



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, NOVEMBER 17, 1999

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

I Call to Order: The meeting was called to order at 9:04 a.m. by Chairman Jeffery W. Smith.

II Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Eugene Pandula, Vice Chairman
Elizabeth Dowdle, Secretary
Sari M. Wilkey, Member
Ann Vanneck, Member
Ann Blades, Member
Nikita Zukov, Alternate Member
Judy Hoffman, Alternate Member
Jack Pyms, Alternate Member (arrived at 9:06 a.m.)
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 20, 1999 Meeting:

MOTION BY MR. PANDULA FOR APPROVAL OF THE MINUTES AS MAILED.
MOTION SECONDED BY MRS. DOWDLE.
MOTION CARRIED UNANIMOUSLY.

IV Administration of the Oath to all persons who wish to testify:

Mrs. Delp administered the oath to all those present who wished to testify today.

V Report relative to the Royal Park Bridge Construction: Mr. Dusey &/or Mr. Bowser

MOTION BY MR. PANDULA TO MOVE THIS ITEM TO THE END OF THE AGENDA.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

VI Public Hearings:

A. Application for Certificate of Appropriateness #23-99, (deferred from Oct., 99)

Landscape/hardscape & miscellaneous changes

Owner/Applicant: Roger Fox

Address: 324 Brazilian Avenue

Architects: Smith and Moore Architects

Chris Flynn Landscaping

Project Description: Request approval of the following:

1. Landscape/hardscape to include:

New cast stone/brick driveway

Enlarged patio in SW courtyard with same material as driveway

New stucco/cast stone fountain & lattice screen wall on south property line

2. Replace entry stair and railing

3. Restoration of exterior wood doors & windows on north, east & west elevations

4. Replace aluminum clad casement windows with wood casement windows on east, south and west elevations

5. Replace glass jalousies with wood casement windows

6. Provide wood casement window at previously enclosed window opening on west wall of kitchen

7. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

There was a motion at the October meeting for approval of the project as presented with a deferral of the fountain details. PLEASE NOTE: The applicant is requesting removal of the fountain from the project. A motion for removal of the fountain from the project is required to finalize the CoA.

MOTION BY MRS. VANNECK TO REMOVE THE FOUNTAIN FROM THE REQUEST AND ISSUE THE CERTIFICATE OF APPROPRIATENESS.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

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B. Application for Certificate of Appropriateness #25-99, (deferred from Oct., 99)

Landscape/hardscape

Owner/Applicant: Mr. and Mrs. William Meyer

Address: 334 El Vedado Road

Architect: Jeff Blakely, Landscape Architect

Project Description: Request approval of landscape and hardscape to include driveway, dock and seawall, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATIONS: None declared

There was a motion at the October meeting for approval of the project as presented, with the proviso that the applicant returns with an elevation of the front gates, and with the proviso that the piers are removed, and that the path leading to the driveway is done in cast stone.

Let the record show that Mrs. Meyer had sent a letter requesting deferral of the gates to the December meeting. However, additional circumstances had arisen, as follows.

Mr. Frank stated that some unusual engineering conditions have been discovered at the site. Staff requested that the applicant and the architect/structural engineer, Robert Henry, appear today to discuss this matter. Mr. Frank recommended that the LPC hear these issues today for informational purposes, and if any further advertising needs to be done, that should be done for the next month's meeting.

MOTION BY MR. PANDULA TO HEAR THE STRUCTURAL EXPLANATION.
MOTION SECONDED BY MRS. DOWDLE.
MOTION CARRIED UNANIMOUSLY.

Mrs. Denise Meyer addressed the commission requesting deferral of the gate issue, part of the landscape/hardscape project.

MOTION BY MRS. DOWDLE FOR DEFERRAL OF THE REMAINING LANDSCAPE/HARDSCAPE ISSUES TO THE DECEMBER MEETING.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

Mr. Bob Henry, Structural Engineer and Architect for this project, addressed the LPC. He stated that a portion of the structure had been removed, and before reconstruction was begun, soil borings were done. The soil borings show a layer of peat 6' -7' underneath the structure and proceeding down to about 13' below grade. Some cracking had been noticed in the structure, but it was not known whether the cracks appeared due to age (approx. 60 years) or due to a structural problem. The soil report recommended that a deep piling foundation be installed prior to the new construction which would add even more weight. There are several piling options, but two of the thinner piles were not an acceptable solution for Mr. Henry. He stated that the best solution is auger cast piles, which are 14" in diameter, inserted 40' into the ground. The intent, he commented, is that the new project looks like the existing, but with CBS walls instead of frame, and designed to a higher windload. This proposal would include demolition of the existing structure, which was a complete surprise to the LPC. It was likewise a surprise to some of the members that the garage wing had already been demolished. The previous approval was questioned, and Mrs. Delp provided a copy of the October minutes wherein all of the requested changes were listed. Demolition of the garage wing was not listed as part of that project.

Mr. Smith asked how this project could have come so far without soil borings being done first. That is always the way to proceed, to check whether the soil can carry the new design. Now, the request is for demolition. There is a responsibility when one is dealing with a landmark structure, and demolition of the structure is not appropriate. Mr. Smith suggested that an independent structural engineer be hired to evaluate this site, at the owner's expense, to report back to the LPC. He stated that the additions being planned to the site/house are causing the problem. It was noted that the house once had a tile roof, and if that is so, a tile roof can be replaced, and should not affect the house negatively.

