divoll commented that more thought should be given to the geometry of the design at this site when considering a driveway pattern, because a significant portion of the site is in the paving material. She hesitated to move toward approval of this item without first seeing it. Mrs. Ackerman, however, stated that time constraints require that an approval on the paving be secured prior to the next LPC meeting, and budget constraints do not allow for an involved pattern design.

In an attempt to avoid this item having to come back to the Commission, Mrs. Volk appointed Mrs. Divoll to work with Mrs. Ackerman toward a reasonable solution to the driveway

pattern.

MOTION BY MRS. DIVOLL TO APPROVE THE DRIVEWAY PAVERS AND PATTERN, CONTINGENT UPON A MEETING AND AGREEMENT BETWEEN MRS. DIVOLL AND MRS. ACKERMAN TO MUTUALLY AGREE ON SAME.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 12-91, Exterior Color Change

Applicant/Owner: Mr. Daniel J. Mahoney

Address: 1200 South Ocean Boulevard

Project Description: Request approval of exterior paint color

Attorney Gus Broberg addressed the Commission with respect to the above request. The color palette desired consists of light peach for the masonry, bisque for the cast stone, and taupe for the windows and doors. Mr. Frank explained that these colors have been LPC approved colors in the past, and he saw no problem with the palette. Mr. Frank commented that he has inspected this site because there is extensive work going on there. Mr. Frank has reviewed the work being done and has found that it is purely restorative, i.e., unblocking windows, replacing woodwork, etc., and does not require LPC approval.

MOTION BY MRS. GINGRAS TO APPROVE THE COLOR CHANGE AS PRESENTED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

V. Designation Hearings

Please note that lengthy legal descriptions are available within the Designation Reports for the following properties.

Item 1: 25 Middle Road
OWNER: Mrs. Patricia M. Mason

(Please note that this item has been deferred from the January 18, 1991 meeting.)

Mrs. Volk: The first article for designation consideration, 25 Middle Road, Owner - Mrs. Patricia M. Mason. This item has been deferred from January. She requests deferral to April. There have been no letters of opposition. Oh, is she deceased?

Mr. Frank: Yes. She is the owner of record, but...I guess I can explain a little bit. Yesterday, I talked to, or perhaps it was the day before, but within the last few days, I've talked to Mr. Mason. He explained that his wife passed away recently and that the probate

of the will or some legal matters are in the hands of the court in New York, and I believe that the Florida affairs of the estate are going to be assigned to someone. Mr. Mason believes that it's going to be himself, and that he would like to proceed with, the term he used is "voluntary" designation. He is still, as you can well imagine, has a lot of details on his mind concerning the passing of his wife and so forth. Originally, he had opposed the application based on some advice that he had received earlier from Mr. Wilmer Thomas. Then he found out that Mr. Thomas had, in fact, changed his opinion on landmarking and ultimately became a member of this Commission. He since has had a discussion with Mr. Thomas. He's now more enthusiastic than he was originally. He would, however, like to settle the affairs of the estate, and he respectfully requests a deferral.

Mrs. Volk: In that case, the only thing that we can do...this will be deferred to the April meeting.

Mr. Frank: I think we should have a motion to that effect.

Mrs. Volk: A motion to that effect?

Mr. Gubelmann: Is there not some language that has to deal with the waiving notice?

Mr. Frank: Yes.

Mr. Moore: Right. The motion for deferral would include the understanding that the applicant, excuse me, that the property owner is waiving their right to their 30 day action by this Commission.

Mrs. Volk: Move that the landmarking consideration of this property be deferred to the April meeting, with the proviso that the owner recognizes he is waiving his right by Ordinance requiring the Commission to act within 30 days.

MR. GUBELMANN: SO MOVED. (TO DEFER TO THE APRIL MEETING.)

MRS. GINGRAS: SECOND.

MOTION CARRIED UNANIMOUSLY.

Item 2: 91 Middle Road
OWNER: Estate of William Hanley

(Please note that this item has been deferred from the December, 1990 and February, 1991 meetings.)

Mrs. Volk: 91 Middle Road. The Estate of William Hanley. It's been deferred from December and January. There have been no letters of opposition. Have we proof of the publication and proper legal service, Mr. Frank?

