TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES
LANDMARKS PRESERVATION COMMISSION
9:00 a.m., WEDNESDAY, NOVEMBER 18, 1998
AT THE TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 9:00 a.m. by Chairman Jeffery W. Smith

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Eugene Pandula, Vice Chairman
Lindley M. F. Hoffman, Secretary
Arthur Silverman, Member
Elizabeth Shields, Member
Sari M. Wilkey, Member
Jacqueline Albarran de Mendoza, Member
Nikita Zukov, Alternate Member
Ann Lilja, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: None

RECORDING SECRETARY: Cynthia M. Delp

III. Approval of the Minutes of the October 21, 1998 Meeting
MOTION BY MR. SILVERMAN FOR APPROVAL OF THE MINUTES AS MAILED.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

IV. Administration of the Oath to all persons who wish to testify: Mrs. Delp administered the oath to all those who were present and wished to testify today.

V. Public Hearings:

A. Application for Certificate of Appropriateness #31-98,
Demolition/New Construction of New Two Family Dwelling
Owner/Applicant: Casa Rosada
Address: 323 Brazilian Avenue
Architect: Smith & Moore Architects, Inc.
Project Description: Approval as follows:

1. Partial demolition and restoration of the existing embattlement wall
2. Demolition of an existing one story residence and garage
3. New construction of a two story, two family residence with pools, new driveways and landscaping
4. Other associated changes as presented

Please note that the Commission deferred this project for further study ("Keeping the L.P.C. comments in mind") to the September meeting, and the architect requested a further deferral to the October meeting. At the October meeting, there was a motion to approve partial demolition of the building as proposed, along with a deferral of the remainder of the project, and with the understanding that the Town is held harmless in this matter.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION:
Mrs. Wilkey spoke with Ms. Divoll
Ms. Shields spoke with Ms. Divoll
Mr. Pandula spoke with Ms. Divoll
Mr. Silverman visited the site
Mrs. Albarran de Mendoza met with the applicants at her office

Mr. Harold Smith, Smith and Moore Architects, and Ms. Leslie Divoll, Preservation Consultant, returned to the LPC in response to last month's review of the project. At last month's meeting, the above stated motion for partial demolition was made. Ms. Divoll believed that a consensus had been achieved relative to massing and setbacks, to retaining and preserving more of the landmarked wall than originally planned, and saving as much of the building as possible with the understanding that the portico could not be saved. All that is visible from the street now will be saved excepting the area required for a driveway opening. The FAR is 59.75 when 70 is allowable, and the beam height is 21'6" when 25' is allowable. In reviewing the minutes from last month, Ms. Divoll corrected her statement regarding the setback of the second story element, wherein she had quoted the setback as 54'-55' rather than 53' which is accurate. Since last month, then, there has been no change in the site plan. They have, however, widened the area to allow for a proper turnaround at the east garage. They will still be removing the portico to the rear of the wall as it cannot be re-used, and the rear portions of the building will be removed as was approved last month. Ms. Divoll presented a colored rendering of the site showing an increased amount of landscaping at the driveway entrance, and at the sides of the property. A hedge will run along the rear property line. As for the house itself, they had been asked to address the previously presented "stripped" design. Gable roofs have been replaced with hip roofs to add interest and visually lower the height. The roof over the garage is now hipped with a simple stucco band underneath. Simple round end rafter tails will be added at the second floor center section at the roof. A bullnose shaped stucco band has been placed at each of the wings between the first and second floors. Many of the windows were changed to larger and simpler panes, with cast stone band around them, thus having a more horizontal orientation. Ms. Divoll reviewed the elevations to show a consistency in the fenestration changes throughout. Now all of the arch top windows show the same radius. The planes on the rear elevation have been staggered. The height of the garage doors is eight (8') feet.