Mrs. Meyer stated that she was very disappointed and distraught to have to demolish the house. It warrants being brought up to its original glory and even better. She promised to reconstruct the house exactly as it had been approved by the LPC.

MOTION BY MRS. DOWDLE THAT AN INDEPENDENT ENGINEER BE HIRED TO EVALUATE THE SITE, AND REPORT BACK TO THE LPC, AND THAT THE OWNER WILL

BE CHARGED FOR THE ENGINEERING SERVICES.

MOTION SECONDED BY MRS. BLADES.

Mr. Moore noted, under discussion, that the Independent Engineer need only be hired if the applicant chooses to go forward with the demolition request. He stated that Dames and Moore (Engineers) are currently under contract with the Public Works Department.

MOTION CARRIED UNANIMOUSLY.

Mr. Pandula suggested that the existing foundation be supplemented instead of demolishing. Mr. Smith stated that the house could be moved, the piles put in and the home placed back again. The point was that there are other alternative than demolition.

Mr. Frank noted, for the record, that this applicant wishes to demolish and re-build, and retain status as a tax abatement project. Mr. Day stated, however, that one cannot demolish an entire house and then re-build, and still retain status as a tax abatement project.

Mrs. Vanneck commented that this applicant has not looked thoroughly enough at preserving the house, instead of demolishing it. She called it irresponsible for the applicant to come to the LPC now for demolition, and she will vote against demolition of the structure if there is any way to save it. Mrs. Blades concurred.

C. Application for Certificate of Appropriateness #26-99, (deferred from Oct. 99)

Enclose loggia & alcove, & miscellaneous changes

Owner/Applicant: Mr. and Mrs. Jacques Cohen

Address: 137 El Vedado Road

Architect: The Lang Architectural Group

Project Description: Request approval of the following:

1. Remove fireplace and construct HVAC closet
2. Enclose existing loggia with curtainwall glazing
3. Enclose alcove to existing guest bedroom with curtain wall framing
4. Fenestration changes throughout, changing style, size & number of openings
5. New wood casement windows to be installed throughout
6. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

There was a motion at the October meeting for deferral to the November meeting.

Mr. Don Lang returned today in response to comments and suggestions made at the last meeting. He explained that muttons have now been added to all the windows and doors; that a new interior location has been found for the air handling unit, so the fireplace and chimney will remain intact. It was suggested that the bathroom windows be left intact, with drywalling behind, and that will be implemented.

The LPC proceeded to review the elevations:

West elevation: Acceptable to reduce the number of lites from four to three

South elevation: Acceptable to reduce the number of lites, but the doors should not be three lites on each side. Five lites on each side would be preferable. A plan and section with details must be

presented relative to the curtainwall glazing and how it attaches.

East elevation: The two french doors with balconies are not appropriate. The doors are too narrow in comparison to the windows, and the balconies look like they do not belong there. A suggestion was made for, perhaps, one full balcony instead of two.

North elevation: Again, the number of lites in the french doors is questionable.

MOTION BY MRS. DOWDLE FOR APPROVAL OF THE PROJECT, WITH THE PROVISIO THAT THE DIVIDED LITES ON THE FRENCH DOORS, THE EAST ELEVATION BALCONIES, AND THE GLAZING OF THE LOGGIA BE DEFERRED TO NEXT MONTH.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness #27-99,

Roof change

Owner/Applicant: Mr. and Mrs. Andrew Cooley

Address: 111 Seabreeze Avenue

Architect: SKA Architect & Planner Inc.

Project Description: Request approval of new sloped barrel tile roof on existing covered deck, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Jacqueline Albarran de Mendoza, of SKA Architects, presented this request. She explained that a variance had been obtained to accomplish the project which changes a flat roof on the east elevation to a sloped roof, matching other roofs on the home. Under "other associated changes," she requested some minor window changes on the west or rear wall to allow for a second bath interiorly. It was noted that this is a tax abatement project.

MOTION BY MR. PANDULA FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. DOWDLE.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #28-99,

Miscellaneous changes

Owner/Applicant: Mrs. Gloria Osborn

Address: 6 Golf Road

Architect: SKA Architect and Planner, Inc.

Project Description: Request approval of the following:

1. South Elevation: Extend existing second story structure over an existing flat roof deck area
2. New covered entry
3. Courtyard elevation: Second story extension as mentioned above
4. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Jacqueline Albarran de Mendoza, project architect, reported that the applicant was successful in obtaining a variance relative to this work. She explained that there is a large flat roof area at this residence. The existing south elevation appears as a one story center section flanked by two story

masses on either side. The project would create a second story addition on top, but set back 10' from the one story central portion of the house. Also, to provide protection at the front entry, a new covered entry will be constructed by replicating the facade and bringing it out. The result will be an open covered entry with brick pillars. Mr. Smith commented that the addition serves to tie the house together. It was noted that this is a tax abatement project.

MOTION BY MRS. DOWDLE FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. PANDULA.

MOTION CARRIED UNANIMOUSLY.