Mr. Frank: Yes, we do. I should mention, however, yesterday morning we did receive a letter of opposition on this matter. The attorney is here to represent that interest, and with the letter, there was a report by an expert in historic preservation that essentially

challenges the Designation Report.

Mr. Moore: Madame Chairman, may I? Mr. Lynch, do you have your expert here today?

Mr. Lynch: She's not here today.

Mr. Moore: This matter has been deferred twice before. It is a similar type of request, if I understand Mr. Lynch's discussion with myself yesterday on this matter. However, it has received two deferrals. You may wish to defer it again, or you may wish not to, but that would be up to you. If Mr. Lynch's expert is not here today, then I would suggest that you consider the deferral in a favorable light, due to the fact that there is no sense in us making a presentation without his expert here to address the issue. With that, Mr. Lynch...

Mr. Lynch: I had additional concerns. The report was first made available to us on Wednesday afternoon. Professor Tate was only able to come down here last week. In order for all of you to give her report due consideration, I would like each of you to read it and consider what it is she has to say. In looking at her report and her resume', she does have extensive background in preservation, and if I were to say she had any particular slant, she would be in favor of preservation and landmarking rather than in favor of declining such a situation. I ask that you consider her report with that in mind.

Mrs. Volk: Well then, perhaps we should move...

Mr. Moore: Madame Chairman, one other thing. I would like if at all possible for the Commission to consider, since Mr. Lynch is presenting expert testimony or has done it by way of a report, if you do defer, that you condition the deferral that that expert be available for you to cross examine at the next meeting in April, as he has the right to cross examine our experts. With that in mind, if you are going to defer, and it would be my suggestion that you consider that favorably, not to be pressed to set precedent for three deferrals, but with the unusual aspect of an expert entering into the estate at this late point, I would ask that you condition it on that basis.

Mr. Lynch: Just to supplement what Mr. Moore said, I've already spoken with Professor Tate about the next meeting. She is available, and she has to clear her calendar. So she will be down here.

Mrs. Volk: Very well. I think considering this unique situation, we must defer. May I have a motion to that effect...Move that landmarking consideration of the property at 91 Middle Road be deferred to the April meeting, with the proviso that the owner recognizes she is waiving her right by ordinance requiring the Commission to act within 30 days, and we'll have at that time, the expert here to answer our questions.

MRS. GINGRAS. SO MOVED. (TO DEFER TO APRIL, AS ABOVE.)

MRS. MACKINTOSH: I'LL SECOND IT.

MOTION CARRIED UNANIMOUSLY.

Mrs. Metzger: Do we have that report?

Mr. Frank: Yes, everyone's been given a copy of it.

Item 3: 134 El Vedado Road

OWNER: Mr. Fred M. Brunner c/o Brunner & Lay

Mrs. Volk: The third item on the agenda is 134 El Vedado Road, Owner - Mr. Fred M. Brunner c/o Brunner & Lay. Do we have proof of publication and proper legal service, Mr. Frank?

Mr. Frank: Yes, we do.

Mrs. Volk: Cindy, are there witnesses who would like to testify for this property? Would you step forward? Cindy, would you swear in all the witnesses?

Mrs. Delp: Do you swear or affirm that the testimony which you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show that Mr. Frank and Mr. Sved were sworn.

Mrs. Volk: Let the record note that these witnesses have been duly sworn, and may I have the Staff's recommendation.

Mr. Frank: Thank you, Madame Chairman. For those who are unfamiliar with the process, I will read the criteria for designation which Staff believes the subject property meets. I'll read that into the record, and then I'll save the presentation portion of it for Mr. Sved, who is our consultant, and he will present the property. The subject property, in this case, is 134 El Vedado Road. 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

(b) Is identified with historic personages or with important events in national, state or local history; and

(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

(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, the architect was John Volk, and the biography has been attached to your Designation Report. Mr. Sved, can you continue?

