



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, FEBRUARY 21, 1992

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

- I. Call to Order: The meeting was called to order by Chairman Volk at 9:00 a.m.

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
Wilmer Thomas Jr., Alternate Member
Pamela McNierney, Attorney for the Town
Robert L. Moore, Director of Planning, Zoning & Building
David C. Zimmerman, Assistant Building Official
Timothy M. Frank, Planner/Projects Coordinator
James Edward Sved, Preservation Consultant

ABSENT: Arthur Silverman, Alternate Member
Jane R. Grace, Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

III. Approval of the Minutes of the January 17, 1992 Meeting:

When Mrs. Volk asked for any additions or corrections to the Minutes, Mrs. Metzger noted that in the record of the designation hearing for 850 South Ocean Boulevard, the property address is stated early in the record as 850 South County Road.

MOTION BY MR. GUBELMANN TO APPROVE THE MINUTES AS AMENDED.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

(The Recording Secretary notes that "850 South County Road" was stated by Mr. Prosperi, though mistakenly, and appeared in the record on Page 7 as part of his verbatim testimony.)

Prior to hearing the Applications for Certificates of Appropriateness, the Commission, in response to Mr. Prosperi's request to be heard at the beginning of this meeting, heard the Designation Hearing for 850 South Ocean Boulevard.

(Please note that the following transcriptions of the Designation Hearings are recorded partially verbatim and partially in paraphrase. Those portions which are verbatim are identified by the speaker's name at the left margin.)

DESIGNATION HEARING

ITEM 1: 850 SOUTH OCEAN BOULEVARD
OWNER: Mr. Lawrence A. Moens

(Please note that this item has been deferred from the March 15, 1991 meeting, the November 15, 1991 meeting, the December 20, 1991 meeting, and the January 17, 1992 meeting.)

Mr. Frank acknowledged that proper legal service and proof of publication had been made. Mrs. Delp swore in Mr. Frank and Mr. Sved for testimony.

FRANK: Thank you, Madame Chairman. The Staff, on the subject property, 850 South County Road, (correction: 850 South Ocean Boulevard) has found that the property meets the following criteria for designation:

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

also meeting criterion (c) that it 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.

Mr. Sved, would you continue with the presentation please?

SVED: Thank you very much, and good morning, everybody. If you remember last month we spoke about this building and I described it as a Mediterranean Revival residence designed in 1927 by architect Julius Jacobs. Additionally, I did make mention of the out buildings in the back, which were demolished and replaced in about 1955 with some really questionable additions. You may also remember that there were questions as to the, excuse me, the integrity of this property and what was original and what was not, and we postponed this for a month so that Mr. Frank and I could go over and see the building. I believe Mr. Frank has a letter to the affect of what we're going toward. This

① is very worthy of your consideration. I mentioned that last week, rather last month, however, there is very little else I can add to last month's presentation.

VOLK: The letter, Mr. Frank.

FRANK: Madame Chairman, we received a letter from the property owner's attorney, and I'd like to read this into the record. It's to Mrs. Jane Volk, Chairman, Re: Lawrence A. Moens, 850 South Ocean Boulevard...

Dear Mrs. Volk: I represent Mr. Lawrence A. Moens, the owner of the above described property, which is proposed for landmark designation. Mr. Moens bought this property on August 20, 1991 and since that time, has invested a considerable sum on the restoration and preservation of the property. The principal dwelling structure contains about 6000 square feet and is in somewhat deteriorated condition. There are structural as well as cosmetic problems. I also note that the pool, garage and other accessory buildings date from the 1950's and are not worthy of designation. Mr. Moens would agree to the voluntary designation of the front (east) facade of the principal dwelling structure upon the following condition. In the event that in the future it is determined that the cost of restoration of the principal dwelling structure (determined at that time) exceeds the cost of construction of a structure of similar materials and quality, then upon a showing that this is the case, the landmark designation would be terminated so that a demolition permit could be issued. Respectfully submitted, A. Paul Prosperi.

MOTION BY MR. THOMAS THAT THE AFOREMENTIONED LETTER BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. DIVOLL.

① MOTION CARRIED UNANIMOUSLY.

VOLK: I believe the original Designation Report was made a part of the record last month.

FRANK: Yes, I believe it was.

VOLK: So, we don't need to do that. Are there any witnesses from the public who wish to testify?

PROSPERI: Good morning. My name is Paul Prosperi, and I am representing Mr. Moens, the property owner. First of all, let me thank you. I have to be, am required to be at a hearing at ten o'clock, and so I appreciate being taken out of order. These are some photographs that were taken very recently of the property. As some members of the Staff and some members of the Commission had an opportunity to see in viewing the building, Mr. Moens, as you may have noticed by the number of cars parked around there since August when Mr. Moens purchased the property, he's engaged in a project of restoring and rehabilitating the building as much as he can. The balancing that he's making is, I suppose, the disagreeable shock of finding out how much some of these unknowns in restoring a building like this cost, more than what his projected budget was. So, while he...and I think the work and care that he's put into it so far indicates there's no intention of doing anything but stabilizing, preserving and restoring the building pretty much in that order. He

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is concerned, as he goes forward and finds out how much these things cost, and also discovers unnoticeable, and perhaps we might call "hidden" structural problems with the building, that at some point he may discover that the building really has structural problems which are uneconomic. So, what he's asking for is something which is an agreement to landmark the building, at least the facade of the building. The building is quite narrow. If you go to the back, there are 1950's kind of structures and a 1950's pool, and perhaps, they need to add some wings back there. He would like to designate the facade, but with the proviso that at the point where he can make a clear showing to the Commission that the cost of restoration from that point forward exceeds the cost of reconstruction of the building, that he be able to reconstruct the building with the facade continuing to be landmarked.

VOLK: Have we any precedent of such an agreement?

FRANK: I don't believe we have an agreement that is exactly the same nature as this one, however, I do remember at least one case where an owner, and I believe the address was 10 South Lake Trail, where the owner came forward with a presentation that it was uneconomically feasible to restore her property, and the Commission did, in fact, allow the building to be unlandmarked. There was history that followed that particular scenario, and that was that a new owner bought the structure, and placed it back on landmark status. However, a decision was made that similarly reflects this scenario.

VOLK: Any comments from the Commissioners?

DIVOLL: Are we prepared to evaluate presentations of cost information?

VOLK: Not now. In the future.

DIVOLL: I mean, in the future, I wonder if we should be in that business of making a comparative analysis.

VOLK: That's a professional thing to have. It's part of the architectural profession, but it should not be part of ours, I would think.

DIVOLL: But that's what they're asking for, isn't it?

VOLK: That's what I understand it to mean.

GUBELMANN: I think it's highly unfair of us to tie the hands of the future Landmarks Commission. Who knows how long it might be before he comes to us and what the circumstance is, but I think we'd have to view every presentation to us on the merits that it had at the time it came. I don't think we'd have to say yes, we would allow them to tear it down to approve thus and such. We have to take it by a case to case scenario and then we'll look at the house.

VOLK: What about the building itself, it's facade and the point that he wishes to volunteer just the facade.

PROSPERI: If I may say, the east facade. What we're doing is agreeing to landmark the facade which we would be willing to preserve. The problem is that when you go into the building beyond the facade, which is not noticeable from the street in any event, you run into a number of structural problems, which are undefinable at this point. We all know how sometimes how these houses are, particularly when a house has had a history of deferred maintenance, as this one has. The inquiry that you might make or a future Landmarks Commission would make upon request that the designation be terminated, would probably go along the lines of whether or not it was economically feasible to restore the building. And at this point, you're getting a designation in any event, that the facade would stay in tact, so that what would be reconstructed would be reconstructed behind the facade, as it were. So, that would stay in tact and be preserved, which is what is noticeable and what I think, to the extent the building has architectural merit, it really comes from that facade. I think as you tour through the building, you will see that it is rather surprisingly small and perhaps, the rooms are out of proportion with the facade. In any event, what he's doing is balancing his problem, as a property owner, in recognizing the importance of that facade on South Ocean Boulevard.

GINGRAS: Paul, I think we're maybe misunderstanding what you're saying and what your letter says. You're saying that the designation would remain in tact.

PROSPERI: On the facade.

GINGRAS: Because in the letter it sounds like you want to...

METZGER: That's not what the letter says.

PROSPERI: What we're trying to do is essentially demolish what is behind the facade which is in serious condition.

ALBARRAN DE MENDOZA: I have a question, I think, to Staff. If the rear of the building is re-done and demolished, do they go to the Architectural Commission, or do they come to us for the rest of the renovation on the property?

FRANK: It is my opinion that if you accepted this terminology, it would be re-doing things on the front facade only, the east facade. Therefore, anything that happens in the rear courtyard or whatever would be not regulated by anybody, unless, theoretically, if it was visible from the street, perhaps the Architectural Commission would come into play. I can't think of a case right now other than, let's say, a roof from a structure behind that rose above everything else, however, I don't think that's relevant in this case since the presence of roof in the front exceeds the existing in the rear.

① ALBARRAN DE MENDOZA: Is there any way we could make a proviso that we, in other words, maybe we agree that only the front is landmarked and that they can go and demolish the rear, if they need to, but they would come to us for guidance or something, so that we would have some control?

ATTORNEY MCNIERNEY: I don't think you can do that because you don't have jurisdiction over what (indiscernible).

METZGER: Can I ask a question? I'm really confused, going back to what Sally said. This letter says that you would voluntarily designate the front, but sometime in the future, if the cost to renovate or if you run into big problems, exceed the cost to replace it, then you would come back to us and ask us to tear the entire thing down. Is that right?

PROSPERI: Well, if the entire building were designated, and for instance, it is determined that the cost of restoration of let's say the kitchen wing or one side of the building was prohibitive, we'd like to be able to reconstruct that without having to come back and ask permission to undesignate that wing. I think that if you tour the building, you will see that the part that's worthy of designation, you might agree that the part that's worthy of designation is the facade. So, what we would like to do is agree to designate the facade trying to make it clear that what is behind that facade is not designated, and so that the property owner could then, rather than restore that, perhaps, reconstruct it.

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METZGER: Well, what's the scenario...

PROSPERI: Excuse me, and when I say, not reconstruct it, I mean not reconstruct it to the proportions and dimensions that are there.

METZGER: Well, why couldn't you do that anyway, if only the front is designated.

PROSPERI: But I want to make it clear that that's what we're doing. Do you understand what I'm saying?

METZGER: No.

GINGRAS: I mean in the letter it says you want to be able to tear it down.

PROSPERI: Not the facade.

METZGER: The letter says that they want to have the ability to tear the entire house down at some future date. Is that not what the letter says?

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DIVOLL: May I read it? It says "the landmark designation would be terminated so that a demolition permit could be issued."

METZGER: O.K. Well, isn't a demolition permit for the whole building.

DIVOLL: It could be for any part of it. But it also says the landmark designation would be terminated.

GUBELMANN: If we only designate the facade, then you don't need to terminate the facade designation...just what's behind it.

PROSPERI: Well, as long as we have that understanding.

THOMAS: What does Staff recommend?

METZGER: I don't understand.

FRANK: O.K. I'm a little bit confused, but perhaps, it would ease this problem a little bit. As I see it, there are two problems. Number one problem is I believe the applicant wants to designate the facade.

PROSPERI: Correct.