Mr. Smith commented that the west garage roof is much better now. The proportion of the windows, however, is questionable as they are now so horizontal. Mr. Smith liked the previous submittal's windows better as they were longer and more elegant. With regard to the arch top windows, Mr. Smith commented that the transoms are direct glazed and that type of treatment is inappropriate. He advised them to use a proper sash so the arch top windows are properly aligned. He also asked that the garage door height be lowered from eight (8') feet to seven (7') feet. He added that the changes he has requested are only small refinements to the design. Mrs. Albarran de Mendoza had several concerns about the proportion of various windows on the property, echoing Mr. Smith's concerns.

Ms. Divoll discussed the color of the building. She stated that paint samples have indicated that the existing landmarked wall structure is and was pink, with a color name of "Delightful." They will use a much lighter pink with a creamy base for the building (color name-Angel's Breath). The cast stone will be cleaned which will reveal its natural color, and windows will be wood clad with white aluminum. Mr. Smith commented that the color for the new house is much too pink. He asked for the design team to look for a color which was more cream and less pink.

He also asked that wooden windows be the windows of choice, not wood clad windows. Various architects on the LPC testified to the fact that when wood clad windows are used in Florida, typically moisture gets between the wood and the aluminum and rots the wood. Therefore, an all wood, well painted window is preferable when considering maintenance.

It was noted that hurricane protection for the new house will be accomplished with removable panels.

Mr. Pandula commented that he liked today's proposal much better than the last, but he would like to see the house relate to the wall a bit more. He felt the design of the new structure was "a bit uninspired." He thought the design just needs minor improvements to make it a "building" rather than "just something behind a wall." Ms. Divoll stated she would be willing to work toward refinement of details, but she did not necessarily want to have to return to the LPC again. Mr. Smith stated that the LPC could approve the project with the stipulation that the project returns to the LPC for final approval. He commented that the process of returning to the LPC has been beneficial to date.

MOTION BY MRS. ALBARRAN DE MENDOZA TO APPROVE THE PROJECT AS PRESENTED, WITH THE PROVISO THAT THE GARAGE DOOR BE LOWERED TO 7', THAT THE TRANSOMS ABOVE THE FRENCH DOORS HAVE A CONTINUOUS LINE STRAIGHT UP INSTEAD OF STRAIGHT GLAZING, AND THAT THE PROPORTION OF THE WINDOW GLAZING FOR THE THREE WINDOWS REFERRED TO ON THE FRONT ELEVATION BE A LITTLE MORE SQUARE AS SHOWN ON THE SIDE ELEVATIONS; ALSO THAT THE PAINT COLOR OF THE NEW STRUCTURE SHOULD BE BROUGHT BACK TO THE LPC WITH A PAINT CHIP, AND THAT THE APPLICANT RETURN TO THE LPC WITH THE REMAINDER OF THE MINOR REFINEMENTS (EXCEPT THOSE LISTED EARLIER IN THE MOTION) AT THE DECEMBER, 1998 MEETING.

MOTION SECONDED BY MR. PANDULA.

MOTION AMENDED BY MAKER AND SECONDER THAT ALL WOOD WINDOWS ARE REQUIRED.

MOTION CARRIED 6-1-0, WITH MR. SILVERMAN OPPOSING AS HE FELT THE APPLICANT SHOULD RETURN WITH ALL CHANGES.

B. Application for Certificate of Appropriateness #38-98,
Landscape Plan
Owner/Applicant: Mr. Jeffery Fisher
Address: 255 Clarke Avenue
Landscape Architect: Wheelock, Sanchez & Maddux
Project Description: Approval as follows:
1. Approval of Landscape/hardscape plan to include addition of new brick terrace, removal of the existing pool and relocation of new pool, and add several new fountains.
2. North Facade: Remove insensitive 1984 addition, tower element on northeast corner, removal of an addition of a room and roof terrace, and removal of spiral stair
3. South Facade: Remove closet addition and open original loggia
4. West Facade: Change flat roof to hip: door and window changes
5. East Facade: Remove portion of bar & install set of french doors & recess glass enclosure
6. Any other associated changes as presented

At the September meeting, there was a motion approving the architectural aspects of the project, excepting the exterior butt glazing system on the rear loggia which was deferred to the October meeting, with the comment that the applicant should either center the glass in the arches or re-study for possible interior mounting.