Mr. Sved: Thank you very much, and good morning. 134 El Vedado Road was designed and constructed in 1935 by John Volk. The report that

you have in front of you and that you've read reflects this house as an English Tudor house by virtue of its half-timbering. Unfortunately, in the photographs you can't see it because it's been painted over. I'd like to amend the report with this passage which was provided this morning by Mrs. Volk. This comes directly out of John Volk's own records. "This residence is on El Vedado, built for Mr. and Mrs. John Noble in 1936 and styled in the character of a French Farm House. This style I selected due to the property being densely wooded with native growth, including live oaks. The swimming pool that I built for them was the first free-form type of pool in Palm Beach, planned in the form of a natural lagoon, rather than the usual rectangular shape." That pool is behind the foliage at left on the left-hand slide here. Also, back there, it was a little too dense to take a picture of...also back there behind the pool is a pool house, also done in this French Norman half-timbered style. The west end of the property, as you can see, is a very large expanse. Most of it's been paved over now for parking purposes. The house, itself, is typified by its very high-pitched roof, it's half-timbering, and you'll have to trust me on this, because it's been painted over. There's a very interesting detail around the door that you can't see on the slides. I had a close up of it, but it really didn't help too much. Inside the posts around the doorway, the brick is set on the horizontal rather than on the vertical. You'll notice the original windows and doors are still evident on this property, as is, I believe, the original roof. This building is very interesting, one of the only French Norman half-timbered houses in Palm Beach. I might add that it was also the residence of James Kimberly at one time, and you may know him from the "Kleenex" world.

Mrs. Grace: And you might remember Mr. Noble from "Lifesavers".

Mr. Sved: Excuse me.

Mrs. Grace: You'll remember Mr. Noble from "Lifesavers". He manufactured "Lifesavers".

Mr. Sved: That I did not know. Anyway, this house is very worthy of your consideration here today. Thank you.

Mr. Gubelmann: It's a lovely building.

Mrs. Mackintosh: I love the roof line.

Mrs. Volk: May I have a motion that the Designation Report be made a part of the record?

MOTION BY MRS. MACKINTOSH THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

Mrs. Volk: Are there any other witnesses from the public wishing to speak? Comments from the Commissioners?

Mr. Silverman: Is there any objection to this designation?

Mr. Frank: No, we've received no letters of objection.

Mr. Gubelmann: Have we received any letter whatsoever? We know that publication has been done, notice of publication, but have we had any communication with them?

Mr. Frank: No, sir. No communication other than the return receipts did come back to us signed.

Mrs. Mackintosh: So they did receive it?

Mr. Frank: Oh, yes.

Mr. Gubelmann: A lot of times when those things are delivered, they might almost get delivered to a member of the household staff sometimes. I just wanted to make sure that the owners are aware of what's going on.

Mr. Frank: That's correct, but in accordance with our procedure, that's all that we are required to do. We can't physically go there and make sure that the owner receives it. We assume that it's an authorized agent or someone who has access to the house. Mr. Randolph might want to comment.

Mr. Randolph: I think he's just asking, in this particular case, whether the owner signed.

Mr. Gubelmann: I'm not worried about whether we meet the letter of the law or not, it's just that if my house were being landmarked, I'd like to know about it.

Mrs. Mackintosh: Well, you read your mail, don't you?

Mr. Gubelmann: If I were away though...

Mr. Frank: I would say probably not. It was signed by someone whose first name is indistinguishable, and the last name is Soto. I would say that that probably is a staff person, and the same person signed both.

Mrs. Metzger: What is the date on the last one?

Mr. Frank: 2-19.

Mr. Silverman: We must assume that the owner received the card and knows about it.

Mrs. Volk: We can't do anything else. Thank you. Any other comments? May I have a motion for approval or that we move approval that this property, 134 El Vedado Road, be recommended to the 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?

MRS. ALBARRAN DE MENDOZA: SO MOVED. (TO RECOMMEND FOR DESIGNATION)

MR. GUBELMANN: SECOND.

MOTION CARRIED UNANIMOUSLY.

Mrs. Volk: Jim, I have some slides of the interior, if you would like them for a later presentation.

Mr. Sved: Thank you very much.

Mr. Gubelmann: I would think now that we've made our recommendation to the Town Council, somebody might make sure that this information gets through to the owner. In a case like this, we should make sure that the person who actually owns the property is aware of what's going on. Is there any way we can do that?