FRANK: Then, there's problem Number 2, and this is unclear, but I'll give the same scenario that I talked to Mrs. de Mendoza the other day. That is, is that the cost of economic recovery of a landmark house or property. And that would be...these are just fictitious numbers, but let's say a property had a purchase value or an actual value of two million dollars, and someone came in...I know this is ridiculous, but...someone came in and said it would cost ten million dollars to restore it. I think that there's probably a point where the majority of the Commission would vote to relieve the owner of this economic burden, let's say an eight million dollar burden, as opposed to building a new house for two million dollars. And I think that we were getting into the discussion with Mr. Moens because he was running into some rather some, excuse the generic term, "king size" problems as he was going through this house, and he was really worried about the economic feasibility and being attached to a restoration scenario under the Landmarks Commission. So, I believe that it's his intention...Paul, please correct me if I'm wrong...to designate the facade and do all he can to restore the facade. I would suspect that if he had a problem with the facade where it would cost ten million to keep the facade, let's say or some ridiculous number, he could come back here to the Commission and ask for that relief. But he's asking for the relief for the rest of the house beyond the facade at this time.

PROSPERI: That's correct.

THOMAS: What's your recommendation?

FRANK: I talked to the Town Attorney yesterday, and she informed me that this type of Commission, this type of condition could be accepted

by this Commission, and I feel that the facade is the most important. We feel the facade is the most important element of the building, and this is a voluntary designation. So, we would recommend designation.

VOLK: Yes. We've done that many times with a house. What other comments?

FRANK: It gets confusing.

VOLK: Yes, Anne.

METZGER: Does this mean that the facade is designated forever, like a regular landmark. Is that correct?

GUBELMANN: That's correct.

FRANK: Yes.

MOORE: An analogous situation would be the west facade of the Breakers Hotel, which is a facade designation. Any possible changes of a type, and I think the last ones that came to you were for urns, this would be analogous to that. Behind that facade, the Breakers may do structural work as long as they stay within our building codes and construction codes. So, you're looking for an analogy with Mr. Moen or any subsequent owner who would have to return, if he wished or subsequent owners wished to do work on the facade only. Other than that, unless it would be viewed by the road, and to some degree the Breakers is analogous to that too because the rest of the Hotel area and the Beach Club, for instance, is governed by the Architectural Commission. So, you would have dual jurisdiction on any area...in this particular home, I don't believe is visible from other areas, but I'd have to...

VOLK: Very little.

FRANK: Very little.

MOORE: So, in a sense what you'd be doing is having no control on the structure on the other facade, but you would retain ultimate control of the facade. Now, if Mr. Moens or any subsequent owner who wishes to have that facade de-designated, would have to go through the de-designation process, as found in the Ordinance, if they wish to eliminate the facade. And if Mr. Prosperi is in agreement with that, the process that they have to be gone by, rather than simply coming back and asking for a modification, I think that you could consider this, and as I pointed out the analogy to the Breakers.

METZGER: So the demolition in this letter refers to...

MOORE: I think the letter needs to be re-written. I don't think the letter says that.

METZGER: Behind the facade. Correct? The demolition would only be behind the facade. Correct?

DIVOLL: And behind the facade does not mean inside the building. It means everything back of that line, and also, if I'm reading it correctly, everything in front of the facade, except the facade itself. So, we would have no jurisdiction over the site, the front, or rear, the sides or the rear of the historic building, and of course, any of the new structures added to this site subsequently. So, all it would be is the face of the building itself.

VOLK: Well, I don't think with the size of the property, that much could be done.

THOMAS: Are you saying that they can't do anything between the street and the facade?

VOLK: Well, the facade, the east facade, if we landmark the east facade, that's the facade. It's not the front property. It's not the walls. It's not the landscaping. It's not anything in front of the building, except the building...what you paint and what you put a roof tile on itself. I think that that is substantially short of the mark of protecting a landmark through our review process.

VOLK: Any other comments?

ALBARRAN de MENDOZA: The only thing that I'm wondering referring to the front facade is by code, by Zoning Code, they could actually, they have space to build, but that is pretty far back. I don't know. I just don't want them to have any space to build in front, and still consider the facade as remaining in tact.

THOMAS: Would this include the wall, for example?

FRANK: It would not, as I understand what Mrs. Divoll is saying. I think another large issue here is the subject of landscaping which would be who would control, let's say, landscape re-development, and I believe there were a lot of trees that died, and so forth on this property. So, there probably will be some new landscaping in the future. That's another issue. How about the term "east elevation of the building" rather than "east facade"? Is that acceptable?

PROSPERI: If I may make a few additional comments. One of the difficulties of owning property in a coastal zone, whether it be on the ocean or whether it be on the intracoastal is the layering of governmental control. I'm dealing with a property right now, as we were chatting the other day, in which there are seven different governmental agencies working at cross purposes regulating this single structure. To some extent, this structure involves it. This wall (pointing at slide), which I've just done a great job of blocking from your view, happens to be seaward of the Coastal Construction Control Line. It's in terrible condition. Mr. Moens would like to restore

it. He cannot because other governmental agencies now have a requirement that that wall be built of break-away material meaning you cannot have any steel inside the wall. So, if a tidal surge came, it would break away. Similarly, I think that under DNR regulations, this front yard isn't in your jurisdiction either. It's in DNR's jurisdiction about what they can put in, in terms of landscape. So, I mean it becomes very frustrating to a property owner to deal with a property like this because of the layering of regulations...

DIVOLL: Mr. Prosperi, if dividing up the jurisdiction between ARCOM and Landmarks, you're adding, not reducing, the layers of jurisdiction.

PROSPERI: I disagree because I think if you compare the two Ordinances, you will see that Landmarks jurisdiction is much more comprehensive than the Architectural Review Commission's jurisdiction, particularly, in review, let's say, of interior courtyards, or pool areas, or things like that in terms of the review of materials, which go to cost, frankly.

DIVOLL: My point being that you would be electing one ARCOM or one Landmarks, versus two boards covering the same piece of property.

PROSPERI: Well, possibly not, because if he's working behind the facade, he wouldn't have to come here. Then he might not have to come at all to Architectural Review if he's doing certain things, which he would have to come to for Landmarks.

ALBARRAN de MENDOZA: I have no problem with the rear. I went to the property yesterday and I was very amazed at when I approached it, it was a very grandiose structure, and you go in, and you realize there is nothing grandiose inside. It's a lot of little rooms that are very attractive, but they all look like little dens. I can see that...I don't know...if I had the house I would love to change the whole thing once you go into the house, so I don't see anything really, once you get through the facade, that is that worthy. Actually, all the money that Mr. Moen did spend was on these rooms, (indiscernible), but I do have a concern about the front. I don't know if there is any way to just that we could have, that we could designate that front vista including the facade, but then anything from there back is not.

PROSPERI: I want to make another analogy. I believe my recollection is correct that in the case of 25 Middle Road, there was another building that had of an important facade, but the interior was quite neglected. I think this building may be analogous in that 25 Middle Road actually was a much finer house on the interior than this house is. This house has some problems with the interior, but the facade would continue to be protected as a compromise was worked out on 25 Middle Road where the property's been made a voluntary designation and was accepted.

GUBELMANN: Mr. Prosperi, if the owner, Mr. Moens, would be willing to change his voluntary designation to change it from voluntary designation of the facade to elevation, I WOULD BE PREPARED TO MAKE A MOTION BEFORE THIS BOARD THAT WE CONSIDER LANDMARKING THE EAST ELEVATION ONLY. We could go back and forth all morning long on this.

MACKINTOSH: Paul, I want to ask you a question. I, too, came yesterday before you did (referring to a fellow Commissioner) because we couldn't be there at the same time. You showed this to me and explained it to me. However, we went up on the roof and through all of it. The things that you were trying so hard to repair like the tiles and the columns, somehow, there were dead ends there. You can't find the tile. You don't know how you'll do the tile. So, I don't see how this all fits in together. How will you repair this and have this permission, and if you can't do it, you plan to come back in a year and say we can't do it instead of (indiscernible)

PROSPERI: No. If I might say, he's making an effort to restore those columns and restore those tiles, and he's perfectly prepared to come back here and say, this is what we have, and what we can find, and what do you think about this, which would be the appropriate procedure to follow with a landmark. And that he's prepared to do. What he is not prepared to do is say beyond this outer elevation...

MACKINTOSH: Yes, but you were saying yesterday you didn't know where in heaven's name did you get the tile or (indiscernible). Yesterday, you didn't seem to think you could do it.

PROSPERI: I don't think you can find that original tile, but I think you can find something that might be a suitable replacement for it, and for that, he is willing to submit to the Landmark Preservation Commission's jurisdiction to work out those problems. That, he's willing to do. What he's unwilling to do is beyond the facade or elevation. I take it, Mr. Gubelmann, that "elevation" includes landscaping.

GUBELMANN: Between the house and the road, yes.

MC NIERNEY: I think you'd have to be more specific, rather than just "elevation" say from the east property line to a point about five feet behind the facade.

MOORE: Five to ten feet behind for construction purposes and structural attachments for any future remodeling.

THOMAS: Why don't you two prepare a resolution, and if it suits them, I think you're on the right track.

GINGRAS: Could I ask one more question? Where is the Coastal Construction Line? Well, it's between the wall...the wall is seaward of it.

PROSPERI: You know, it's going to be re-drawn this summer, and I've been trying to find out where it's going to go for another reason. They're not saying. The DNR is on record saying that it is going to move substantially westward. So, it's likely that all or part of this building will fall seaward of the Coastal Construction Line, but they will not...

GUBELMANN: Why don't we just say from the east facade to the Coastal Construction Line is subject to landmarking?.

PROSPERI: Well, because your Coastal Construction Line would likely be behind the building.

GUBELMANN: If the Coastal Construction Line moves, so does our designation.

MOORE: The attorney did phrase it correctly, it should be from the east property line to include the facade, eastern facade of the building, a distance five to ten feet, whichever is more acceptable to the applicant, for construction and structural purposes, westward and that would be the total extent of the designation. So, you'd be chopping or designating everything from the east property line, from the road, westward to an area five to ten feet, whichever you choose, behind the east facade, if that's what you want to do. And also with the understanding, I think this letter has gone. I don't think it can be considered as what you're negotiating right now. I think that what you put forward as a Commission today and Mr. Prosperi, the advocate of the property owner, agreed to, would have to be moved, then put in resolution form, approved by the Town Attorney, and obviously, Mr. Prosperi.

GUBELMANN: Why don't we just ask for it to be put before us next month in approved form for us to vote on one way or the other along the lines of...

MOORE: That is an option you have, and of course, Mr. Prosperi would have to agree to that.

PROSPERI: That would be acceptable to the property owner. The property owner... I would like to maybe (two persons speaking at once) it got hidden in my language, is trying to cooperate...

VOLK: I understand that.

PROSPERI: Putting forth and saying that he's willing to make some voluntary designation, but sort of putting forward his concerns as a property owner, and so we'd be very happy to work with Staff.

THOMAS: I think that you two can phrase it right now and get it out of the way.

GUBELMANN: WELL, BASICALLY, WHAT WE'D LIKE TO DO IS CONSIDER THAT FROM THE EAST PROPERTY LINE TO THE FACADE OF THE BUILDING, AND INCLUSIVE OF FIVE FEET (CORRECTED TO) TEN FEET, AN AREA NOT ANY GREATER THAN TEN FEET TO THE WEST OF THE EAST FACADE, WE WOULD LIKE TO RECOMMEND THAT THIS BE RECOMMENDED TO THE TOWN OF PALM BEACH AS A LANDMARK, TO THE TOWN COUNCIL AS A LANDMARK OF THE TOWN OF PALM BEACH.

FRANK: This is normal, and when we do a facade designation, this is the type of language that you generally follow.

THOMAS: Is this a substitute motion?

VOLK: Is this a motion then?

GUBELMANN: Yes.

VOLK: Is there a second to the motion that Mr. Gubelmann made.

THOMAS: SECOND.

MOTION CARRIED UNANIMOUSLY.