At the September meeting, there was also a motion for approval of the landscape/hardscape with the proviso that the pergola is proportioned as was presented. At the October meeting, there was a motion for deferral of the remaining items to the November meeting.

Please note that the architect has requested a deferral to the December meeting.

MOTION BY MR. PANDULA FOR DEFERRAL TO THE DECEMBER MEETING.
MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION.

C. Application for Certificate of Appropriateness #43-98,
Enclosure
Owner/Applicant: Power-Love Associates c/o Love Realty
Address: 256 Worth Avenue
Architect: Robert L. Bell
Project Description: Request approval of enclosure of existing covered area (256 sq. ft.) new arched opening with doors and storefront, stone trim at pilasters to match existing, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

Please note that this item was deferred from the October meeting.

Mr. Robert Bell, Architect, presented a site plan of the property noting the area to be modified. The applicant had gone to the Town Council for approval for the enclosure of the area. Mr. Bell presented two alternatives for the enclosure...one with a single door and the other with a double door to match the double door entrance to the east on the same facade. Various commission members felt that the enclosure space was not important enough to support

the double door option.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL OF ALTERNATIVE #1, THE STOREFRONT SYSTEM WITH JUST ONE DOOR.

MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #48-98,
Site changes
Owner/Applicant: Mr. and Mrs. Wilbur James
Address: 10 Golf Road
Architect: The Pandula Architects
Project Description: Request approval of the following:
(See below)

Mr. Pandula has a Voting Conflict with this project as he is the architect for the project.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: Mrs. Wilkey drove by the property. Mr. Silverman drove by the property.

Mr. Pandula returned to the LPC today in response to comments made during last month's informal review of the project. He reviewed the aspects of the project as follows:

1. New site wall along Golf Road, stucco and paint to match residence

The wall will be 6' high from the crown of the road and it is stuccoed with the same modulated stucco finish as is found on the building with a radius cap. It is back three feet from the sidewalk with landscaping in front.

2. Revise existing site entry gate at Golf Road, ornamental metal to match decorative balcony railings

Mr. Pandula noted the areas of the building from which the gate details are derived. The gate is 8' high. The pillars are 6' in height. There are fixed panels on each side of the ornamental gate.

3. Revise configuration of existing brick entry walk

This is being done to bring people in on the opposite side to allow for additional landscaping against the common property wall. The entry walk, as revised, will now bend to the east rather than to the west.

4. Revised finish of existing swimming pool deck from "cool deck" to cast stone matching cast stone trim at residence

The pool deck will be re-paved in 18" x 24" cast stone, beige with a terracotta mix.

5. Revise existing low site wall at east side of swimming pool to incorporate lineal fountain

After hearing the comments made last month, Mr. Pandula reduced the tiled area by 50%, limiting the tiled areas to the areas behind the fountains only. Pilasters anchor both ends of the wall. Cast stone details and stucco finish will be applied to the wall to match details/finishes found elsewhere on the property.

6. At existing 5' overhand at loggia, install cast stone columns and coffered wood ceiling to accommodate roll-down hurricane shutters

This part of the project will provide roll down hurricane protection for three existing french doors. Four 9' high

columns will be set on 2.5' high decorative column bases. Last month, Mr. Pandula had shown planter boxes in the front of each column. He has elected to remove them from the design. The use of Corinthian columns was again questioned. Mr. Pandula commented that in each of the surrounding properties there is at least one decorative embellishment amid basically stripped down architecture. He saw these Corinthian columns as that feature for this house.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE PROJECT AS PRESENTED TODAY.
MOTION SECONDED BY WILKEY.
MOTION CARRIED UNANIMOUSLY.