Mrs. Volk: Our responsibility only goes so far. It's up to the owner to have people who are responsible in charge of their property. We just simply can't go into the private jurisdiction of how they administer their estate, I don't believe.

Mr. Randolph: You're correct. That's your legal responsibility as far as the mail is concerned. The rest, I think, may not necessarily be responsibility, I guess, it's more public relations than anything else. But I think whether you attempt either prior to and make direct contact with the owner or subsequent to the recommendation whether you make direct contact.

Mr. Gubelmann: Maybe in the contingency of good will from the Landmark Commission, we should ask somebody from the Town of Palm Beach to please contact them, and say just are they aware of the procedure that has occurred. I think somebody ought, somebody besides a staff member ought to be aware of this.

Mrs. Grace: Maybe if you tell them they are being honored.

Mr. Gubelmann: Well exactly. I'd be happy to tell them, but I'm leaving town Saturday morning at 6:00 a.m.

Mrs. Mackintosh: You'll have telephones where you're going. He's trying to wiggle out of it.

Mr. Randolph: Call them and tell them before you go out of town. Say I'm going out of town, but I wanted to tell you that your house has been landmarked.

Mrs. Volk: Call them this afternoon, Bill.

Mrs. Mackintosh: You brought it up.

Mrs. Volk: Well, we can make an attempt. It's on a purely voluntary basis.

Mr. Gubelmann: I would like to ask one of my fellow commissioners to volunteer on behalf of the Commission to please get a hold of Mr.

Brunner and let him know what has occurred, and he should be honored to have us recommend his house as a landmark of the Town of Palm Beach. Is he aware that we've done this?

Mrs. Volk: Do I have a volunteer?

Mrs. Mackintosh: I'm leaving on Saturday too.

Mrs. Volk: Mrs. Mackintosh is a very convincing lady. Oh, you're not going to be here?

Mr. Gubelmann: (As there were no volunteers) I strike that request from the record.

Mrs. Volk: We're not in that kind of business. Well, here we are. On to the next one.

Item 4: 150 Bradley Place

OWNER: Palm Beach Biltmore Condo c/o Board of Directors

Mrs. Volk: 150 Bradley Place, the Palm Beach Biltmore Condo c/o the Board of Directors, and there have been no letters of opposition.

Mr. Frank: There have been some late developments on this one too. I guess this is...I guess I'll keep it a little light here. It's good news and bad news. The bad news portion of it is that I did get a number of telephone calls yesterday of concern, and it's probably always going to be the case, so I'm giving a generic description here. This is a condominium, and when you're dealing with condominiums, although there may not be, in fact, 150 owners, it always seems like you're dealing with that. And that's the case that we have here. There is multiple ownership in this case, and there was a lot of last minute concern. However, on the good news side, I talked with a number of attorneys, and they've all told me that the general consensus of opinion is for some form of voluntary designation working with the Commission toward landmarking. However, there are a number of concerns with the amenities on the site, such as the tennis court, the swimming pool and the surrounding areas. I described to the attorneys that we, in fact, created a description which was (tape change) the minimum amount of lot which included the entire building to designate. I've been told also that the attorney, the legal matter, is going to be turned over to another law firm, but I think I should ask Mr. Metzger, who is here, now on behalf of the Condominium Association, to present that.

Mr. Metzger: My name is John Metzger. I'm with the law firm of Greenberg Traurig here in West Palm Beach. I'm here on behalf of the Palm Beach Biltmore Condominium Association. I think Mr. Frank gave a very apt summary of our discussions, and it appears that we're going in the same direction on the voluntary designation, and we would like a deferral today to be able to work with him, so that we can present to you a designation report acceptable to everyone.

Mrs. Volk: Is everyone agreeable to a deferral of this property? Is it for one month?

Mr. Frank: Yes. This is their first request.

Mrs. Volk: It seems like a very reasonable request. May I have a motion to that effect, moving that the property at 150 Bradley Place, that consideration of landmarking, consideration of this property be deferred to the April meeting with the proviso that the owner recognizes they are waiving their right by ordinance requiring the Commission to act within 30 days.

MR. GUBELMANN: SO MOVED. (TO DEFER TO APRIL)

MRS. METZGER: I'LL SECOND.

MOTION CARRIED UNANIMOUSLY.