Please note that as Mr. Thomas was seated as an alternate today with a seven member board, his second to the above motion is invalid. Another second was requested. SECONDED BY MRS. GINGRAS.

IV. Public Hearings:

(Please note that CoA #47-91 and CoA #7-92 were discussed together, and that record follows:)

- A. Application for Certificate of Appropriateness No. 47-91, Courtyard, fountain, landscaping
Owner/Applicant: Mr. Franklin Frank
Address: 365 South County Road
Architect: Smith Architectural Group
Project Description: Request approval of courtyard layout, fountain details, and landscaping

(Please note that the courtyard layout and fountain details were approved in December. Review of the landscaping plan has been previously deferred, but will take place today.)

- B. Application for Certificate of Appropriateness No. 7-92, Revised courtyard plan
Owner/Applicant: Mr. Franklin Frank
Address: 365 South County Road
Architect: Smith Architectural Group
Project Description: Request approval to modify previously approved courtyard layout

Mr. Jeffery Smith, Architect, presented plans to complete CoA #47-91 and to issue #7-92.

Landscaping: The landscaping plan showed landscaping at the north and south edges of the courtyard, as well as adjacent to the access ramp. Specimens included are silver buttonwood, liriope, potted geraniums, braded ficus benamina, and hibiscus.

Courtyard Modification: In the course of construction, it was determined that the elevation of the garage space, (now being converted to tenant space), was higher than the elevation of the rest of the structure. As a result, the construction of a ramp with a white anodized railing along the north rear edge of the courtyard became necessary for handicap access. Landscaping to include hedging will be planted adjacent to the ramp with railing in an attempt to screen it as much as possible. Two risers will also be constructed leading up to the rear (garage) tenant space for those who can negotiate steps. The courtyard will be paved with 24"x24" cast stone pavers in a checkerboard pattern.

MOTION BY MRS. DIVOLL TO APPROVE THE LANDSCAPING (COA#47-91) AND MODIFICATIONS TO THE COURTYARD (COA#7-92). THIS MOTION RETRACTED BY MRS. DIVOLL.

MOTION BY MRS. DIVOLL TO APPROVE THE LANDSCAPE PLAN (COA#47-91) AS PRESENTED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

and

MOTION BY MRS. DIVOLL TO APPROVE THE COURTYARD MODIFICATIONS AS PRESENTED.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 6-92,
Pool tiles and decking;spa;new wall at pool

Owner/Applicant: Mr. Daniel J. Mahoney Jr.

Address: 1200 South Ocean Boulevard

Contractor: Harry Gilbert

Project Description: Request approval of pool tiles; pool decking material and configuration; new jacuzzi type spa; and new masonry wall at west end of pool deck

Attorney Gus Broberg presented this request before the

Commission. He had previously been before the Commission with a request for approval of the size and location of the pool, but tile, decking materials and configuration, nor a spa were requested at that time. As the pool has already been built with the spa included, the spa requires LPC approval today. Mr. Broberg presented samples of the cast coquina decking and the two requested tile samples, one multi-colored and one blue and white. Additionally, the owners request the construction of a masonry wall at the west end of the pool, not to exceed six feet in height.

Mr. Harry Gilbert, General Contractor, came forward to discuss landscaping around the pool area. No definitive landscape plan has been decided yet, however, it has been discussed that cocoanut palms will be placed on both west corners of the pool. The landscaping plan will be brought back to the Commission in the future.

MOTION BY MRS. MACKINTOSH TO APPROVE THE TILES, DECKING MATERIALS AND CONFIGURATION, NEW SPA, AND MASONRY WALL AT THE WEST END OF THE POOL DECK.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness No. 8-92,
Identification signage

Applicant: Artmosphere c/o R. Marcel Maison

Owner: Via Mizner Associates Limited Partnership

Address: 23 Via Mizner

Project Description: Request approval of identification signage over door.

Mr. Alberto Carby (phonetic), partner of Mr. Maison, presented their request for identification signage above the door. The sign reads "Artmosphere" using different colored letters in an artistic printing style. Mr. Frank stated that the requested sign conforms to the Town's Sign Code, as its size is only about 10% of what the code allows.

MOTION BY MRS. DIVOLL TO APPROVE THE REQUESTED IDENTIFICATION SIGNAGE, WHICH SHE TERMED "DELIGHTFUL" AND WELL WITHIN THE SIGN CODE LIMITATIONS.

MOTION SECONDED BY MRS. GINGRAS.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness No. 9-92,
West facade changes and standard sign review

Owner/Applicant: Via Mizner Associates Ltd. Partnership
by Via Mizner of Worth Avenue, Inc.

Address: 333-345 Worth Avenue

Project Description: Request approval of addition of small cast stone medallions to west Worth Avenue facade, flags in existing flag stanchions, modifications to existing second story trellis and addition of column capitals; and further review of standard signage for Via Mizner: size and lettering size/style

Mr. Kirk Henckels and Mr. Jim Remez of Via Mizner presented this request. Regarding the requested cast stone medallions to the west Worth Avenue facade, Mr. Henckels requested that this item be abandoned until the flags, also requested today, are in place, and their visual impact is determined.

Regarding the requested flags, Mr. Henckels stated that the Town will permit up to three flags at the site, although only two are being requested now. The flag design is restricted to government agencies, the obvious choices being the American flag and the Florida flag. Unless the American flag is illuminated at night, it must be taken down each day. Therefore, a single spotlight on the columns is requested for each flag. The owners wish to rotate flags on a weekly basis. Two flag stanchions exist on the Worth Avenue facade now, but Mr. Henckels felt they were too deteriorated to be re-used. To enable the flags to hang properly, they would like to position the new flags up further on the facade, to a midpoint between the top of the column and the bottom of the balcony, a move upward of 3.5 feet. Varnished wood flagpoles are proposed, rather than aluminum, into new stanchions, possibly surface mounted metal ones. Alternatively, they have discussed sinking a metal sleeve into the facade of the building, with a round cast stone disk against the facade. Study will be done to make sure that wind and weather will not present structural problems at the new stanchion locations.

Mrs. Divoll was pleased to see the re-introduction of historic flags, but was hesitant to approve moving the flags to a different location on the facade.

MOTION BY MRS. DIVOLL TO ACCEPT FLAGPOLES IN THEIR HISTORIC LOCATION, AND ENCOURAGE THE INVESTIGATION OF USING THE HISTORIC ATTACHMENTS.

ABOVE MOTION AMENDED BY MRS. DIVOLL TO ACCEPT FLAGPOLES IN THEIR HISTORIC LOCATION.

MOTION DIED FOR LACK OF A SECOND.

After some further discussion, Mr. Henckels re-stated their request for the flags as follows: to move the flags/poles mid-point between the top of the column and the bottom of the terrace stonework; to have the option to either sink the flagpoles into the wall, requiring a simple round rosette not to exceed one-and-one-half inches in diameter, or to have to re-use the existing stanchion if not too weak, or use a new similar type stanchion. This item was left unresolved temporarily.

Regarding the modification of the second floor trellis and addition of column capitals, they want to add simple caps to the columns to match the existing bases, and modify the trellis work to a true historic Mizner using a stained pressure treated material, without using timber. This treatment would be done all the way across the facade.

Regarding further review of the standard signage, last month the Commission only approve the sign with respect to acceptable color. Size and lettering style yet remains. The requested size is 12" x 28", which fully meets the Sign Code. As to the lettering style, they would like to be able to choose from approximately six acceptable styles, i.e., Roman shaded, script, block, etc. The Commission asked that the selected lettering styles be brought back at some future date.

MOTION BY MR. GUBELMANN TO POSTPONE THE REQUEST FOR THE MEDALLIONS FOR THE WEST FACADE (NO TIME CERTAIN SPECIFIED, THEREFORE, THIS ITEM IS REMOVED FROM THE AGENDA); TO APPROVE THE FLAGS IN THE EXISTING STANCHIONS OR NEW STANCHIONS TO INCLUDE, SINKING THE STANCHION INTO THE FACADE, IF NECESSARY; TO APPROVE MAINTAINING THE EXISTING LOCATION FOR THE FLAGS OR MOVING THEM UP ON THE FACADE, (3.5'), IF NECESSARY; TO APPROVE MODIFICATIONS TO THE SECOND STORY TRELLIS AND THE ADDITION OF SIMPLE COLUMN CAPITALS; AND APPROVAL OF SIZE OF STANDARD SIGN FOR VIA MIZNER.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 10-92,
Modify solarium addition

Owner/Applicant: Mrs. Tauni de Lesseps

Address: 452 Worth Avenue

Architect: Steven J. Bruh

Project Description: Request approval to modify previously approved solarium

Mr. Bruh, Architect, presented changes to the previously approved solarium to include exposed wood beams on the

inside and wooden posts on the outside, rather than an all aluminum structure as had been approved. Larger sliders will be used (12') in addition to some smaller windows. The side gable is wood rather than glass. The new solarium is 20" deeper and 8" less in width than the earlier approval. Despite the change in size, the solarium will still be located under the existing awning.

MOTION BY MRS. MACKINTOSH TO APPROVE THE MODIFICATIONS TO THE SOLARIUM.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 11-92, Site work and fenestration changes

Owner/Applicant: Mr. and Mrs. Michael Kent

Address: 920 South Ocean Boulevard

Architect: Slattery and Root

Project Description: Request approval of site work to include adding perimeter walls and gates, new landscaping, new U-shaped driveway at front door off Via Bellaria, and widen existing service driveway to garage; add side lights to existing french doors on first floor courtyard elevation, replace existing solid doors at northeast corner of courtyard elevation with french doors to match existing french doors, and replace existing door on east facade with window to match existing window.

Mr. Tim Lee of Morgan Wheelock Landscape Architects presented a formal landscape plan for this site. The intent of the plan is to always be able to see the ocean from the home, but to obscure the view of South Ocean Boulevard's traffic. On the east side of the home, compartmentalized gardens will be created outside specific adjacent areas of the house. A four feet high perimeter wall will be installed along the perimeter of the property, and will be planted on both sides to obscure it from the house. The wall will offer some privacy and security to the property. To replace the brick sidewalk leading out to Via Bellaria, a new U-shaped driveway will be created. Also, the existing service driveway will be widened, its piers removed and replaced with new coquina-capped piers, and a black wrought iron or aluminum gate will be installed. Both driveways will be brick in a herringbone pattern. Every attempt will be made to match the driveway brick to the house brick. Inside the courtyard, landscaping will be formal as well, with a small grassy area for the childrens' playtime. Due to the oceanfront location of this house, all plant material will be salt tolerant.

Regarding the structure itself, there are light fixtures, one of them to be replaced, on either side of the front door. The intent is to replace them with the same or like black aluminum wall sconces. The Commission stated that they would like to see the sconces when selected. On the courtyard elevation, they will add side lights to existing french doors, replace existing solid doors at the northeast corner with french doors to match existing french doors. On the east elevation, an existing door will be replaced with a window matching the adjacent window.

MOTION BY MRS. DIVOLL TO APPROVE THE PROJECT, AS PRESENTED, WITH THE PROVISIO THAT THE SCONCES, IF NOT IDENTICAL TO THE EXISTING, BE BROUGHT BACK TO THE COMMISSION FOR APPROVAL.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

V. Designation Hearings

At 10:30, the Commission took a five minute break (approximate). Please note that Mr. Gubelmann excused himself from the meeting at this time. As a result, Mr. Thomas was able to vote when the meeting re-convened.

ITEM 2: 115 FLAGLER DRIVE
OWNER: Mrs. Joseph Lauder

(Please note that this item has been deferred from the April 19, 1991 meeting, the November 15, 1991 meeting, and the January 17, 1992 meeting.)