7. Other associated changes as presented: No other details mentioned

E. Application for Certificate of Appropriateness #47-98,
Fountain and garden
Owner/Applicant: Leta A. Foster
Address: 345 Pendleton Avenue
Architect: Wheelock, Sanchez & Maddux
Project Description: Request approval of rehabilitation of the front southern garden, including the addition of a fountain and formal french gravel garden, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

Mr. Billy Van Pelt of Wheelock, Sanchez, and Maddux presented the project on behalf of the applicants. The fountain is 43.5' long, 17" deep, and 18" wide. It is surrounded by a flat brick coping and a gravel path. The interior finish of the fountain is pebble-tech/black pearl. The fountain will be screened from the street by the existing hedge and the addition of more plant material. The existing condition is basically just sod. It was noted that 45% of the front yard setback must be green, and that cannot include gravel. The actual green area in the front yard setback is 47.4%. Ms. Lilja felt that the formality of the design is not in keeping with the house. Others commented that the fountain appeared so long, and possibly should be centered on the house for a better look. Mr. Van Pelt was not prepared with all of the presentation materials typically required for review by the LPC.

MOTION BY MS. SHIELDS FOR DEFERRAL TO THE DECEMBER MEETING TO ALLOW FOR A COMPLETE PRESENTATION.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

VI. Designation Hearings:
Please note that the Designation Hearings are transcribed partially verbatim and partially in paraphrase. Verbatim portions are noted by the speaker's name at the left margin.

Item 1: 140 Seaspray Avenue
Owner: George S. & Lily Rovin

Mr. Frank stated that proof of publication and proper legal service had been achieved with respect to this matter. Mrs. Delp administered the oath to all those who would testify regarding this matter. Mr. Frank gave the staff recommendations as follows, stating that this property meets the following criteria for landmark designation.

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

(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

(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.

MRS. JANE DAY (PRESERVATION CONSULTANT FOR THE TOWN): Good morning. As Tim mentioned, this is the start of another landmark season, and the first house I bring before you this morning is 140 Seaspray Avenue. This is a house that was nominated by members of the commission as part of the historic sites survey that was completed last year in the town. And it's an interesting property because it stresses some new elements. We have many Mediterranean Revival style houses in the Town of Palm Beach that are landmarks. This is one of the smaller examples. It was built in 1928 by E.B. Walton Inc., and has many of the elements of not only the smaller houses in the Poinciana Park area, but also many of the larger houses in the Town of Palm Beach. In particular, this house is very similar to another house that Walton designed a year earlier, in 1927, on Wells Road. More interesting perhaps, though, is this is part of the whole development, thus fulfilling criterion (a) of the development of Poinciana Park. The area was platted in 1914, the subdivision by City Builders Realty Company, but then that company sold off different lots to other builder/developers within the Town. E. B. Walton Inc. purchased over nine of these properties and built in the area. During the boom times of the 1920s the company completed about 30 properties in the central section of the Town of Palm Beach. Architecturally, as I said, it's got the barrel tile roof. It's got a front facing gable. The porte cochere on the one side of the property is typical of the era, where automobiles have now become important in our architectural design. The elaborated chimney, and particularly the cast stone detailing on the house is very nice and is very detailed for one of the smaller houses in Poinciana Park. Most interesting from staff point of view is when we looked into the plans, we found that E. B. Walton designed this house as well as built it. There was not a proper biography on E.B. Walton in the town. We went to Rob Walton, who works here. We did interviews with the family, and we were able to gather a lot of information about E.B. Walton himself. It's an interesting story. He was born in Nebraska...came here right before WWI, but could not move here until afterwards because he was commissioned in the service in WWI, and started building in West Palm Beach in 1919. These early houses of his...he designed many of them himself, although he was trained as a civil engineer, not an architect. But as you can see from the copies of the plans that we included in the report, he was really a good draftsman, and I think that the building, itself, reflects the quality of his design work. Later on, Walton becomes a major builder and developer within the Town of Palm Beach and did such other developments as the North Shore Addition, Monterey Road, Colonial Lane, and Sanford Avenue. Interesting is what the family says is his favorite and most satisfying construction in the Town was Cluett Memorial Gardens at Bethesda by the Sea. So we're happy to emphasize E.B. Walton as a master builder, and in this case, designer, and to bring this property forward. It meets criterion (a), criterion (c) and criterion (d) of the Town Landmark Ordinance. Are there any questions about the property, and we have the owners here. I think they want to say a few words.