V. Report relative to the Royal Park Bridge Construction (deferred from earlier in agenda)

Presentation given by: Mario Echagarrua, PE, E.C. Driver & Associates

Thomas P. Piotrowski, AIA, H2L2

Bruce Chamberlain, AIA, H2L2

David L. Risinger, ASLA, Urban Resource Group

A colored rendering was presented of the bridge showing the proposed new arch design, including decorative overlooks at each pier. The overlooks become increasingly smaller as one approaches the shore. The bridge arches will have a closed smooth bottom. A watercolor was shown depicting a proposed design for the bridge tender's house: a tower-like element with a balcony all the way around, tile roof, concrete construction, decorative tile patterns beneath the balcony on the tower facades. A decorative metal railing (at 4'6" in height) with cast elements was shown. The existing bridge lights will be re-used on the new bridge.

Mr. Smith commented that the bridge has come a long way in this design process, with a current proposal which is a great improvement on the original design. Mrs. Vanneck suggested that the decorative tile patterns be done in subdued colors rather than strong colors, as was proposed. Mrs. Dowdle questioned Mr. Randolph as to the responsibility of the LPC relative to the size, width, and height of the bridge. Mr. Randolph responded that the Town Council has already met to discuss the size, width and height of the bridge, and has approved those items. The LPC, then, is reviewing the bridge to preserve a historic motif in the design, he felt, and would not be involved in such issues as height and width. Mrs. Dowdle wanted it made clear, for the record, that she had no decision-making authority regarding the width and height. Mrs. Wilkey echoed Mrs. Dowdle's statement, saying that, in her opinion, the bridge is definitely too wide. Mrs. Dowdle asked what capacity the bridge is being designed for, and Mr. Echagarrua responded that currently, 22,000 vehicles cross this bridge per day. Normally, a new bridge is designed for future growth, but in this case, a four lane bridge is being replaced by a four lane bridge.

Mr. Moore explained that these gentlemen were here today at the request of the Town Council. This bridge is not owned by the Town, but by the State. He complimented the DOT in making great efforts to be fair to both the Town of Palm Beach and the City of West Palm Beach, and to work with both government bodies to arrive at a bridge which is pleasing to all. He wanted the LPC to understand that the DOT came to the Town Council, much like property owners who come to the Town Council seeking a special exception or site plan review, seeking approval of a footprint. So, the bridge must be looked at as being approved by the Town Council and the City of West Palm Beach as to its footprint, size, height, etc. Those issues have already been decided, and the LPC's role is to review the architecture. Mr. Echagarrua noted that the City of West Palm Beach reminded him that the bridge tender's house is in the City of West Palm Beach, not the Town of Palm Beach.

There was a fair amount of discussion relative to the bridge railing. As proposed it is metal with 8" cast elements, borrowing details found on the existing bridge light standards. Mr. Smith commented that the railing, as proposed, is too high. Other members agreed asking that the railing be lowered.

As for the bridge tender's tower, Mr. Smith commented that he would love to see a tower on both sides of the bridge to create a real landmark bridge.

It was noted that lighting the underside of the bridge has not been decided at this point.

Mr. Risinger discussed the plans for the West Palm Beach side of the bridge, designed to encourage a promenade along Flagler Drive. Huge oak canopies will be found at the end of the bridge on the north and south sides. Park benches will be placed in the vegetation. There will be an overlook area at the street level, and a walkway with lighting underneath the bridge. The underside of the bridge at that walkway will be decorative. Mr. Risinger noted that these are preliminary plans, and plans for the Palm Beach side of the bridge are forthcoming in the next six to eight weeks.

Mrs. Polly Earl, of the Preservation Foundation, offered some comments. She encouraged the LPC to continue to offer architectural suggestions for the bridge as a means to attempt to mitigate some of the size factors which have already been determined. She suggested substituting the proposed tiles on the bridge tender's house with applied cast stone decoration. It was of great concern to her that to date, she has not seen a perspective drawing of how the bridge will appear as one is traveling Royal Palm Way approaching the bridge.

It was noted that probably in 3-4 months, a 3D model of the bridge will be built and shown to the LPC.

At this point, 10:59 a.m., there was a five minute break. The meeting was reconvened at 11:04 a.m.

VII Landmark Designations

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: 284 Monterey Road

Owner: Ms. Joan Lucier

Mr. Frank stated that proof of publication and proper legal service were obtained with regard to this hearing. Mrs. Delp administered the oath to all those present who wished to testify relative to this matter. Mr. Frank stated 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 craftsmen."
- (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.

JANE DAY, STAFF PRESERVATION CONSULTANT: Mr. Chairman, members of the Commission, Good morning. Before I start specifically talking about 284 Monterey Road, I'd like