Mr. Frank acknowledged that we had proof of publication and proper legal service. Mrs. Delp swore in the following witnesses: Mr. Frank, Mr. Sved, Mr. Ames Bennett-Expert Testimony, Mr. Gregory Kino and Mr. Charles Lubitz-Attorneys for the Property Owner. Mr. Frank explained that Staff has reviewed this property to the level that Staff is permitted. Since that time, Mr. Ames Bennett, Architect, has been hired by the owner to study the property, and his testimony will follow later.

SVED: Thank you. Good morning. 115 Flagler Drive was designed about 1924 by an unknown architect. Subsequent work was done to the building by architect Ames Bennett. In 1962, he added some of this infill that you see into this U-shaped courtyard, and later on somebody else came by and filled it in some more. It was originally only filled in partially. As you can see, it's a Mediterranean Revival structure. It leans toward the Italian Renaissance and as you can see, some of the distinguishing features that...if you can sort of try to ignore the metal window covers...some of the distinguishing features on this house are the decorative stone, window surrounds, the

barrel clay tiles, which I might add, have been replaced. On the ocean facade, there are some very nice balconies, which you'll hear a little more about later, and up on the second floor, which is really the third floor, is a very nice little porch in-antis which set back into the facade. I might add that another feature of this house that makes it very much like an Italian palazzo or villa, is that it is a true piano nobile. You can see that in the slide at right especially where the main floor of the structure has been raised and elevated above the ground level. At this time, I'd like to turn this presentation over to the property owner's team of experts because they've been able to research this property in far more detail than we are allowed to under the Ordinance.

LUBITZ: Good morning. My name is Charles Lubitz. I'm an attorney for the property owner, and I really can't consider myself a part of the team of experts with regard to this property, because when somebody mentioned what was it...a piano nobile...

SVED: Yes.

LUBITZ: I thought it was something that you play, not something that you look at. In any event, I am really here to let you know the property owner does not feel that this structure is really worthy of your consideration for landmarking purposes, and in that regard... excuse me for sounding like Elmer Fudd, but I woke up with something this morning that I don't seem to be able to get rid of...she has asked Ames Bennett, who is an architect, and who has done work on the building previously to consult with her with regard to the building and prepare a report for your review. So, without further ado, I would like to introduce you to Mr. Bennett, who will take you through his report and the work that he's done so far with regard to the building.

BENNETT: Thank you. We spent about two hours on two different days at the site looking at it from a construction point of view and from the architectural point of view, and came up with some conclusions. In the first place, we also searched the public records, in so far as we were able. There are no known original drawings on the building. We found the original building permit from 1924. The permit was issued to Mr. Lightbown as contractor and a public official, but that was before my time. But it is possible that he was also the, what we used to call, the master builder, where you designed the building and built it at the same time. I don't know. This could be why there are no plans. The permit is on file, but no plans. In 1930, somewhat later on, in the 30's, the house to the south was built, Mrs. Lauder's present house. And about the same time or a little bit after that, a common seawall was put in, in front of the two properties. This was done by two prominent engineers in Palm Beach. It's a very stout, good seawall that does a pretty good job of protecting the properties. It is the same seawall that runs the length of both properties. Prior to that time, when this house was originally built, it was just a sand beach. It was built on the sand beach. I'm not sure whether Flagler

Road or Flagler Drive, at that time, was in existence or not. In the 40's sometime, an architect in Town by the name of Mr....I have it in my report...he put an elevator in which screwed up the one corner of the house a little bit. So, he did the best he could by adding a 4'x 5' or 5'x 6' appendage on the corner and tried to make the roof continue to work out. I have pictures of this. It was just one item. In 1962, my office was retained by Horace Dodge to fill in part of the front patio. This building had two wings that stuck out on the west, toward the west, with a courtyard in between, a patio in between. The entrance was addressed on the right hand side, and a (indiscernible) room was addressed on the left hand side. So, it's two stories with a patio and two stories and built on sort of a horseshoe. We filled in part of it incorporating and including a colonnade which was open to the patio. This was part of the function. There was also a little low balustrade wall that went across that was part of the original architecture. That balustrade wall is still there. When my firm worked on it, we just took off, took in a part of that addition. A year or so after that, another architect was hired by Mrs. Moran, who was Mrs. Dodge's widow. Mrs. Moran had the remaining part of that patio filled in. This was not done very well. It was a poor, poor product. Also, the original drawing showed that the pitched roof was abandoned on that part, and a flat roof was put on. The flat roof terminated on the west with a parapet, a small parapet. Sometime during construction, or after construction was finished, a balustrade was put on the top, ostensibly to copy the one down below, but the balustrade down below started out with little solid pieces plus some balusters plus some solid pieces. It was relieved with a rhythm. The one they put up above, had none of these relief items in it, and they also put the balusters too far apart. They don't match the ones down below. They're not in good taste. Sometime after this, in that same time rather, 1966, a new roof was put on the building. In my opinion, the better architects in those days would use old Cuban tiles. Mr. Mizner and the other architects would go down to Havana, down to Cuba, and literally buy stripped buildings. They would strip the roofs off these buildings. Some of the tiles were 200 years old when they took them down. They brought these back so that the architecture would be as authentic, and old, and continental as it possibly could. So, my guess is that if this was done in the same manner, and the building looks like it was done fairly well thought out. This was lost. The original tiles were lost, and a new tile roof was put on. These are local tiles. These are domestic tiles. At the same time, in 1966 or slightly thereafter, a small two car garage was added on to the north side as part of the court, the service court. When this was added, the construction company drew its own plans apparently, and did not have a hip roof. It's a very plain vintage. I guess they got a permit for it. We didn't see that, but it's there. But it is out of character with the rest of the building. The architect who did the elevator tower also came back and put the swimming pool in. At some time during this time, a wall was built between the two properties. We're not quite sure when this was put up, but it's one that goes along the north property line and one that goes along the south property line which would separate Estee Lauder's other house from

this property. There are no breaches in the wall...no way to get through from one to the other so, they were built either with the cooperation of each other, but were not especially close...no way to get through there. The swimming pool was added. A little pool house seems to show up here and the pool equipment room seems to show up here. It's a very little one, not really much of an eyesore, but the bottom line in all of this is that the building, at this time, resembles very little to what it was originally or what the original architect intended it to be or what really should be considered for landmarking. The next point that we would like to make is that the building has deteriorated quite badly on the outside. We found a leak on the inside. We found traces of termite swarms in the side. We didn't go very far to see how bad that is, but normally when we see a termite swarm like that which has occurred since the building was cleaned last which is probably when it was occupied last, it means that there's probably some damage somewhere. It may be minute. They may have just come for the season and left, or the building may still be infested with it. Now the construction in those days...we did not have present day building codes in those times. Construction in those days was to build a building out of wood frame, sometimes with two by sixes, sometimes with two by fours, but they were built out of wood frame, which is a very stable building system. Sometimes they were done with balloon framing, where the studs go two stories high, and in other cases, they were done with western framing which came along later toward the end of the 1930's, where they would build a whole platform and go up to the second floor at that. But the exterior that you see on this building is not the structural wall. It's a veneer that was put on there, and all these buildings like that, even the Town Hall, was built the same way, at least I think it is. Because the wood frame structure holds the building up, supports the roof. The veneer on the outside resists the weather; it seals in the windows; it receives the stucco that can be put on there, but it does not hold up any part of the building. Now, in order to repair this, to bring this into habitable condition, we have many things wrong. We suspect there is damage to the wood structure. We are sure there is profound damage to the structural ornaments or the architectural ornaments, namely the medallions underneath the balconies. I have a collection of pictures here...I would like to show you which would give you a better command of what I'm talking about, if I may. I only have but one copy, but there are several. This is the first one, and these are in order after that. (Passing photos) One of the main items that we're concerned about, the most beautiful parts of this building are the balconies, the balusters and balustrade on the balconies and the medallions that are underneath them. These have really been broken up quite badly by the elements. My experience is that it is virtually impossible to repair these. If you cut them out, the rust is still there. The rust continues. The salt has permeated through the stucco, through the paint, through the concrete to the steel and has oxidized the steel, and the...no matter how much you take out of it, it's going to continue to work. Now, to replace these, these, if it is actually constructed the way it perceives to be, and the way the construction has always been, as it was done in

those days. The building, this outside veneer wall, is what supports these balconies. They were not made for people to stand on and cheer to the crowd, or something. They were made for ornament. They did contain a counterbalance mass of concrete back on the inside. So, if somebody did stand on them, they wouldn't fall off. The ~~medallions~~ ^{medillions} or the little shoulders up underneath, hold them up, or actually, added on later, they were actually put on with...the balcony was put on first and holes were left in the balcony slab. The medallions were put up underneath it, and concrete was poured to dowel them in. In order to repair or replace these, we would have to go through all of that operation. Unless somebody has all the money in the world to fritter away on this, it looks like almost a losing proposition. What I think we are alluding to, and what I would like to get across to you is that the building, first of all, has no known architect. There are no...it's not particularly large. It's an average villa, average-sized villa.

UNDETERMINED VOICE: How many square feet?

BENNETT: Does anybody know that?...how many square feet this has?

UNDETERMINED VOICE: Roughly.

BENNETT: Oh, I'd say probably 12,000, 6,000 over 6,000.

FRANK: I was going to say, over ten.

BENNETT: Yeah. It's around 12,000. 6,000 over 6,000. And there's a basement...a pretty full basement underneath it too. We contend that the east elevation, which is the rear, is perhaps the better, the most beautiful of the two. The one facing the north is also beautiful, or was in its day, and the front, which should be the best looking is not necessarily the best looking. The front takes a back seat, I think. The wall facing Mrs. Lauder on the south is probably the poorest elevation, or the least desirable, or the least beautiful elevation of the four. We submit that there are many, many examples of this style of architecture around Palm Beach which are in much better condition and would make themselves much better candidates for landmarking than this property. May I answer some questions?

VOLK: Are there any questions?

THOMAS: I would like to ask Mr. Zimmerman a question since he's here. And that is under present zoning, if in the normal course of time, if this building comes up for sale, could the Breakers get a hold of it and include it in their operation, the way it's geographically configured?

ZIMMERMAN: It's a totally different zoning district than the Breakers. All of the Breakers property is under a long-standing approved PUD complex. I guess it's theoretically possible it could be added to the property.

THOMAS: I was told the reason why she bought this was to prevent that from happening. I realize that was some time ago (indiscernible).

BENNETT: Yes, she just wanted it protected.

THOMAS: And as long as the neighborhood might be protected because of the new zoning laws, I don't think it's as important as it might be otherwise, is the point I'm to make.

BENNETT: I think this is separated off the Breaker's property, and this property is also separated by an easement. I'm not sure, but there may be an extension of that road...Bethesda Way, I think it is.

THOMAS: So basically, what's happened is, she bought it to protect herself and the law has now caught up to protect the Town, where she no longer protects it. Is that correct?

UNDETERMINED VOICE: More or less.

VOLK: Unless someone could change it?

GINGRAS: Is it possible to make an addition to a PUD?

ZIMMERMAN: I think it's theoretically possible.

BENNETT: Well, anything's possible, but it will take Town Council approval and your approval and ARCOM's approval, in their timing. If anybody ever had an idea like that, it would be virtually impossible to do.

DIVOLL: I have another question for Mr. Zimmerman. If this building were not a landmark, if it were a bare site, what would the development possibilities be for the property as a bare site.

ZIMMERMAN: Offhand, I don't know what the physical size of the property is. It's located in a Single Family Zoning District.

VOLK: It's not very big.