DR. GEORGE ROVIN (PROPERTY OWNER): I'm Dr. Rovin and I'd like to bring to your attention a mistake in the report. This is not a wood frame house. It is tile, hollow tile blocks, that were the same as Mizner used in his construction.

Mrs. Day will correct the report accordingly. She noted that the original building permit indicates that it is wood frame covered with stucco.

MOTION BY MR. PANDULA THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD. MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. SILVERMAN THAT 140 SEASPRAY AVENUE BE RECOMMENDED TO TOWN COUNCIL FOR DESIGNATION AS A LANDMARK AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

Item 2: 173 Root Trail
Owner: T. J. Palm Property Inc. c/o T. J. Fisher

Mr. Frank stated that proof of publication and proper legal service were achieved with respect to this matter.

MR. TIMOTHY FRANK (STAFF-PLANNER/PROJECTS COORDINATOR): Thank you, Mr. Chairman, as we've already mentioned, the subject property is 173 Root Trail, and the staff has reviewed the subject property, and as we've mentioned before, in public hearings, Section 16-38 (a) of the Town of Palm Beach Landmarks Ordinance, #2-84, outlines the criteria for designation of a landmark or landmark site, and suggests that at least one of the criterion must be met to justify the designation. We've read the criteria before. I'd be happy to read them into the record if you'd like. Staff has not found any clear evidence that it meets any of the criteria for designation as a landmark at this time. I'd like Mrs. Day to continue with this presentation, and some of these matters might be forthcoming in the future, but as of this time, we have no clear evidence.

MRS. JANE DAY: Let me tell you what we found on 173 Root Trail. First of all, T. J. Fisher is here with me. She is the owner, and she is very enthusiastic about the landmarking program. This house is definitely a wood frame house. It is on Root Trail, and although it is very typical of wood frame construction at the turn of the century, it really doesn't have all of the aspects that we look for as a representative of good architectural style, an example of this particular style of architecture. I think that one of the reasons for that...when we looked into everything on the property is...it was not a major dwelling building that was built on Root Trail at the turn of the century. In fact, it was an out building on Lot 13. Lot 13 was purchased from the Roots by J. B. O'Hara in March of 1914, and in the 1919 Sanborn Map, this particular building was listed as a printing shop attached to the dwelling next door, which you can see in this photograph. Since that time, the properties have been divided, and this particular property is the only one that is owned by Ms. Fisher at this point. One of the other things that was circumstantial evidence that has been talked about because of the sign that was found underneath the property is that this property was part of the West Palm Beach Telephone Company. As I said earlier, we have no really strong evidence that that is the case, only circumstantial evidence, although that doesn't rule out that it wasn't so. But all that we can say, for a fact, is that this house was built sometime in the early 1900s. There is no original building permit for it. It is part of an important plat, Roots Subdivision, that was one of the first plats in the Town of Palm Beach, but all we can say for sure is that it was a printing office connected to the dwelling next door, and T.J. is here right now and she'd like to give you some handouts to show you what the inside of the property is and what she's done to it, which normally we don't take into consideration as part of landmarking, but she made up these packets for us, and I'd like you to have them all to see what a good job she has done in her restoration of the property.

MRS. T.J. FISHER (PROPERTY OWNER): Hi! I'm T.J. Fisher, and I've been working on the property for a year. I could have built a mansion by now, but it's been a painstaking, slow process. And when Jane was not able to document it was the telephone, the telegraph station, I was crushed because since day 1, I had been working toward the goal of landmarking and trying to go by what I believe Landmark would want to see as far as restoring a vinyl wonder of the world back to everything wood. I had to chuckle when I heard the other gentlemen complaining about wood. This is definitely wood everything. We just went up with the wood shingle roof, and one thing I know that