to make a couple of comments, philosophically about landmarking the properties I'm bringing to you this morning, and some of the decisions that you'll have to come to as the Landmark Commissioners for the Town of Palm Beach. I have had conversation with the owners to these properties and they have some concerns that they will voice to you later in this presentation. I think, because some of the Alternates and commission members are new, it's appropriate to re-state that this group of landmark proposals was brought by the commissioners themselves. It was the result of a survey that was done in 1997. In that survey, we inventoried all of the properties over 50 years old. There were 1151 properties that were inventoried and had Master Site File forms done on them. Of those 1151 properties, there were only 17 Bermuda style properties. Two of the properties that I bring to you this morning are of that style, and although they are not the typical Boomtimes 1920's style of architecture that we're used to seeing at this commission, it's important for you to remember that there is more to the architecture of the Town of Palm Beach than Addison Mizner and the Mediterranean Revival styles of the 1920's. That said, I would like to present to you first 284 Monterey Road. As you see from the slide, this is a Bermuda style residence. The Bermuda style is a West Indian adaptation of Georgian architecture and is also broadly known as the British Colonial style. This style was originally brought to the Town of Palm Beach in 1925 by Howard Major. Major Alley on Peruvian Avenue is currently one of our landmarks. However, it was not really popularized until the 1930s and 40s, particularly with the work of John Volk and Marion Sims Wyeth. The architectural characteristics of this style are they can be either one or two story in height. They are symmetrical in their fenestration and the overall outlay of the properties. They are smooth stuccoed on the outside and they generally have a hip roof that's a particularly steep pitch, and white tile roofs are also common. They use the Georgian style windows, the six over six, double hung sash. They often have shutters, and as you can see before you, this is a good example of the style. Bay windows are very important in the design of these particular properties, and you can also see in this photograph, the exposed rafter tails and the more details of the cement tile roof, the shutters on either side of the front door. A windcap is typical of this style in Bermuda and as it was adapted here, in this case, by Marion Sims Wyeth. The other thing that's interesting about this particular property is that it was designed and built in 1941. This is after the Depression and right before building really comes to a standstill with World War II. It was built by E. B. Walton who has been recognized by this commission in the past as a master builder, and when you review the building permits for the property, you find that there's been really not a lot that's been done, and really nothing that I found that took away from the architectural integrity of the property. There were roof repairs completed in 1960, 1981 and 1984. A pool and patio were added in 1987. The interior was remodeled in 1987, and hurricane panels and a new air conditioner were added in 1995. The house is a good example of this style, and as Mr. Frank said to you, I believe that it fulfills criterion (a), criterion (c) and criterion (d) of the ordinance of the Town of Palm Beach. It's also important to remember that we do not consider owner consent within our ordinance, but you must then listen to the property owners and see what they have to say about their feelings as to the landmarking of this property.

MOTION BY MR. PANDULA TO MAKE THE DESIGNATION REPORT BE MADE PART OF THE RECORD.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

DOYLE ROGERS, ATTORNEY FOR THE PROPERTY OWNER: Mr. Chairman, Members of the commission, my name is Doyle Rogers, Alley, Maass, Rogers and Lindsay, representing Ms. Lucier, who is the owner of the property. Ms. Lucier is here. I think she stood up, since I was absent from the room when you started again. We don't take issue with the facts that Jane Day has presented to

① you because it is or seems to be a nice example of a Bermuda house, and certainly the architect and the master builder are well known. However, there are certain reasons why Ms. Lucier and her husband object to the designation of this house, and let me enumerate those. Number 1, the home contains only 869 square feet under air, and they require additional space in the home upon the forthcoming retirement of her husband from medical practice in Pennsylvania. Number 2, the house is located on a corner lot, and the only setback which would allow an addition is the front yard. 3, the only way to add additional space is to add a second story which is very questionable because of the angle of vision on a major north-south road, or construct an addition on the front portion of the house, both of which would destroy the style which the Landmark Commission wishes to preserve. Fourth, it is unfair for the Town to impose an unnecessary burden on their home which could prevent them from expanding their liveable space at the beginning of their retirement years, and fifth, there may be other homes of this style in the town which may welcome landmarking thereby making it unnecessary to preserve this home as a Bermuda style example. And I think Jane Day said that when they took the survey, there were 17, and therefore there are 1 others, unless another one has been preserved. I don't know whether you commented on that or not.

JANE DAY: There are currently six landmarks in the Bermuda style. That's included in that 17 total that we identified two years ago, but those 17 homes are only one-and-a-half percent of the inventory of houses that are over 50 years old in the Town, which isn't a very large percentage. I would say that most of the houses are Mediterranean Revival style that are of this age.

DOYLE ROGERS: But I'd have to say that in conclusion, that the Luciers are strongly opposed to landmarking their home, and they request your forbearance on designation.

Mr. Rogers showed photographs of the home showing renovations which were done.

① MR. SMITH: Well, I'd like to begin by saying that I know when we were surveying the Town to find new landmarks and such to recognize after the 50 year update was done in 1997, I certainly gave this house a "10" because I think it is a very nice Bermuda style home and a great...it's not often that we see a house get three categories...three out of four. That is, I think, incredible. I also think that this commission has always worked very hard with owners to do additions to the house and to keep them within the landmark character of the style of the house, and I don't think we have a bad reputation for not understanding an owner's needs for a house to grow. And I strongly urge the commission to landmark this house.

JANE DAY: Mr. Chairman, if I may say one more thing because you're going to find that the same comments are going to be made in the next presentation, with another Bermuda style house, again a well known architect, again, representing three of the criteria. But the owners that live in the north end of Palm Beach are concerned with sizes of neighboring properties, with zoning issues that are going on there, and what's going to happen to these little houses. I also think that education is the key. I had a wonderful talk with the Paines, who are going to be here next, about the fact that additions are not only allowable, but in many cases encouraged to make a house grow and maintain the original character if we can. I have not surveyed this house to see whether an addition could be made on the back, but these are issues that I would like you to keep in mind, because what I'm hearing from the property owners is, particularly in the north end of the town, that was all built or a lot was built in the 30s, the 40s, and the 50s, that there are these other issues that you, I think, should at least consider when making your decision.