ZIMMERMAN: There is certainly adequate area on the property for several lots, with a minimum of 10,000 square feet. Access to the lots would be difficult. Since the Ordinance requires each and every lot to have frontage on a street, it would in essence take a subdivision and a new street that would run east-west to provide frontage for the oceanfront parcels.

DIVOLL: Is this a site plan that you're sending around?

BENNETT: It was part of the Staff report. It came right out of the plat book.

The Commission reviewed the passed site plan, and in the course of

discussion, it was determined that the property was approximately 450' by 160'.

DIVOLL: Mr. Zimmerman, Bethesda starts and stops. This plan in the Staff Report shows it continuing, and I'm wondering if there's an easement or some other continuation of Bethesda on the books that goes all the way to the ocean?

BENNETT: I suspect there is. A survey would have to determine it or a title search.

ZIMMERMAN: If we're looking at the same thing here, it appears that there is probably a 20' strip there of the continuation of Via Bethesda. That's certainly what it appears to be to me.

DIVOLL: So, the access to subdivided lots would then be there?

ZIMMERMAN: That would have to be widened. Twenty feet is not adequate.

ALBARRAN de MENDOZA: But it wouldn't have to go through any re-zoning?

ZIMMERMAN: Not re-zoning, a potential subdivision.

ALBARRAN DE MENDOZA: A subdivision, it still would have to...

BENNETT: Well, the subdivision would have to come back here, wouldn't it David?

ZIMMERMAN: I think it would depend on whether or not it's ultimately landmarked.

BENNETT: It certainly would have to go to ARCOM and the Town Council.

ZIMMERMAN: The Town Council.

VOLK: Are there any more questions to ask Mr. Bennett?

THOMAS: I realize that this is not our jurisdiction, but if it comes up in the future, and they want to subdivide, I wonder if she would consider the possibility of voluntarily deed restricting it so that it could not be subdivided into what it now could be, which according to Mr. Zimmerman is 10,000 square feet lots.

BENNETT: I'll defer to counsel.

LUBITZ: Obviously, that hasn't even been discussed with her, but again, I'm not sure that it has anything to do with landmarks.

THOMAS: It doesn't. I said it doesn't.

VOLK: Are there any...thank you, Mr. Bennett...are there any other witnesses? Yes, Mr. Lubitz.

LUBITZ: Oh, I just wanted to add one item, and Tim can correct me. I think part of the original criteria or suggestions as to why it might be landmarked was on the basis of King Hussein and Spiro Agnew slept here or something like that. And I think that that has now to some extent been debunked, and maybe they really didn't sleep there. Was the report amended? I thought that that's what we had discussed.

MACKINTOSH: Well, Hussein owned it.

LUBITZ: Did he really own it?

MACKINTOSH: Yes. He lived there.

LUBITZ: Oh, O.K. The Report didn't mention ownership. I think it mentioned that he stayed there on occasion.

MACKINTOSH: Well, he would come back and forth.

LUBITZ: And I also wanted to point out to you that Mrs. Lauder, Estee Lauder, does not [use this as a residence].

THOMAS: Very good presentation.

VOLK: I'd like to hear from the Commissioners.

GINGRAS: Is it possible to hear the criteria for designation?

FRANK: Yes, I can get into that now. Under the category "Criteria for Designation", Staff has found in its original report that it met criterion ...

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

(b) Is identified with historic personages or with important events in national, state or local history, and since Mr. Lubitz mentioned it, I'll read this paragraph that's in question...

Several well known people have owned this house such as businessman John Mulcahy and Estee Lauder. King Hussein of Jordan is associated with this house as he stayed in it several times during his 1970's trips to Palm Beach. Spiro Agnew and a Soviet trade delegation were also guests in the 1970's.

With regard to King Hussein, I think Staff was unable to determine whether it was actual ownership or whether it was an extended lease arrangement, but he did have control of this property for a while. Also criterion...

(d) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been

recognized to have influenced their age.

In this case, the builder, Cooper Lightbown, was the Mayor of Palm Beach, and he was one of the largest contractors in the 1920's and he built this house. What I think Mr. Bennett has offered to us is that the criterion (d) "the notable work of a master builder" has been...I guess, it's his opinion that that has been compromised. Under criterion (b) "identified with historic personages", I think that there are no landmarks which have been sustained in the Town of Palm Beach on that criterion, along with criterion (a). So essentially, the case is weak, in a sense. On the other side of the coin, the Ordinance clearly states that if the property meets one or more of the criteria that are listed, you can find that it is, in fact, a landmark. At this point in time, Staff would say that it at least meets criterion (a), however I should point out, and I think it's been effectively argued already that many, many buildings in this Town meet criterion (a) that are not landmarked. So, the ball is in your lap.

VOLK: May we hear from the Commissioners?

MACKINTOSH: Well, I happen to like the house. I've liked it for years. To me, it's a relief when you see this house, that it's not gaudy looking, and it has dignity, and it has a nice lawn in the center. It is like when you go back to other cities, and you look at something that is like an old friend, that you like seeing again. I just think to allow this to be...of course it's been added onto; a lot of houses have. A lot of Mizner houses have been added onto. (indiscernible) I feel that it's something...to allow this to eventually be destroyed, and to chop it up into little houses mushrooming up, (indiscernible) houses...I think it would be a crime.

VOLK: Jacquie?

ALBARRAN DE MENDOZA: (Indiscernible) some of the information that's shared, but one question that I have that I don't want missed, regards the state of the house. I think also that it's lovely. It's very simple and understated, like you said, but the pictures certainly show a lot of deterioration. I don't know if the intent of the owner is to demolish it or if anybody plans to make any repairs before it really falls apart.

BENNETT: I don't mean to sound glib, but I have not been retained to do that yet. I'd like to.

ALBARRAN DE MENDOZA: So, we really do not know...because that is my main concern is that it looks like it needs some major repair work.

MACKINTOSH: So, does 850 South Ocean.

GINGRAS: The state of deterioration should not be a criterion for designation.

LUBITZ: There is no stated intention on the part of the owners to demolish this building. She's been asked that question specifically, and has no expectation to do this.

MACKINTOSH: But there's no guarantee she won't either.

LUBITZ: That is correct.

METZGER: Does it just sit empty.

LUBITZ: It sat empty for a while. Again, it's hard to go into what someone's subjective motivation may be for owning property that may change from time to time, but at times, she has told me that she has two sons, as you may know, and her expectation is that one of the houses will go to one of her sons, and the other house will go to the other son.

VOLK: Sally?

GINGRAS: I really (indiscernible) house. (indiscernible)

VOLK: I remember it well before the courtyard was filled...I mean the court, between the two wings was filled in. It looked entirely different. It was a more imposing house. I believe that we must landmark it on the basis of the criteria according to our Ordinance, and if you feel the criteria justifies landmarking, then that's what you must do, but if you feel this is a weak case, there are a lot of buildings in this Town to be landmarked, so we must use a balanced judgement about it, especially if the house is structurally unsound. It's a handicap for any owner.

DIVOLL: I'm as much concerned about the value of the overall piece of property in that it's one house on a large lot, as I am about the value of the individual building as a landmark. I think you may have observed in my comments over time, that I think about the whole property, and as we look at the building, we've heard a lot of detailed information about the deterioration of the building, and very little about what the potential of the site is as a landmark property, or as a non-landmark property. I believe that the building and the property meet the criteria. It isn't the strongest case, but the value of the entire property is also one we need to consider as a landmark within the overall community.

VOLK: That doesn't address the criteria though (indiscernible), in this case, just the property itself. Is that a reason to landmark?

DIVOLL: Well, I would say that the property meets the criteria, not just the house meets the criteria. The property meets the criteria, and that's also a consideration. I don't want to get too bogged down in looking at what's rusting and what's not, when you're also thinking about preservation within the context of the larger neighborhood.

① MACKINTOSH: A lot of houses have to be repaired. Look at Dee Dee Ballinger's. It had a lot of repairs. (indiscernible) The old houses have to be repaired.

VOLK: I understand that.

DIVOLL: Also, Mrs. Lauder has made no indication of whether she plans to...obviously, she's saying, at this point, her indication is that she doesn't plan to demolish it. It's vacant. I would presume she has no plans to occupy it.

LUBITZ: That's correct.

DIVOLL: That's correct, so it sounds to me like it will continue in its self-destruction mode whether it's landmarked or not.

LUBITZ: Well, I think one of, one of the reasons, and again, I think it's fairly common knowledge that she had purchased the house to use it as a buffer between the property of the Breakers and the house that she currently occupies. Also, again, we never got into figures, but the discussions that we have had so far, at least the family feels that the cost of, if you will, refurbishing this or restoring it or repairing it is just prohibitive at this point.

THOMAS: It looks that way.

① BENNETT: One last thing...I think she would have two alternatives. If it's landmarked, she would not be allowed to touch the outside of the house, or to change the character of the house, or to correct any of the items that are deteriorating without the involved costly restoration; where, if it was not landmarked, and it was in the wisdom of the sons, who would inherit it, to re-build it without any of these architectural features that would be so costly to replace or repair, it would still remain a single viable house. This is the long and the short of what's in the future for it. But if you landmark it, I don't think she would be able to do anything. It's going to need some vast work before it's seriously occupied. As I said, the electrical work is deteriorated and out of date. I'm not sure whether we have any air conditioning there or not. I didn't even check into that. If it were landmarked, and to be truly landmarked, then that garage appendage on the north should be taken off and the elevator should be taken off and put back to its original way, and the two additions in the middle should be taken off and put back, and somehow try to find some old Cuban tiles to put back on the top there.

ALBARRAN DE MENDOZA: It's just a pity that the misconception continues and continues.

BENNETT: I'm not hearing you. I'm sorry.

① ALBARRAN DE MENDOZA: It's just that the misconception that you were just voicing just continues, which is that once it is landmarked,

nobody can touch it, unless it's restoration. You basically are assuming that the Architectural Commission would not mind at all if you just were to strip it into whatever you would like. They are really just as careful to preserve the old homes as we are. So, I was just very sorry to hear what you were saying...the truth of a landmark house and what potentially a house could be...

BENNETT: I'm not hearing all you're saying. I'm sorry.

ALBARRAN DE MENDOZA: That the potential that a house that is landmarked has in being remodeled is probably as large as it would be if you were going to the Architectural Commission, except for the fact that the Architectural Commission does not have jurisdiction over the rear. But basically, I think we are just either as flexible or as difficult, I think, to accept changes that are not in accordance to a historical...I mean to a beautiful home. There really is no difference in criteria, that I feel, in presenting it to the Landmarks or the Architectural Commission. So, I think you are mistaken in what you are saying. I think why you don't understand me is because you really do not understand that there is no difference in our approvals as to changes. Landmarking is not restoration. You can do quite a bit of things, and we are very open to the owner's problems.

KINO: My name is Greg Kino. I work for Mr. Lubitz's firm. I just had two quick points. One...we all concluded that she bought this property as a buffer and she wants it to remain as such. I don't think there are any plans to subdivide this and cause a real intense use right next to her house, because that's what she was trying to stay away from. So, I don't think that should be the subject of your concerns. She expressed no intent on razing this building in the foreseeable future. Secondly, I'm glad you brought up the point that ARCOM is there because this protection...they will see that if some restoration is done, it will be done correctly, and if there is a bigger plan for this property in the future, it's not going to be done without close scrutiny by either ARCOM, or ultimately the Town Council. So, I think those protections are there, and I would just hate to see this property landmarked because you are afraid of what might happen down the road with another subdivision issue in the Town. I'd like to see the criteria addressed if possible, and before you take a vote, I'd like to be clear which criteria you're basing this on, because Staff feels that the criteria are not met, and arguably, one of them is, but it's never been relied on to landmark a home. That's all I have to say.

VOLK: Thank you.