I'm going to regret....to try to add to my green space, because these little houses have none...I went ahead and did flower boxes on all the windows which those are all handcut piece by piece. When I have to maintain those boxes, I'm going to regret it. But this morning I was out at Kinko's at six o'clock to run off some color pictures for you because really the house speaks for itself. The house is what has kind of driven me on because it is special. As I said to you last spring, it doesn't have a famous architect. We believe that it was a telephone/telegraph station. It looks like now it may have been a printing office. Regardless, I think it is important to the history as far as one of the first commercial buildings and then throughout the latter years, a residence of working people. I believe it kind of kicks off Root Trail. It's kind of a beacon to Root Trail. It's very visible from County Road. I have been having tour buses stop here lately taking pictures, and at least ten times a day I've been getting people asking me if it's for sale or for rent, and I laugh, and I say maybe, but you couldn't afford to pay me back what I've put into this house....probably twice as much as it could be valued at. As you see in the pictures, the picket fence in the front, and the privacy fence that you can't see down the side...it's going to be painted white. The landscape....it's going to be a lot of narrow, thin palms....a lot of the old Florida crotons...a lot of flowers, vines. Inside the house, which you know is nothing for landmark, just to show you how far I did go, I've gotten replica fixtures out of California and Oregon...replica stove....everything is pine paneling. The bathroom that was in there was something horrible from the 60s, so I ripped it all out and did the very old fashioned claw foot tub. The kitchen, that was all again from the 60s...ripped out...tried to re-create something historic. And I think it is very special and different from anything that's been landmarked in town. On that street, you have the Vitale, the Bienestar, the Warden House, the large fabulous places. The framed structures...you've landmarked two of the two story large properties. This is a petite jewel and there will never be one re-done to this extreme because no one would be crazy enough to do it but me. So, hopefully I have the telephone company still researching Atlanta. It's very difficult because people get transferred and they move, and I have been through at least twenty people. And even without that designation, I think as a stand alone it's significant to the beginning of Palm Beach and that everyone here doesn't have to be a mansion to be a slice of prominent history or famous architect. Thank you.

Mrs. Day thanked Ms. Fisher for being so enthusiastic about the building restoration and the Town's landmark program. She stated that she will continue her research to possibly find the documentation necessary to support the designation criteria, and ultimately bring this property back to the LPC for designation. At this time, however, there is no hard evidence to support designation at the LPC or Town Council level. Mr. Smith and Mrs. Wilkey commented that Mrs. Day should continue that research toward designation documentation.

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

MOTION SECONDED BY MS. SHIELDS.
MOTION CARRIED UNANIMOUSLY.

Ms. Shields complimented the owner for an outstanding restoration job. She inquired as to the status of Root Trail as an historic district. Mrs. Day replied that the Pendleton Avenue Historic District will be looked at this year, and the most important homes on Root Trail are already designated. Mr. Frank added that there was a proposal by Eugene Fagan, at the Town Council level, to improve the street itself. Root Trail is a private street, and although the Town Council must review changes/improvements to the street, those changes/improvements will not be funded by the Town. Mr. Moore asked the LPC to give staff a month more to continue research to possibly look toward a different approach in designating this property.

MOTION BY MS. SHIELDS THAT LANDMARKING CONSIDERATION OF 173 ROOT TRAIL BE DEFERRED TO THE DECEMBER MEETING, WITH THE PROVISO THAT THE OWNER RECOGNIZES SHE IS WAIVING HER RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS. (Ms. Fisher verbally waived her right so stated.)

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

Item 3: 120 Everglades Avenue
Owner: Lenore B. Ombres TR HLDR

Mr. Frank stated that proof of publication and proper legal service has been achieved with respect to this matter. He reported that the Town was in receipt of a letter from Douglas E. Ombres, Esq., the representative of the owner, wherein he requests further information relative to landmarking and requests a deferral of this matter to the January 1999 meeting and agrees to waive his right requiring the commission to act within 30 days. Staff recommended deferral.