① MR. SMITH: Thank you. Any comments?

① MRS. VANNECK: I would like to second the Chairman. It's a beautiful house, and it really does merit landmarking, and I've found that this commission has gone over backwards to help owners make the house liveable. Just because you landmark a house does not mean that we are restricting you. I consider it a privilege, and that privilege does not mean that you be, that you have your hands tied, that you can't expand, and I really think that this is a wonderful home and worthy of landmarking.

MRS. BLADES: I third that opinion, and if you were here earlier, you may have heard that you can also come for demolition. That was sort of a joke

JANE DAY: I think the other thing that you'll find, if Mrs. Lucier stays for the whole presentation is that the third landmarking is someone who brought their home forward, who wants the benefits of landmarking, which include a very generous tax abatement program which both the town and Palm Beach County offer if you do make additions to a house, and those additions are approved by this commission. So, there are benefits as well as negatives.

MRS. VANNECK: Also, we're a lot easier to deal with than ARCOM.

MR. SMITH: Any further comments?

MRS. DAY: Would you like to say something to the commission?

① MRS. LUCIER: No, I really don't have anything to say. I agree with you that it's a magnificent home. Unfortunately, I wish you were here twelve years ago when we did the restoration and put more money into it than we paid for it. My husband is in an ambivalent situation. We live in Philadelphia. I am a fourth generation Philadelphian, and I know quite a bit about landmarking and history. As you can see, we did restore it, and I think it is a magnificent home. We now are planning on spending a little more time in Palm Beach. We spend only from November until April commuting back and forth. I came down for this hearing today. The house is small. It's set back so that there's no room to expand in the back. We kind of went through with a machete when we bought it and found that there was enough room to put in a little pool and a patio in the back, but as Mr. Rogers said, there really is no place to expand, and we would like a little more room, because we're going to be spending more time here.

MR. SMITH: But I still think that no matter how you expanded the house, you have very good taste and you love your house and when it changes, it will change that's appropriate for the house when it changes. If you are familiar with what the commission does, we have put additions on homes that are bigger than the homes to begin with. So, we've approved those kinds of additions. Casa Apava is one of the largest houses in the town, and we more than doubled the size of it with additions. It just needs to be appropriate, and we want to protect the jewel. And we think we're a better forum to do that than the Architectural Commission.

MRS. LUCIER: But I think we're dealing with an irregular lot size, if I'm not mistaken, aren't we.

MR. ROGERS: Not irregular, but deficient lot size.

MRS. LUCIER: A deficient lot size.

① MR. SMITH: I mean you may need a variance for it. You may need several things to be able to do whatever you're going to do, but I'm sure you want it to still look architecturally correct, and this

commission will help you do that. Any other comments from the commissioners?

MRS. WILKEY: If you were to want to enlarge your house, and you had no problems with the addition, would you still be opposed to the landmarking your house?

MRS. LUCIER: I personally would not, but my husband would. He would like to have, as I say, a little more space in the back.

MR. SMITH: How can you get more space in the back? The house is where it is.

MRS. LUCIER: That's what I'm saying. So we probably would not want to. We would probably want to sell the house is what I'm saying. We certainly would not be interested in demolishing the house.

MRS. WILKEY: Do you think that landmarking is a detriment to selling the house?

MRS. LUCIER: I have no idea.

MR. SMITH: Studies have proven that your house increases in value when you landmark more than houses that are not landmarked. That was a study done by the Preservation Foundation. So, hearing all the evidence, I think it's time that somebody makes a motion.

MOTION BY MRS. VANNECK THAT THE PROPERTY AT 284 MONTEREY ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

Item 2: 170 Seagate Road
Owner: Ms. Ruth B. Paine

Mr. Frank verified that proof of publication and proper legal service was achieved relative to this designation hearing. Mrs. Delp administered the oath to all those who wished to testify. Mr. Frank gave the staff recommendations 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 craftsmen."
- (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.

JANE DAY: Well, you've just heard my lecture on Bermuda style architecture and here we have another Bermuda style house. This one is at 170 Seagate Road. This one was designed a little bit later. It was designed in 1945 by John Volk, but again the builder is E. B. Walton. There was an interesting quote in the Palm Beach Daily News, the last one of the season of 1943-44, "much

property has changed hands, and the general real estate boom indicates that in the period of post war construction, Palm Beach will be growing and a flourishing colony." This house is a representative of that. It's what happened immediately after the war, and if you compare this Bermuda house to the other one, you can see the variation within the style. Whereas the other house had a hip roof, this has a side facing gable roof and is really more toward the front lot line of the house. Still, the general characteristics are very similar...the bay windows on the front, in this case two instead of one; again, the very steeply pitched white tile roof; and the garage wing, that in this case is on the western side of the property. It's a good example of the style of the house, and as Mr. Frank said, I believe that this house represents criterion (a), that it exemplifies what happened in the Town of Palm Beach immediately after World War II. It's a good example of Volk's work, and Volk, besides Howard Major, is one of the two major architects of the Bermuda style in the Town of Palm Beach. And it is also a good representative of Bermuda style and the work of John Volk and E. B. Walton. Again, I had a very nice meeting with the owners of this property, with the owner's son. There have been renovations that have been done to the house already that Mr. Paine did...a master bedroom and bath were added in 1988; the circular drive was added in 1985. They were very good at maintaining the architectural integrity of this house, but again, we have owners that are concerned about what's happening in the north end of the town, about the problems that they may be dwarfed by bigger projects that become built on either side of them, and I'll turn this over to Mr. Paine right now, or if you have any questions for me, I'd be happy to answer them.