THOMAS: I feel we should rely on just what has been expressed, and I don't think the Lauders, sons or mother, would do anything knowingly to ruin the neighborhood, as it were, and I don't think it meets the criteria, and I'D LIKE TO MAKE A MOTION TO NOT LANDMARK IT.

VOLK: IS THERE A SECOND? TO NOT LANDMARK IT.

THOMAS: I have no second.

VOLK: I'LL PASS THE GAVEL AND SECOND IT.

MR. FRANK ASKED FOR A ROLL CALL VOTE, AS FOLLOWS:

MR. THOMAS:	YES	
MRS. VOLK:	YES	
MRS. MACKINTOSH:	NO	
MRS. GINGRAS:	NO	
MRS. METZGER:	NO	
MRS. ALBARRAN DE MENDOZA:	NO	
MRS. DIVOLL:	NO	MOTION FAILS: 2 FOR/5 AGAINST

MCNIERNEY: Is there a motion for something else?

METZGER: I understand what you're saying, and I agree with Mr. Thomas, that at the moment, neither Mrs. Lauder, nor her sons, would do anything that would affect the house that she lives in. What happens if she dies and neither of the sons want to come here anymore and want to sell both of the properties.

KINO: Let me just comment on that. And I don't know which son it is, but I'm going to state for the record that one of the sons is a preservationist, and he has discussed this with Mrs. Lauder, and he is going to be the one getting the house, and I don't know whether he's going to be getting this house or the 126 South Ocean which she resides in, but I know, it is my understanding that his intents is that he'd like to see whichever one he gets to stay. I assume that's 126. Now, I can't speak that for the record that that's the house he's going to receive, but that's the way we understand it. So, you know, that's out there for the protection, whatever that's worth to you. You might not chose to believe me or think that might be inaccurate, but that's our understanding, and let's hope that's the case, and it will alleviate your concerns.

METZGER: What is the status of the landmark of the Lauder house?

VOLK: It's coming up for review.

GINGRAS: It's been deferred.

VOLK: It's been deferred.

KINO: That's correct. We wanted to treat those as separate properties because we think landmarking is about a piece of property, not two pieces of property next to each other.

METZGER: I understand.

KINO: We might be able to defer you and see if we can come up with a way to see that your concerns are met, but I hate to see it landmarked

when you're so unsure, or not real sure that it's a landmarkable property, and maybe we can alleviate your concerns, and next month we can take care of it.

LUBITZ: Again, if the concern seems to be that somehow Mrs. Lauder's or her family's stated intention is to demolish this building might somehow be gone back on, may I suggest again that you just defer it, and at the next meeting, I will get a definitive statement from them as to exactly what their intention was...

(TAPE CHANGE)

MCNIERNEY: ...that's the intent of the property owner, your motion to approve it as a landmark must clearly specify what criteria in the Ordinance that it meets, and I don't think anyone that seems to be in favor of landmarking has really specified which criteria, and I think that's really important to do.

DIVOLL: I'm concerned, as I expressed before with the land itself and its potential subdivision, which is not a landmarking issue, but it's a larger issue for the neighborhood. And I'm also interested that the house, that the option to restore the house be continued into the future, instead of being demolished because it's become a chore to maintain, while a son waits to arrive as property owner. Is there a way that Mrs. Lauder would bind herself to not demolish the house while she owns it, and to not subdivide the property?

LUBITZ: Again, I would certainly discuss that with her, and also continue to contend that I don't believe that that is something that bears upon the criteria statutorily.

DIVOLL: I understand what you're saying.

MCNIERNEY: I don't think you have the verification...

DIVOLL: I guess I'm not asking for it. I'm looking for a comfort level.

VOLK: I don't think we can...I think we're out of our territory. I think we have to decide on the merits of this house according to the criteria presented, and we must, if you approve of it, state which criteria is behind the designation recommendation.

LUBITZ: There are admittedly many lovely homes in Palm Beach, and it seems to me that if you are seriously thinking about landmarking this particular home, which is surely not the best example of the Mediterranean style home in Palm Beach, I really have to wonder out loud exactly what your standards are. I mean, it would seem to me that you have lowered them to a level where virtually any house that's large and Mediterranean would meet your criteria. That does not seem to be proper.

VOLK: Yes, Mr. Sved.

SVED: I'd just like to add that nowhere in this original report did it ever say that this house was being landmarked on its architectural criteria, as a piece of architecture, specimen as a Mediterranean house.

VOLK: Thank you. That's very clearly stated.

GINGRAS: Can I make a motion to defer this? Can we put it beyond the thirty days and defer it for sixty days?

FRANK: You can defer it for any time you'd like. I'd prefer deferring it to a date certain to maintain the public notice, however, I must have the agreement of both parties. You must have the agreement of the owner that they waive their rights, so that there be a decision. You know, they have the right to have a decision within 30 days of the public hearing. So, they must waive that right for you to defer it to the next month.

GINGRAS: Would you agree to sixty days?

LUBITZ: Yes, I would.

MOTION BY MRS. GINGRAS TO DEFER THIS ITEM TO THE APRIL MEETING WITH THE PROVISIO THAT THE OWNER RECOGNIZES THAT SHE IS WAIVING HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. DIVOLL.

MOTION CARRIED UNANIMOUSLY.

ITEM 3: 133 BANYAN ROAD

OWNER: Lawrence Banyan Trust and Barry Banyan Trust c/o L.G. Hoyt

(Please note that this item has been deferred from the December 20, 1991 meeting, and the owner has requested an additional deferral to the March 20, 1992 meeting.)

MOTION BY MRS. MACKINTOSH TO DEFER THIS ITEM TO THE MARCH 20, 1992 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. METZGER.

MOTION CARRIED UNANIMOUSLY.

Please note that Items 4 - 7 will be discussed together, as they are in the same block and were described in the same Designation Report.

ITEM 4: 120 NORTH COUNTY ROAD
OWNER: Robert E. List TR

ITEM 5: 122 NORTH COUNTY ROAD
OWNER: Mr. Richard and Mrs. Ellen K. Rampell

ITEM 6: 126 NORTH COUNTY ROAD
OWNER: Mr. A. Paul Prosperi

ITEM 7: 130/132 NORTH COUNTY ROAD
OWNER: Mr. A. Paul Prosperi

Let the record note that although it was not stated in this hearing, proper legal service and proof of publication were accomplished for Items 4-7, above.

FRANK: I'll first read the criteria into the record, and I'll give a brief explanation of what the proposal is then. First of all, under Section VI., Criteria for Designation, Staff has found that it meets the following criteria for designation:

(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.

also meeting criterion (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 is Bruce Kitchell, and the biography has been attached. I'd like to further explain that very much like, we're familiar with the process, very much like the Warburton Estate, where the property was subdivided into many parcels and we heard them individually and made decisions on them individually, we will handle this the same way because there are separate titles to these four separate pieces of property. We did evaluate them as a whole, and in our evaluations, much like we did on the Warburton Estate, we found some of the structures actually to meet our criteria, and we found some of them fell far short of our goals and objectives. I'll let Mr. Sved continue with the presentation.

SVED: Thank you again. I think what might be the best thing to do is to read you the recommendation as it appears in the report, and then I'll go through it and give you a detailed description of each property. It's up to you, Mrs. Volk, whether you'd like the Commission to vote on them at that time or wait till they're completed with all the presentations.

VOLK: Perhaps if we get the description first (someone coughing)

continue it, as its interwoven in your report, and then we will take the ones which are owned by different people.

SVED: O.K. I'm reading directly from the report now, and I quote,

While the entire composition from 120-132 North County Road can be heralded as an extraordinary example of planning and architectural vision on the part of architect Bruce Kitchell, only those structures at 120 and 122 North County Road can be considered as specimen examples of their architectural type and those alone deserve the distinction they would be afforded as landmarks of the Town of Palm Beach.

The properties you see on the slides right now is, the bulk of them, that is 120 South County Road and as you, and as everyone will know, this is the Gruntal and Company building presently.

VOLK: North County.

SVED: Excuse me.

VOLK: It should be North County Road.

SVED: North County Road. Thank you. As you can see, it is a V-shaped Romanesque building. Originally, it had openings at left underneath those triple arched windows and the one there at center. Some of the notable features of this building that you can see here are the zig-zag in the setbacks of the entablature, which is all made of brick, I might add...the fenestration, which I have a better picture of there, you can see that all of this cast stone ornamentation, which I believe was made at Mizner Industries, was beautifully done. It was closed up for many years because of the sunlight, and it's only in the last seven or eight years been re-opened to let light into these archways. It is a very beautiful structure, and it is the original and very first building of this composition to be completed by Mr. Kitchell. The next building down the street is Number 122, and it's this very small Gothic structure that you see at the center of the left slide. This one is not of cast stone. This is actual quarry coquina, and you can see at right how this quarry coquina is very beautifully hand-carved and details of Gothic arches that you find in many cathedrals in Europe. The proportions and the carving and the setup of this structure, albeit small, is very extraordinary and very beautiful. This is very similar, because of its size, to 294 Hibiscus Avenue, which is a similarly small building, yet extraordinary for what it is. As you can see, this building had sort of a little echo arch above the first floor arches which is really the only light that is allowed into the second floor. I believe, originally, it was designed to be a one story structure with a balcony, and it has been renovated so that there are two full floors within this structure. The barrel clay tile roofs...those very well may be the original barrel clay tiles, however, this is a false barrel clay tile roof, and behind this is a flat built-up roof. The next building, here, and is the first building to be built at a different time. This is 126, and originally, as you can see, it was a shared building. It was 124 and

126 North County Road. This one was built in 1932 by Mr. Kitchell, and what he did here would be sort of echo the feel of the building next door, however, they did not use the same type of materials, or care, or anything in this structure. This structure is a cast coquina. The setbacks of the arched windows is very simply and highly less detailed than it is at 122. As you can see, the windows have been changed and blocked up, and there is now a square window instead of a Gothic pointed-arched window here. This building does not have the barrel clay roof. It has a flat built-up roof, and a very simple entablature. To the right of that, this section, I believe that's 130, was built in 1935 by Mr. Kitchell, and this one really gives the impression of two shared slides, whereas it's really one building; it's one house, or one home for Worrells. This building, with its crenelation up top, in the left portion of Worrells, is mimicking Medieval architecture, and the section at right very closely mimics what was defined and considered earlier down the street at 120. Finally, the last building in this composition, was done in 1929 by Mr. Kitchell, and it's the structure that is now Ann's Watering Hole. It used to be Alligator Joe's. This is a very simple Mediterranean Revival structure. It, again, has got a false barrel clay tile roof and a built-up roof behind it. The proportions and set up of the columns in this structure are very in...I can't think of the right word for this one...they're not right. There's no emphasis to the columns. They are tall and skinny and out of proportion. And you see that added little portion there to fill in their courtyard, which is the entrance, and they blocked in the entrance that was in between the two arches. This is a very unspectacular structure as well. Based on all of the information, the design of these buildings, and their life and the way Mr. Kitchell intended them, it is our recommendation that only 122 and 120 North County Road be considered as landmarks today. Thank you.

VOLK: Thank you, Mr. Sved. We must move that the Designation Report be made a part of the record. May I have a motion?

MOTION BY MR. THOMAS THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

VOLK: Please step forward and introduce yourself.

PAUL RAMPPELL: Good morning. My name is Paul Rampell. I am a lawyer with an office at 125 Worth Avenue. I'm here representing my brother, Richard Rampell, who is the owner of 122 North County Road. I'd like to make a number of comments, the first and foremost of which is that practically speaking, it would be impossible for my brother, Richard, to demolish his building because of the zero lot lines. There is no parking at all, not behind the building, not across the street. So, if he were to demolish it, he probably couldn't use it. Mr.