Mr. Frank: I think I'd also like to...I don't think I'm out of order...I think Mr. Metzger informed me that the attorney who will represent this matter will be Mr. Frank Chopin. Those who were at the latest Council meeting understand what type of an individual this is and how familiar he is with our ordinance.

Item 5: 850 South Ocean Boulevard
OWNER: Mr. Harold and Ms. Miriam Steinberg

Mrs. Volk: The next item, 850 South Ocean Boulevard, Owner - Mr. Harold and Ms. Miriam Steinberg. We have a letter from them, from the Steinbergs, would you read it please, Tim, Mr. Frank?

Mr. Frank: The letter that I have is dated March 4, 1991. It's written to Mrs. Jane Volk, Chairman, Landmarks Preservation Commission, re: Mr. Harold Steinberg, 850 South Ocean Boulevard. "I am writing on behalf of my father-in-law, Harold Steinberg, in regard to Mr. Timothy Frank's letter dated February 13, 1991, concerning a hearing on the landmark status of Mr. Steinberg's home on South Ocean. Miriam Steinberg died in 1973. I request that the March 15, 1991 meeting be postponed for two months. Mr. Steinberg is seriously ill and is not able to respond to the matter at this time. It is understood that this deferral request is made on the condition that Mr. Steinberg's rights under Section 16-43 (i) of the Town of Palm Beach Code of Ordinances will be waived with respect to the 30 day requirement outlined in the February 13, 1991 letter. Please feel free to call me should you have questions regarding this request. Thank you. Very truly yours, Mr. Ted C. Krumland." I think it's all explained in the letter. I have talked with Mr. Krumland on the telephone, and he explains to me that this is similar to other cases we've had like this, and that the status of this estate and the ability of anybody to make decisions for it is very much in question at this time. I guess I should further state, though, that a two month deferral would take us into May, and that would tantamount to a deferral to November, because the designation season will close next month. So, essentially, their request is to defer this to the next season.

Mrs. Volk: Any comments from the Commissioners?

Mr. Silverman: Is that gentlemen who wrote the letter an attorney?

Mr. Gubelmann: It's his son-in-law, Downing Management Corporation in New York.

Mr. Frank: Yes, he doesn't identify himself with Esquire, so he's probably not.

Mr. Silverman: It's his son-in-law.

Mrs. Metzger: Tim, have you spoken to this man or did you just get the letter? Would he go for one month?

Mr. Frank: Yes. Well, what he explained to me was...I'm just going to have to give you my feelings on this matter based on the conversation, but it was my feeling that he may not even be able to put it together in two months. Certainly, one month would be unreasonable. That was the impression that I got.

Mr. Gubelmann: The property does not seem to be in any sense of neglect, or anything...

Mrs. Gingras: And as long as it's being considered for designation, any changes come before us.

Mr. Frank: Yes, yes. As far as if they came in with a wing or an addition, the estate or whoever, or demolition...all of that would be subject to Certificates of Appropriateness until this matter is settled.

Mrs. Metzger: So that's the protection.

Mrs. Volk: It's protected on the list.

Mrs. Metzger: If this man were to die, and then they wanted to sell it, then anybody who were interested in buying it would have to be made aware of the fact that it was under consideration.

Mr. Frank: Absolutely.

Mrs. Volk: We have no alternative but to defer to November. Would you care to make a motion?

MOTION BY MRS. MACKINTOSH THAT LANDMARKING CONSIDERATION OF 850 SOUTH OCEAN BOULEVARD BE DEFERRED TO THE NOVEMBER 1991 MEETING, WITH THE PROVISIO THAT THE OWNER RECOGNIZES HE IS WAIVING HIS RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

Item 6: 60 Cocoanut Row

OWNER: Royal Poinciana Chapel Tr Inc. c/o Ms. Marilyn
Polete Secy

Mrs. Volk: The next item 60 Cocoanut Row, Owner - Royal Poinciana

Chapel Tr Inc. c/o Ms. Marilyn Polete Secretary. There is a letter requesting deferral for two months which would take us into November again. Do you have that letter in hand?