MR. JAMES PAINE, SON AND LEGAL COUNSEL FOR THE PROPERTY OWNER: First of all, I'd like to thank Jane Day and Tim Frank for taking the time they did with us. We did have, I think, mutually beneficial meetings and some good discussions about it, and we appreciate your time and their time. A lot of my concerns are similar to the ones you heard from Mr. Rogers on the last home, so I don't want to go into too much detail, or spend too much time. This is another small house on a corner lot, the same southeast corner as the one that you saw before. We have expanded previously. We tried very hard to be sensitive to the architectural style of the house. We recognize that this architectural style is not an easy style to add to vertically. Stylistically, a second floor is not something that...it's something we talked about briefly, but not something that we would consider. We don't think it's in keeping with the house, but consequently....and so, in very many ways, we agree with the commission and Ms. Day and her analysis of the property. But we're concerned because recently there's been a large project approved on Angler which doesn't back up to us...the street backs up to us directly...the project is a little bit east, but I believe it was on a triple lot, and Mr. Frank told me that ARCOM forced them to reduce the size of the house considerably...I think by 2000 square feet, but it's still going to be very big. We know that the home across the street was considered by a buyer that wanted to tear down the house...it was on a corner lot...build a big Mediterranean home facing North Lake Way, which would have a side entry garage which would face us at the new code requirement of 18'....big, close. The two houses directly abutting our property...the one on the northeast corner of Angler...is a charming house, but it's small, and it's going to be one that people will consider possibly tearing down, although it's well maintained. It's very small. Our neighbor to the east also has a house that's a potential tear down, he said himself, with all due respect to him, he's a good friend. But we're worried. We feel like if we consent to the landmarking that we've really given up some of our rights as property owners and these surrounding properties may eventually be developed with large houses and it will, over time, affect the livability and the marketability of our property. And so, while we agree with a lot of the things that Ms. Day is doing, and what this commission is doing philosophically, we're concerned and would like to have our options open until we can see what's going to be done to protect us from what's going on generally around us. We're concerned.

MRS. DAY: Mr. Chairman, in a discussion with Mrs. Paine, who is the owner of the property,

earlier this week, she asked if you would consider dismissing this at this point without prejudice, so that she could see what happened to the neighbors in the next few years. Her family has no plans on adding on to the house, or if they do, it would be a family room that's again sensitive, but she has no plans on tearing down the property, and she said that that may be one option, and they love the house. They asked for another copy of the report because they really agree with the history of this. They are concerned of the economic value of their property.

MR. FRANK: Mr. Chairman, if I might sort of piggy-back on that too...I think that part of the discussions that we've had with them is....the applicant, in this case, is concerned with how the Town is going to handle the future study that's going to be conducted by the consultant who's going to look at size and mass and so forth. And I think that it's important to point out how this is slightly different, more subtly different, than the application that preceded it, but nevertheless, an important difference in my way of reasoning. The previous attorney presented a bunch of alternatives that included requests for variances and so forth, and sort of said that he would not be able to get those because of the Landmark Commission landmarking the parcel. I didn't feel that those particular points were related to what our role is and what our ordinance says. However, this particular request is a request just for no action to be taken without prejudice so that when this issue of size and mass is completed within three years, and perhaps the Comprehensive Plan revised, or the zoning ordinance, that they may very well be in favor of this program and it could be brought up again. That's the request.

MR. SMITH: Well, personally, I don't see a difference between the two properties. They are both very good examples of the style. The entire north end has been changing for 30 years. I mean what's going to happen to the north end is going to go on to the next millennium. I think that the house is certainly worthy. I think that when the neighborhood changes, things change too. I think the house will be able to change with the neighborhood. I think this commission is always...I mean you talk about going back to ARCOM, I just don't see a difference between this property and the other property because some neighbors may be selling or may not be selling, and what is a tear down and what's not. It's clear to me that this is not a tear down. It's a very good example of the architect's work and the style and I personally rated this a "10" on my list. So, and I think you agree, Jim, and you know how much work can be done to a landmark home. I mean we can really double the size of them, so I don't see the down side of it at all.

MRS. WILKEY: May I say something? I do see a difference between the two properties, and the difference is the location. I live in the north end and I do know what's happening. They're just getting bigger and bigger and since we are in transition as to the zoning in that part of the town, I don't think that it would do any harm to wait...dismiss it without prejudice until we see which way the zoning is going to go.

MRS. BLADES: Mr. Chairman, also there is...if you can, if you oppose it after this zoning in progress takes place, then you can also go and plead hardship, and that has historically happened here...that houses have been de-landmarked because the families won on the hardship that they couldn't get the fair market value.

MRS. HOFFMAN: The Anthony house.

MRS. BLADES: Exactly, the Anthony house on the Lake Trail is always my premier example.