Zimmerman, perhaps, could comment on that, on that fact, but I think that there would be virtually no use whatsoever. Consequently, irrespective of landmarking, there is no danger whatsoever that 122 is going to be demolished. We can make a representation to you to that effect. There are a number of items that I wanted to mention from the Landmarks Designation Report. The first is that 122 is graded as a "B", not an "A".

VOLK: We've dismissed those ratings. We found them irrelevant and confusing.

P. RAMPELL: Well, I just...

FRANK: If I could right now, maybe, Grade "B" is the highest level we have. Grade "A" and Grade "B" are identical, the only difference being that Grade "A" has been found to meet the criteria for listing on the Federal Register of Historic Places, and Grade "B" hasn't been so found when they did the survey. So, in that, as a matter of fact, when we did the second survey, we dismissed letter grading because attorney after attorney were coming in with the same argument, that Grade "B" is not as good as a Grade "A". That's not how this criteria works.

P. RAMPELL: My only comment is that it was graded "B", not "A". In the Report, only criteria (c) is mentioned as a basis for the recommendation...that is that it embodies distinguishing characteristics of an architectural type. While Mr. Frank referred to criterion, excuse me, criterion (d), that is missing from the Designation Report. In any event, the Report does...pardon me.

METZGER: It's right here. You don't have that?

P. RAMPELL: Where?

SVED: Right under (c).

METZGER: Right under (c), it says (d) is representative of the notable work of a master builder. I've got the Report. Do we have a different Report?

P. RAMPELL: Pardon me. I stand corrected. He goes into discussion about 122, after (c), and he doesn't...it didn't seem to me that he was tying 122 to it, but I stand corrected. There's a lot of language in the Report that makes it sound like this is a very important building...that it recalls the great cathedrals of Europe; it is a "pure" architectural type; that it has balance; that it was fabricated of hand-carved quarry coquina. But, I think, even in the lay person's sense, that what should be considered a landmark, this is not the type of building that people are going to marvel at, either if they're Residents or if they're tourists. Mr. Kitchell was not an Addison Mizner or a John Volk or a Maurice Fatio. I've lived here all my life and I've never even heard of him. There's a little bit of

a...

VOLK: We knew him. Sorry.

P. RAMPELL: Well, in any event, I don't think he is one of the distinguished architects in Palm Beach. It seems to me that these properties are reviewed together in the Report, and therefore, the entire block should either be designated or not. The Report says that all were designed by the same architect. It is "a block and a half long montage". There are zero lot lines, so that if any one of these structures were demolished, it's going to have a significant aesthetic impact on the others. It's inconsistent to me that 122 can be recommended for designation, but not 124, when they are virtually identical. The Designation Report omits the fact that the Spanish tile roof of 120 is a false roof. It's a facade. Both 120 and 122 are flat roofs. The size of this, 120 (meant 122) is only 25' wide. It is a very small building, and it seems to me that it will trivialize landmarking to designate such a small building. It's understandable to us if you were to designate 120, since it's a corner. It's at the corner. It's much, much larger and it's...in the Report, the authors do write that there's sort of a decline in quality in each property downward from 120.

VOLK: I think that...excuse me.

P. RAMPELL: I just have one or two more comments. It seems to me that this building does not meet the distinguishing, does not have distinguishing characteristics. All of the characteristics of this building can be found in other properties in Palm Beach, in more impressive specimens...the coral stone, the Gothic, the arched windows, the Spanish tile roof are found many places on the island, which is acknowledged in the Report. So, it isn't as if there's a special need to preserve this piece. I would like the owner to make a comment at this time.

RICHARD RAMPELL: My name is Richard Rampell. I own this property with my wife Ellen. I just have a few comments. First of all, I would like to say that this property was not designated as a landmark when I bought it, and I bought it in 1983. Had it had such a designation, I probably would not have bought it, knowing the restrictions that go along with landmarking and certain types of limitations that you have on this. I'm opposed intensely to having this landmarked, and I will fight this designation vigorously if you do do it. As far as I'm concerned, I'll tell you frankly that the taking of property without just compensation, which is what you're doing here, is guaranteed by the Constitution, is what I consider you to be doing right now. The last comment that I'd like to make is that in the Ordinance, one of the purposes and intents is to...this is Section 16-33, is to improve property values, protect and enhance the Town's attractions to Residents, and strengthen the economy of the Town. The owners take a position that it will be adverse economically if it's landmarked.

THOMAS: May I ask you a question?

R. RAMPELL: Certainly.

THOMAS: You said that under no circumstances would the owner take it down because he couldn't do anything with it. But if all four were taken down in concert, they could do something with it together.

R. RAMPELL: I don't dispute that.

P. RAMPELL: That's a fairly stretched hypothetical. I mean, we'd have to have unanimity among the three property owners.

THOMAS: But your statement that nothing can be done with it is not totally correct either. That's my only point. In concert, it could be used as something different, that's my point.

P. RAMPELL: If, if the adjoining property owners...

THOMAS: You might very well conclude that it would be to the good of the whole to do that. I mean it's not out of the question.

BOTH RAMPELLS: It's very unlikely. Very unlikely.

R. RAMPELL: Can I respond to that. One of the reasons that I object to this, it's unlikely that I would do that separately, but I would want to be able to retain the right to have that property torn down, if someone were to buy the whole block. And that's one of the reasons that I object to this landmarking because I would be severely restricted in my ability to do that, and that's what I object to. I think it would possibly destroy or strongly limit the value, the upward possible value of the property in the future.

THOMAS: Well, most of the people sitting here have landmarked houses.

R. RAMPELL: That's completely irrelevant.

THOMAS: I mean we've been through it, that's all.

METZGER: May I ask a question?

VOLK: Yes.

METZGER: Richard, is your objection, then, in the event that you would want to sell it, a monetary loss, is what you're objecting to?

R. RAMPELL: Yes.

METZGER: And you don't have any appreciation for the fact that some people would view this as an honor, and a civic minded thing. You're a civic minded person. You would be doing this for Palm Beach.

R. RAMPELL: Well, I don't view this as an honor. I don't quite share the same view that this is an honor, and if you want to bestow this on me as an honor, I should be free to reject that honor.

MACKINTOSH: May I ask what you plan to do with it?

R. RAMPELL: Well, I'd like to sell it or rent it. I'm occupying part of it right now. Pardon me?

MACKINTOSH: You bought it for an investment.

R. RAMPELL: No, I bought it because my CPA Firm was located there for a while, and it still is. Part of it still is there. Part of my operation is still there.

MCNIERNEY: Again, I think you have to focus on whether the structure meets the criteria of the Ordinance, rather than what they plan to do with it in the future.

VOLK: We're considering 122 at this moment, and 120, the property List's own.

R. RAMPELL: I'm not speaking on behalf of Mr. List.

METZGER: Does he object to this designation?

VOLK: I haven't heard from him, have you?

THOMAS: Tim, have you heard from Mr. List?

VOLK: On 120 North County Road?

FRANK: Mr. List has no written comments of record, and we have received no telephone conversation from him. No objections.

METZGER: And he's been notified?

FRANK: He's been notified officially three times by certified mail.

THOMAS: Have you gotten the return receipts?

FRANK: Yes, sir, we have.

VOLK: I think we should make a motion, then, on Item 4, 120 North County Road, Property Owner, Robert List.

GINGRAS: MADAME CHAIRMAN, I MOVE THAT THE PROPERTY AT 120 NORTH 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. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

VOLK: Now, 122 North County Road, Richard and Mrs. Ellen K. Rampell.

R. RAMPELL: Rampell.

VOLK: Rampell, sorry.

R. RAMPELL: Pardon me?

VOLK: I'm just muttering away where the accent goes. I could tell you one reason, probably, an easy reason why the building to the right of that small building deteriorated in quality. It's because of the high building costs that came along in the 30's, and they began to abandon the use of the Spanish style, Mediterranean style architecture because of the high cost per square foot.

R. RAMPELL: I thought the prices dropped in the 30's during the Depression.

VOLK: This was built after the...during the Depression, yes, but in the 30's, they began to climb up, building costs.

P. RAMPELL: The Depression in the 30's wasn't it?

VOLK: '29. But lots of large houses were built.

R. RAMPELL: That was before my time.

P. RAMPELL: I would like to ask how you regard the fact that the Report states that 122 and 124 are similar, and that 124 compliments 122, even though 122 is recommended for designation and 124 is not. It's still our position that...

GINGRAS: The materials are superior and the details are much more complex. Clearly, 124 was kind of a cheap copy.

P. RAMPELL: Well, they are extremely similar, nonetheless.

R. RAMPELL: I'm very flattered by your compliments to my building, but that's not what I'm concerned about.

DIVOLL: AS FAR AS I AM CONCERNED, 122 NORTH COUNTY DOES MEET THE CRITERIA STATED IN THE REPORT, AND IF WE'RE TO FOCUS ENTIRELY ON THE CRITERIA IN THE REPORT, AND MY OWN JUDGEMENT...I MOVE TO INCLUDE 122 NORTH COUNTY ROAD AND THE CRITERIA STATED IN THE DESIGNATION REPORT AS A BASIS FOR LANDMARKING.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

FRANK: That's criterion (c) and (d).

DIVOLL and ALBARRAN DE MENDOZA: Yes.

FRANK: Thank you.

VOLK: Moving along, to 126 North County Road.

GINGRAS: Madame Chairman, I need to excuse myself on 126 and 130 and 132. I have a Conflict of Interest.

FRANK: You must declare what that Conflict of Interest is.

GINGRAS: I did some renovation work for Mr. Prosperi on that property, only on Mr. Prosperi's property.

Mr. Frank acknowledged that we had proof of publication and proper legal service.

FRANK: The subject property, 126 North County Road, Staff believes that the subject property does not meet criteria for designation.

VOLK: Any witnesses from the public to speak? Does one of the Commissioners wish to speak?

MACKINTOSH: Well, I feel they all belong together. They are a continuation. I think it's very important. I think it's very interesting. You break up the rhythm and build a modern block. [you knock the whole block off].

VOLK: We can't ...

THOMAS: It's less difficult now than it was twenty minutes ago.

MACKINTOSH: Pardon?

THOMAS: What you say is less difficult now than it was twenty minutes ago.

MACKINTOSH: Well, I'd hate to see a modern...

THOMAS: I mean more difficult, excuse me, more difficult to do now than it was twenty minutes ago. When you take two of the four of them out of circulation, it produces the desire to do what you're speaking.

MACKINTOSH: Well, I think they should all be kept in rhythm.

DIVOLL: Well, quite aside from the issue of keeping a block whole, I think, Mrs. Mackintosh, I agree entirely with you that a commercial block envisaged as such as shown in the site plan, the way those lots are laid out on all four corners, indicates an overall planning that speaks as a commercial corner of narrow stores built in solid block, and that underscores the idea of the wholeness of the group of buildings, whether they are a single solid building with a lot of storefronts or a number of cheek by jowl small buildings.

MACKINTOSH: They have a certain rhythm and continuation.

DIVOLL: It does. It does.

ALBARRAN DE MENDOZA: I think that the fact that there is 120 and 130...I think it's 130, that are very similar to each other. They look, I'm thinking like bookends to this whole area. They balance each other. Of course 132, then, is out of the bookend, but really that area there in the center, I agree...

MACKINTOSH: It's like taking a piece out of a jig-saw puzzle.

ALBARRAN DE MENDOZA: ...is very much of a whole in my eyes. I know that that's not what you're dealing with because of doing this individually.

FRANK: Well, I believe that Mr. Sved might want to comment on this, but I think that he said that the end building, that you call the other bookend, mimicked the building at the other end, however, I don't believe that the quality or materials or the craftsmanship match.