MOTION BY MR. PANDULA TO MAKE THE LETTER A PART OF THE RECORD, AND TO DEFER LANDMARKING CONSIDERATION OF 120 EVERGLADES AVENUE TO THE JANUARY, 1999 MEETING WITH THE UNDERSTANDING THAT THE OWNER RECOGNIZES HE IS WAIVING HIS RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

VII. Other Business:

A. Informal Review- Smith Architectural Group-140 & 150 South Ocean Boulevard
New entry loggia & motorcourt, new one story breakfast room addition, new two story "infill" addition, (second floor addition at east facade-requires variance) second floor addition at west facade, enclosure of existing pool loggia, miscellaneous fenestration changes

Mr. Smith passed the gavel to Mr. Pandula as he declared a Conflict of Interest with respect to this project as he is the architect of record. Prior to any discussion of the project, Mr. Moore stated, for the record, that the second floor addition on the east facade is under Town Council consideration for approval of a variance. Therefore, it would not be appropriate for the LPC to act or comment on that particular portion of the application.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mrs. Wilkey visited the architects, saw the project and made comments. Ms. Shields spoke to the assistant on the phone, but was unable to visit the project. Mr. Silverman was invited, but could not attend due to illness, and was unaware of the project until today when he saw it listed on the revised agenda. Mr. Hoffman visited the architect. Mrs. Albarran de Mendoza visited the architects in their office. Mr. Zukov, Ms. Lilja, and Mr. Pandula, likewise, visited the architects on an individual basis.

Mr. Don Kino, Vice President of Smith Architectural Group, presented the project. Dr. Donald Curl, noted historian and author, was in the audience as he had assisted in the historical research of the project. Mr. Kino showed a 1923 Mizner plan of the house which demonstrated a symmetrical facade around a courtyard, with landscape orientation to the ocean and main entry in the rear. There were changes to the property in 1927 by Joseph Urban, where he added a ballroom to the south and moved the main entry to the front. In 1935, Treanor & Fatio added the pool, loggia, cabanas, and a garage addition with staff quarters.

The Smith Architectural Group current proposal would take the foyer away from the front and place it back in the rear as Mizner had originally planned. There, in the rear, an open air entry loggia will be created off Barton Avenue.

The west side of the loggia will have wrought aluminum railing which one can look through directly to the ocean. They will build an addition in the rear projecting out 18", with three french doors, to help align the facade with the pool. The existing large, formal pool will be restored. A 5' addition will be added by pulling the existing facade five feet to the west at the original entry. The existing second floor garage/staff wing will be connected to the second floor of the main house as another addition. A one story breakfast room addition is planned at the interior courtyard with french doors and two windows looking out at a fountain. The pool loggia will be enclosed with french doors, as there are quite a few loggias already. There is also a set of columns and 5 arches which will be enclosed with four arched french doors. Also, all windows and doors will be replaced to match the existing.

Mrs. Albarran de Mendoza requested complete elevations at the next meeting, depending on what happens at the Town Council meeting. She questioned the spacing of windows at the pool facade and the length of the loggia.

B. Distribution of Designation Report for December meeting

Mrs. Day distributed the designation report for 726 Hi-Mount Road, which will be heard at the December meeting.

VIII. Adjournment:

MOTION BY MRS. ALBARRAN DE MENDOZA TO ADJOURN AT 11:00 A.M.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, DECEMBER 16, 1998, in the Town Council Chambers, 2nd Floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Lindley M. F. Hoffman, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

TOWN OF PALM BEACH

ATTENDANCE RECORD (1998)

MEMBERS	1/98	2/98	3/98	4/98	5/98	6/98	7/98	8/98	9/98	10/98	11/98	12/98
Jeffery W. Smith	P	P	P	P	P	P	P	P	P	P	P	
Eugene Pandula	P	P	P	P	P	P	P	P	P	P	P	
Lindley Hoffman	P	P	P	P	P	P	P	P	P	P	P	
Arthur Silverman	P	P	P	E	P	P	E	E	P	P	P	
Elizabeth Shields	P	P	P	P	P	P	P	U	P	P	P	
Sari M. Wilkey	P	P	P	P	P	P	P	P	E	P	P	
Jacqueline Albarran de Mendoza	n/a	n/a	n/a	n/a	E	P	P	U	P	P	P	

ALTERNATES	1/98	2/98	3/98	4/98	5/98	6/98	7/98	8/98	9/98	10/98	11/98	12/98
Leighton Rosenthal	P	P	P	E	P	P	U	U	U	Resigned		
Nikita Zukov	P	P	P	P	P	P	U	P	P	P	P	
Ann Lilja	P	P	P	P	P	P	P	P	P	P	P	