MRS. WILKEY: That was a very lengthy process.

MRS. BLADES: Yes. But it was overturned, so...

MRS. WILKEY: And costly.

MR. SMITH: Any further comments?

MS. DAY: You're going to need to come forward and identify yourself for the record.

MRS. RUTH PAINE, PROPERTY OWNER: I'm Ruth Paine, the owner of the house. I just am concerned.. You know, in the north end, the lots are very small. I believe our depth is 105, 115 max.

MR. JIM PAINE: I think it's 105.

MRS. PAINE: 105. So, if you have a house worthy of landmarking, which this other house does have more property around it; we have a very small lot, so that when you do go up with a two story Mediterranean and it is only twenty feet away, I'm not going to enjoy my house at all with two big houses right behind it. I won't want to be there anymore. And I just feel that that is a factor. In the north end, the lots, many of them on my street particularly, are very, very small and you know, if that happens, I will want to go away from my house. I love it, but I feel that it will not sell, and I will be in distress.

MR. SMITH: I think that there have been reports that the landmarking of a house increases its value, and not only...and I can tell you right now....I talked to a realtor two weeks ago. There are only six houses on the island that are for sale for less than a million dollars. I mean there is nothing available. Everything sells.

MRS. PAINE: Well, if you live in a two story house that's landmarked, that's maxed out, it's going to be OK, but if you live in a little, tiny 2600 square foot house...it was 1800 when we bought it. We added 900 square feet. It is not going to be for sale and go for sale as a landmarked house. It is going to go for the land. And that's my feeling about it, and I'm not trying to preserve my rights for myself, but I'm thinking of my children and my grandchildren, and I don't want them to be burdened with a house that they can't sell or they can't get the value from. Thank you.

MR. SMITH: Any other comments?

MR. PANDULA: I have two observations, I think. That landmark designation and the size issue that's before ARCOM and the Town Council are two different things. And in kind of maybe a perverse twist, actually, there's a lot of comment been made about the size and character of the north end recently, and much of the character of the north end is not that special, but this house is. So, it would seem to me that the more buildings of this scale that were actually designated landmarks, would be a stronger way of maintaining the character or the scale of the north end. You know...and this could actually be a first or actually a second step because we just designated one not too far away, that then gives the Architectural Commission, perhaps, stronger ground to stand on when debating size, as opposed to just having a house that's next door that's viewed as a tear down. If it's viewed as a landmark, with some merit to it, then the size issue begins to take on more legitimacy, in my view.

MR. PAINE: I think that's a good view, and we've talked about that, but at this point, there's no...if that could be codified or if some strength could be given to that perception that a landmark property

be respected more by the properties around, then I think you would find people with small houses accepting the landmarking, you know, happily. So, if things are going to be considered over the next three years, maybe that's an issue that could be brought up, and somehow, worked into the changes.

MR. SMITH: Well, I certainly think that ARCOM does look at the issues of the surrounding properties and their sizes in relation to each other, and if it's a tear down, that's one thing, and if it's landmarked, I certainly think they take a different view. I mean, if it's not landmarked, it's considered a tear down by every...I mean most developers that come in say that's just a little one story nothing. We obviously have a very different opinion at the Landmarks Commission, and if it was landmarked, you'd have more weight in fighting your neighbors getting too close to you and too big and looming on you. So, any further comments, or anyone care to make a motion.

MOTION BY MRS. WILKEY THAT WE DISMISS THIS PARTICULAR PROPERTY WITHOUT PREJUDICE UNTIL WE DO SEE WHAT IS GOING TO HAPPEN TO THE ZONING IN THE NORTH END.

MOTION SECONDED BY MR. ZUKOV.

ROLL CALL:	MRS. WILKEY:	YES
	MR. ZUKOV:	YES
	MRS. DOWDLE:	NO
	MR. PANDULA:	NO
	MRS. VANNECK:	NO
	MRS. BLADES:	NO
	MR. SMITH:	NO

MOTION FAILS: 2-5-0.

Mr. Smith requested another motion.

MR. PANDULA: Let me ask a question...if it's deferred, does it remain under consideration and come back before this commission?

MR. RANDOLPH: Yes.

MR. FRANK: Let me make a comment. As far as the deferral is concerned, normally we ask that we have an agreement by the property owner because there is a portion in the ordinance that says that a decision shall be rendered within 30 days. I believe that next month's meeting is under the 30 day window, so essentially, we wouldn't have to ask for that waiver if you're interested in a deferral.

MR. SMITH: If there's no new information to be brought forward, I think we need to act, unless anyone thinks that any new information can be brought forward in the next 30 days. I don't see any evidence of that, so I think we need to bite the bullet and do one or the other.

MRS. VANNECK: Let me be a little bit sensitive to your point. It's very difficult to say...you do have a point, and I can understand it, but on the other hand, you've always said that you respect landmarking and you approve of landmarking and it's....maybe we should move that the report be made a part of the record. I don't think we did that, but....

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

MOTION SECONDED BY MRS. DOWDLE.
MOTION CARRIED UNANIMOUSLY.

MRS. DAY: I just have one other comment. You need to remember that this is a two tiered process in the town of Palm Beach, and that if the Landmarks Commission votes to make this a landmark, it will go next month to the Town Council, and it could be lost for any kind of review by this body. I know you understand that. I'm just putting that in the record.