SVED: It might be easier if I show you the buildings side by side. But Mr. Frank is essentially correct. What they built in 1929, at the end of the block,...is that good enough (adjusting the slides)...of course, we're not seeing the corner around North County Road, but what they designed here in the Worrell structures in the 1930's does mimic what's at the other end that was built in 1929. However, because of the size and because of the setbacks and you lose the arches in the windows, I don't believe that this small structure here does anything to benefit, as compared to 120. I agree that it is sort of a bookend. Yes, I do believe that Mr. Kitchell had an overall plan for this area,

however, as a matter of fact, the large building that's called Mizner Court Apartments now, which is across the street from this, was also designed by Mr. Kitchell. It's sort of his part of Town. I do believe, though, that 126, which is that Neo-Gothic section, and these Worrells buildings in the pictures here, are sort of cheap imitations of what was built originally. I don't think that the quality and the craftsmanship and the quality of their materials is as extraordinary as this at the other end of the block. That is the reason for the recommendation as such.

VOLK: We have a letter that should be read into the record.

FRANK: This letter is addressed to Mrs. Jane Volk, Chair, Landmarks Preservation Commission. Subject: 126 North County Road and 130/132 North County Road

Dear Mrs. Volk: I am the property owner of the above-described property which is proposed for landmark designation. These buildings were constructed in the 1940's, substantially damaged by fire in the mid 1980's and substantially reconstructed in the late 1980's. I believe that only the facade of the buildings are, even arguably, appropriate for designation. Upon consultation with the staff, it has been determined that these two buildings were built to mimic the two buildings to the south and are not of the same quality of design or material. Also, I can tell you from experience that the facades must remain painted and cannot be sandblasted to a natural stone color because at one time, in an excess of Hybernian spirit, a previous owner painted them green, which has stained the masonry. Accordingly, I understand that the staff recommendation will be against designation. I would oppose designation in any event but I would strongly oppose designation of anything but the facade. I apologize for not being able to be present for this hearing but unfortunately I am required to attend a judicial hearing scheduled for the same time. Respectfully submitted, A. Paul Prosperi.

MACKINTOSH: (indiscernible) It's very important to keep that continuation for the Town...

MCNIERNEY: Keep in mind...

MACKINTOSH: I think it's the same principle. One building might be better than another one, it's the togetherness of it that's very important.

MCNIERNEY: Keep in mind that you have to look at one structure when considering the criteria, whether it meets the criteria. You need to look at it individually.

VOLK: With First National Bank, it was one owner. We're dealing with separate owners. You must approach this from the [street-scape].

FRANK: If it helps Mrs. Mackintosh, and I know it's not on the subject, I understand this, however, the zoning of that area would maintain the same continuity of the structures if they were re-developed. For example, there would not be a seven story structure allowed in those spaces, if one or two of them were purchased. They would all have to be the same height, and essentially, they would even need variances, in my understanding, to be redeveloped as they were, and the Code would prohibit them from being any more dense.

MACKINTOSH: Yes, but they could be of an entirely different style.

(indiscernible). It's all the same family.

FRANK: That is correct. The only thing that would hold the line on that is the Architectural Commission would rule that they must be neither too similar, nor too dissimilar from the surrounding structures.

MACKINTOSH: (indiscernible)

VOLK: Would someone care to make a motion for the landmarking, I mean the recommendation for landmarking at...?

MACKINTOSH: 126.

VOLK: 126, 130. Or would someone like...I frankly feel that there could be better examples than those.

MACKINTOSH: Well, I will. I'LL MOVE THAT THE PROPERTY, PROPERTIES AT 126 NORTH COUNTY ROAD AND 130/132 NORTH COUNTY ROAD BE RECOMMENDED TO TOWN COUNCIL AS LANDMARKS OF THE TOWN OF PALM BEACH, AND THE CRITERIA AS PRESENTED.

VOLK: Is there a second?

DIVOLL: Do I understand correctly you're taking it to the end of the block?

MACKINTOSH: Yes.

DIVOLL: I WILL SECOND THAT MOTION.

VOLK: ALL THOSE IN FAVOR? ANY FURTHER DISCUSSION?

FRANK: I think that Mrs. Mackintosh should cite the criteria that she feels that it meets since Staff removed them from the Report.

DIVOLL: The criteria are (c) and (d)...Embodies distinguishing characteristics and (d) is representative of the work...

Let the record show that Mrs. Mackintosh read criterion (c) and (d) as reason for sponsoring the above motion.

ROLL CALL:	Mrs. Mackintosh:	Yes
	Mrs. Divoll:	Yes
	Mrs. Metzger:	No
	Mrs. Albarran de Mendoza:	No
	Mr. Thomas:	No
	Mrs. Volk:	No

The motion failed 2-4.

VOLK: I think that ends our Designation Hearings today.

MCNIERNEY: I think you need a motion to make a decision.

VOLK: You need a motion to do what?

MCNIERNEY: To either deny or...

VOLK: Oh, I see. Yes, of course. Move that the landmarking consideration be denied...how is that worded?

MCNIERNEY: (indiscernible)

VOLK: WILL YOU MAKE A MOTION TO THAT EFFECT, THAT WE ARE NOT RECOMMENDING THE PROPERTIES 126 AND 130 FOR LANDMARKING.

THOMAS: I'LL SECOND...126 AND 130.

SVED: and 132.

THOMAS AND VOLK: AND 132.

FRANK: Who made the motion?

DELP: I'm sorry, who made the motion?

VOLK: I beg your pardon?

DELP: Mr. Thomas seconded? Who made the motion?

VOLK: I talked, but I shouldn't make the motion.

THOMAS: WELL, I'LL MAKE THE MOTION. (TO NOT RECOMMEND THE PROPERTIES AT 126, 130 AND 132 NORTH COUNTY ROAD FOR LANDMARKING).

VOLK: Mr. Thomas made the motion. Who will second it.

METZGER: I'll SECOND IT.

VOLK: MRS. METZGER. Thank you.

FRANK: MRS. DELP, COULD WE HAVE A ROLL CALL, PLEASE?

ROLL CALL:	MR. THOMAS:	YES
	MRS. METZGER:	YES
	MRS. MACKINTOSH:	NO
	MRS. ALBARRAN DE MENDOZA:	YES
	MRS. DIVOLL:	NO
	MRS. VOLK:	YES

MOTION CARRIES 4-2.

VI. Other Business

A. Discussion regarding standard color palette

Mr. Frank stated the purpose of approving a standard color palette would be to allow owners to change paint colors without having to come to the Commission, provided that they choose a color on the acceptable palette. Mr. Frank stated

that certain paint companies are knowledgeable as to colors which are appropriate to historic structures. Mrs. Albarran de Mendoza felt that too many factors must be considered before color changes can be blanketly approved, i.e., type of architecture. Mrs. Divoll agreed with Mrs. Albarran de Mendoza, but thought the concept of an acceptable palette was a worthy undertaking. After discussion, it was decided that Mrs. Mackintosh will Chair a committee to develop the color palette, along with Mrs. Divoll and Mrs. Albarran de Mendoza.

B. Change of meeting date for April meeting

Various Commissioners stated that they would not be able to attend the April meeting, if it were held on April 17th, Good Friday. As a result, the meeting was changed to Wednesday, April 15th at 9:00 a.m.

C. Distribution of Landmark Manual

Copies of the newly produced Landmark Manual were distributed to the Commissioners. Mr. Frank stated that the manuals will be mailed to each landmark property owner.

D. Landmark Plaques

The landmark plaques were removed from the budget last year, and were not added this year. Some of the Commissioners felt that landmark owners should be contacted to see if they would be interested in buying a plaque. Mr. Frank stated it would not be economically feasible to order a small quantity of plaques. This item may come up again in future budget years.

VII. Adjournment

MOTION BY MR. THOMAS TO ADJOURN AT 12:25 P.M.

MOTION SECONDED BY MRS. METZGER

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be heard on Friday, March 20, 1992 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,


Sally Gingras, Secretary

cmd

V. Statement of Significance and Criteria for Designation

Statement of Significance

The residence at 850 South Ocean Blvd. fits well both in the context of its surrounding neighborhood, as well as in the broader social context of Palm Beach of the 1920's. This building blends with the other large, Mediterranean Revival style "villas" along Ocean Boulevard, especially 860 South Ocean Blvd., which was also designed by Julius Jacobs. It is an embodiment of the ideals of the Mediterranean Revival style, and is also an individual statement of the tastes and economic affluence of the original owner, John Segar. The building is a reflection of the importance of social entertainment in the Palm Beach of the late 1920's and beyond. Finally, only a few changes have been made to this building, which is in good physical condition, thus meriting designation.

VI. Criteria for Designation

Section 16-38A 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."

850 South Ocean Blvd. is an important element in the broad history of Palm Beach. It represents the economic and building boom of Palm Beach in the 1920's. Also, it gives indication of the economic strength of John Segar. It has weathered times of economic hardship in Palm Beach, as well, with only a few short periods of vacancy.

The owners of this building intended it to be an ideal Palm Beach home of the 1920's; a place of private retreat, as well as social gathering. This house was both, in that the use of decoration and arrangement of space could be interesting

and impressive to the visitor, yet very aloof and formal to the uninvited. This was a home for social entertaining, but the owners could also find privacy here. These elements are important to the understanding of the social ideals in the history of Palm Beach.

This building also gives information about another element of Palm Beach history. The first Palm Beach residents oriented their houses toward Lake Worth. During the early 20th century, this began to change, and as this house shows, ocean front residences and ocean bathing became more fashionable.

(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."

Mediterranean style buildings were ubiquitous in Palm Beach during and after the 1920's. However, this building is one of the best, and most well preserved examples of a Mediterranean style villa. It is characterized by its irregular shape, in window and door treatments, and in roof treatment. But this house is designed in a way that balances these irregularities. The use of hollow tile in the structural system also distinguishes this building. Stucco walls and tile roofs are used very often in Palm Beach architecture. However, this building differentiates itself through its decorative tile work, unusually shaped tower with false Roman arch windows, and curvilinear east elevation roof line.

120 & 122 North County Road

V. RECOMMENDATION

While the entire composition, from 120 to 132 North County Road, can be heralded as an extraordinary example of planning and architectural vision on the part of architect Bruce Kitchell, only those structures at 120 and 122 North County Road can be considered as specimen examples of their architectural type, and those alone deserve the distinction they would be afforded as landmarks of the Town of Palm Beach.

VI. CRITERIA FOR DESIGNATION

The structures at 120 and 122 North County Road both meet the following criteria, as set forth in Sec. 16-38 of the Landmarks Preservation Ordinance 2-84, Article III of the Town of Palm Beach Code of Ordinances:

(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.

120 North County Road is an excellent representation of Romanesque architecture, offering an educated glimpse at the built environment between the Gothic period and the Renaissance. Clearly, the choice of columns, arches, fenestration, and materials at 120 North County Road embodies the Romanesque tradition.

122 North County Road is equally an excellent example of its architectural type, in this case high-Gothic. The most distinguishing characteristics of this structure can be seen in its triple setback arched openings, and in its hand carved stone finish.

Both structures employ local building materials in their facades. 120 is finished in Keyite, a local cast stone made to emulate coquina. The facade of 122 is completed in hand carved coquina, quarried at either the Key Largo or the Cuba quarries.

(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.

The buildings at 120 and 122 North County Road, as well as the rest of the block to 132 North County Road, were designed by prolific local architect Bruce Kitchell. Throughout the "Golden Age" of Palm Beach architecture, Kitchell was known for his fanciful compositions, and for his strong sense of proportion. Virtually nowhere can this be seen better than at 120 and 122 North County Road.