Mr. Frank: This letter is dated February 26, 1991 addressed to Mrs. Jane Volk, Chairman, Landmarks Preservation Commission, "Dear Jane, We represent the Royal Poinciana Chapel and we have been directed to request a sixty (60) day deferment on any action by the Landmarks Preservation Commission in designating the Royal Poinciana Chapel a Landmark in the Town of Palm Beach. The reason for the request is that the Chapel has three different Boards and it is essential that each of the Boards be advised of the pros and cons of designation and to agree...to not agree...(I think that should be "or not to agree", but it says) to agree to not agree as to the designation. We very much appreciate your consideration of this request. Sincerely, Charles H. Warwick, III." signed, Bud.

Mrs. Mackintosh: This is not new to them. It came up in front of us years ago.

Mrs. Metzger: Why do they need two months?

Mr. Gubelmann: Three different boards.

Mr. Frank: That's answered in the question. I talked with Mr. Warwick and he would like the Chairman and myself to perhaps go to some of these Board meetings or meet with representatives to describe the landmarking process.

Mrs. Volk: What did you say?

Mrs. Mackintosh: Just the Seagull Cottage, I thought.

Mrs. Volk: No, no. This is the Chapel.

Mrs. Mackintosh: I take it back.

Mrs. Metzger: When were they notified of this meeting today? How long ago?

Mr. Frank: Two months. Actually, they were notified earlier in the year too that it was our intent to designate. They've known for some time that this property was under consideration. As a matter of fact, you might recall that there was a request for columbarium, or was that ARCOM, I'm not sure. O.K. They put a columbarium on the property. I believe ARCOM approved it, and the style of the columbarium was identical to the style of the church. I believe that at the time they submitted the application for the columbarium, which was, I believe, in December, they were, at that time, they were officially not notified, but they very quickly...they've known about this for several months now.

Mr. Moore: Madame Chairman, just to put this in proper perspective, and certainly for some of the newer members, any time we're dealing with a large group of people such as a condominium association, or in this particular case, it's a house of worship. It would be the

Staff's recommendation that we be as liberal as possible in trying to accommodate their wishes toward a voluntary designation. As you well know, a group of people is a lot more difficult to convince than perhaps one or two individuals. It would be the Staff's position that we would encourage your favorable consideration on this matter, and hopefully, we can bring it in as a voluntary designation.

Mrs. Volk: I think that that is certainly appropriate.

Mr. Frank: I think the school board is a good example. As Mrs. Metzger can tell, probably close to a year on that one.

Mrs. Metzger: Yes. It's true.

Mrs. Volk: We're going to meet with Mr. Warwick, and hope that by next November, we'll be ready for a voluntary designation. May I have a motion for the moving that the landmarking consideration of this property...

Mr. Gubelmann: 60 Cocoanut Row

Mrs. Volk: Thank you. I never know the addresses. ...be deferred to the November meeting with the proviso that the owner recognizes they are waiving their right by Ordinance requiring the Commission to act within 30 days.

MR. GUBELMANN: SO MOVED. (TO DEFER TO NOVEMBER)

MRS. GINGRAS: SECOND.

Mr. Frank: So this effectively is deferred until November.

Mr. Moore: Correct.

MOTION CARRIED UNANIMOUSLY.

Mr. Gubelmann: Are there any members here of that church's congregation? (No one responded.)

Mrs. Volk: Tim, did you want to set up some meetings with Mr. Warwick?

Mr. Frank: Yes.

VI. Other Business

- A. Informal Review - 702 North County Road
Project Description: Remove existing planting area in open atrium area of house and convert to pond with fountain

Mr. Frank stated that the pool deck at this house already has a penetration in it which was to be a planting area. Now, however, the owners would like to convert it to a pond with fountain. John Gosman came before the Commission to present this change. The pond will be lined with the same white

marble as is on the pool deck/terrace. A 4" marble curb will surround it to prevent debris from entering the pond.

Mr. Frank explained that this item would not require a Certificate of Appropriateness as the area is entirely within the courtyard and cannot be seen from the road. Furthermore, the penetration is existing, not new, and this merely represents a change from plant materials to a pond and fountain.