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

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS (1998)

MEMBERS	1/98	2/98	3/98	4/98	5/98	6/98	7/98	8/98	9/98	10/98	11/98	12/98
Jeffery W. Smith	----	----	----	V1	V1	V1	VPD1	VPD3	VPD1	2VPD	V1	-----
Eugene Pandula	----	----	----	----	V2	V1	----	----	----	-----	V1	-----
Lindley Hoffman	----	----	----	----	----	----	----	----	----	-----	-----	-----
Arthur Silverman	----	----	----	----	----	----	----	----	----	-----	-----	-----
Elizabeth Shields	----	----	----	----	----	----	----	----	----	-----	-----	-----
Sari M. Wilkey	----	----	----	----	----	----	----	----	----	-----	-----	-----
Jacqueline Albarran de Mendoza						V1	VPD1	VPD1	VPD1 V1	1V 1VPD	-----	-----

ALTERNATES	1/98	2/98	3/98	4/98	5/98	6/98	7/98	8/98	9/98	10/98	11/98	12/98
Leighton Rosenthal	----	----	----	----	----	----	----	----	----	-----	-----	-----
Nikita Zukov	----	----	----	----	----	----	----	----	----	-----	-----	-----
Ann Lilja	----	----	----	----	----	----	----	----	----	-----	-----	-----

LEGEND: V = One Voting Conflict during a meeting
V2 = Two Voting Conflicts during a meeting
V3 = Three Voting Conflicts during a meeting
And so on...

VPD = Voting Conflict Previously Declared (This category to be used when a conflict has been declared at a previous meeting, and the changes being reviewed are part of an ongoing renovation project. ONLY COUNT ORIGIN DECLARED CONFLICT FOR ONGOING PROJECTS PER JEWEL C. PANDOLFI

10 GOLF ROAD

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
PANDOLA, EUGENE	Landmarks Preservation Commission
MAILING ADDRESS: 426 Seaspray Avenue	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY · Town
CITY: Palm Beach — COUNTY: Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED: 11/18/98	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

MINUTES

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, GENE PANUCCI, hereby disclose that on 18 NOVEMBER, 19 90:

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain; or

✓ inured to the special gain of MR / MRS WILBUR JAMES, by whom I am retained

(b) The measure before my agency and the nature of my interest in the measure is as follows:

ARCHITECT FOR THE PROJECT

11/18/98
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $5,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Smith, Jeffery W.	Landmarks Preservation Commission
MAILING ADDRESS: 206 Phipps Plaza	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY: Palm Beach COUNTY: Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED: 11/18/98-discussion only	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

RECEIVED NOV 19 1998 TOWN OF PALM BEACH

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

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INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

TOTAL P.02

RECEIVED
DEC 10 1998
TOWN OF
PALM BEACH

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jeffery W. Smith, hereby disclose that on 11/18, 19 98:

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

X inured to the special gain or loss of Mr. David Koch, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

11/18/98
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

P.02 TOWN OF P.B. PZB DEC-01-1998 13:03

10 GOLF ROAD

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
PANOULA, EUGENE	Landmarks Preservation Commission'
MAILING ADDRESS: 426 Seaspray Avenue	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ; ; CITY ; ; COUNTY ; ; OTHER LOCAL AGENCY · Town
CITY: Palm Beach — COUNTY: Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED: 11/18/98	MY POSITION IS: ; ; ELECTIVE X APPOINTIVE

RECEIVED DEC 10 1998

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ARCHITECT FOR THE PROJECT

11/18/98
Date Filed

Signature

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CE FORM 8B - 10-86

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Smith, Jeffery W.	Landmarks Preservation Commission
MAILING ADDRESS 206 Phipps Plaza	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY Palm Beach COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED 11/18/98-discussion only	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

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* * * * * * * * * * * * * * * * *

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* * * * * * * * * * * * * * * * *

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Signature

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