MOTION BY MRS. MACKINTOSH TO APPROVE THE CONVERSION TO A POND WITH FOUNTAIN.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

B. Status Report - Mizner Memorial Fountain

Mr. Frank stated that the alternatives for restoration of the fountain were presented to the property owner, the Town Council, and they, in turn, have made their selection. This project will come before the LPC at the April meeting for final approvals.

The Town Council approved Scenario 3 (previously presented) with dark blue tiles for the basin of the reflecting pool and decorative tile for the trim. As for the trough leading from the fountain to the reflecting pool, it was proposed that a grate be placed over the trough as a safety measure to prevent tripping. Grating, however, was deemed to be dangerous to women who might be wearing high heels. Instead, it has been proposed to use hollow glass block to cover the trough. With the glass block, any tripping hazard would be eliminated and one could still view the flowing water. Measures must be taken, however, to ensure that the glass block can be properly cleaned of algae, etc., before this becomes the material of choice.

Mr. Moore stated very firmly that as far as the Town Council is concerned, there will be no tripping hazard at the trough, and restoration plans must include measures to see that this is, in fact, carried out.

C. Discussion of 301 Australian Avenue

Mr. Randolph: We want to bring this back to you. This matter, as you recall, was referred by you to the Town, for recommendations for a landmark. This is Brazilian Court. We received a letter from the attorneys, who indicated that they felt that the notice, the initial notice, was defective. As a matter of fact, the notice went out to the Board of the Condominium Association, and that Board had expired prior to our notice going out. I believe that they are correct, that the notice probably was initially defective. As a result, the matter was not considered by the Town Council at the last

meeting. We wanted to inform you of that, and to also tell you that we, at least preliminarily, are of the feeling that we are probably going to have to re-notice this again. The other request by the attorneys was because this matter is in litigation, and because there are so many parties involved, receivers, etc., that in fact there is apparently an injunction on the property which enjoins any further actions on the property by certain parties. They have asked that we not give further consideration to it this season. They asked that we not give further consideration to it until all of the legal problems have been straightened out. It would be our recommendation that at least it not be further considered this season, and that we look at this again next season.

Mr. Gubelmann: It sounds entirely reasonable in this case.

Mrs. Volk: Peculiar circumstances.

Mrs. Mackintosh: Can we protect it against demolition though?

Mr. Randolph: Protect it against demolition?

Mrs. Mackintosh: Yes.

Mr. Randolph: It is still "under consideration".

Mr. Moore: It's still "under consideration". It would have to have a Certificate of Appropriateness, but there is no plan in the works for demolition of the Brazilian Court Hotel. They just, they've spent millions just refurbishing it, so I cannot see it being demolished.

D. Newspaper Racks - Mr. Moore

Mr. Moore distributed photographs of the covered newspaper racks that are used in Boca Raton. As he understood it, the City of Boca Raton and the newspaper industry reached an accord to allow site screening of newspaper racks. This concept was being brought before the Commission today for purely informational purposes. The Town is in very preliminary discussions with at least one of the attorneys who represents one of the larger newspapers. They indicated they would not totally be opposed to the Town creating newspaper racks that would be mutually acceptable to the Town and the newspaper industry. Staff is trying to develop costs and a design which might be suitable for an area such as the Town Hall Square Historic District, and later for the entire Town. Mr. Moore explained that Staff was not advocating the Boca newsrack style, but it was presented to illustrate how another municipality is handling this problem. Mr. Moore stated that the Town has a benefactor for the newsracks within the Town Hall Square District.

A question arose as to whether newsracks in any form could be banned from the Town? Mr. Randolph felt that they could not

be banned from the Town, and it was questionable whether they could be banned from a Historic District.

Mr. Moore stated that the coverings for the newsracks would have to be standardized in the Town, so that they would be easily recognizable as such.

E. Mar-a-Lago

Mr. Gubelmann questioned when the LPC would be hearing the subdivision request for Mar-a-Lago. Mr. Moore answered that when full subdivision plans are submitted to the Town and have been reviewed by the various disciplines within the Town, the matter will be brought to the LPC for review. Provided same is delivered to the Town, the matter could yet be heard in April.

VII. Adjournment

MOTION BY MRS. GINGRAS TO ADJOURN AT 10:30 A.M.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Friday, April 19, 1991 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,


Sally Gingras, Secretary

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