MRS. PAINE: Is my letter in the record?

MR. FRANK: It's part of the file, I believe. My mother presented a letter to the Town. I'd like to make that a part of the record, if it's not already.

MS. DAY: I'll be happy to read it. I have a letter dated November 9, 1999 to members of the Landmarks Commission, Town Hall, Palm Beach, Florida, RE: landmarking of home of Ruth B. Paine, 170 Seagate Road. "Members, the interest expressed by the Town of Palm Beach in the landmarking of my home has required me to think carefully of the consequences to me, other members of my family, and ultimately, my children and grandchildren. When we purchased the home some years ago, we were attracted to it by its location and its style, in addition to the more practical considerations for comfortable living. We did add 900 square feet to the house to make it liveable for us. The total square footage presently, is approximately 2600 square feet. The lot size is 120' x 99.76' x 104.38' x 101.62'. I am appreciative of the efforts of the Landmark Commission to preserve the history and the beauty of the various structures which help to make our town such a desirable place to live. Yours is a time consuming job requiring thoughtful dedication. However, ours is a modest home, not historically significant. There are a good number of similar abodes within the town. Some of these may have experienced important events in the past. Our home would certainly not be in that group. I'm influenced by the observation that the north end of the island is changing, whether we like it or not. On nearby streets, houses built even later than ours are being razed and replaced by larger, more pretentious structures. The lots which adjoin our property on two sides are likely candidates for this kind of transformation. If this occurs near my landmarked property, the value of my property would surely suffer. I do not intend to alter drastically the outside appearance of my house during my occupancy. However, my kitchen is tiny and someday I might be able to enlarge it. This will require the north outside wall to be moved. Landmarking would certainly make such a change impossible. While I feel complimented that you have suggested the landmarking of my property, I have concluded for reasons stated, and others not stated, that I do not wish to have my home landmarked. The benefits of landmarking are not great enough to offset the problems that the future may hold. Please consider my wishes in this matter. Very truly yours, Ruth B. Paine." Since Mrs. Paine wrote this letter, she's had a meeting with Mr. Frank and I and has realized that walls can be moved and things can be changed in a landmark, so I think we overcame that objection, but this puts her letter within the record.

MR. SMITH: Well, I totally understand your personal concerns, and I think that as a Landmark Commission, we need to do our job with regard to the report and whether it qualifies, and whether it's a landmark. And then it goes on to the Town Council, and I think the Town Council has another agenda, and that's to listen, probably, more to your individual concerns. That's how I see it, at least.

MOTION BY MRS. DOWDLE THAT 170 SEAGATE ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED 6-1-0, WITH MRS. WILKEY CASTING THE NEGATIVE VOTE.

Item 3: 120 Casa Bendita

Owner: Mr. Leonard and Ms. Sophie Davis

The owner has requested a deferral to the December 15, 1999 meeting.

MOTION BY MR. PANDULA FOR DEFERRAL TO THE DECEMBER 15, 1999 MEETING.

MOTION SECONDED BY MRS. DOWDLE.

MOTION CARRIED UNANIMOUSLY.

(Please note that the owners, via letter, agreed to waive their right by ordinance requiring the commission to act within 30 days)

Item 4: 311 Brazilian Avenue

Owner: Robert E. Deziel

Mr. Frank verified that proof of publication and proper legal service had been achieved with respect to this hearing. Mr. Frank stated that this property meets the following criteria for designation:

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

MRS. JANE DAY: 311 Brazilian Avenue is a lot different than the other two houses that I just brought forward to you. It was an interesting report to do because on face value, when you looked at the property and how the Master Site File Form was originally filled out, it was filled out by what you see in front of you which is a modest Georgian Revival style house. The first building permit available in the Town is 1935. Lester Geisler was the architect for this. Geisler, if you'll remember, was an assistant to Addison Mizner. When you looked a little closer though, there was something that was really different about this, and when I checked the Sanborn Fire Insurance maps, I found that the property was there in the same footprint in a map that was published in 1924. So that takes the date of the house back to pre-1924, even though we don't have the first building permit for it. So we don't know who the first architect is. It was originally built in the boom times when everything is going crazy in this particular section. Royal Park was developed by Capt. Dimmick, whose portrait is behind our Chairman. He was a mayor of the town. But what Lester Geisler did in 1935 for \$4000, for Fred Miller and his wife, was change the house from what was a one story structure to the two story structure that you see in front of you now. In his adaptation of it into a Georgian Revival style property, he notes on the plans that the old home remains complete. So what Geisler did was he added a second floor on. He also notes on his plan that he's going to match the siding that was on the first floor one story structure onto the second floor structure. In 1961, a porch with jalousie windows was added to the back of the property, but that's really been the only other alteration that's been done to it. My contention is that this house represents what's going on in the development of the town from those boom time eras into the 1930s, shows how buildings

① adapt to different styles, different owners, and different needs of the inhabitants of them. And when I went out to the site, because this is now a tax abatement project, and is going through some restoration, I talked to the supervisor, who pointed out to me that the beams in the living room ceiling were railroad tie beams. I have never seen this in the Town before. We don't know how they got there, but when he opened up one section of the wooden casing around the beams, sure enough, they're railroad ties within the living room of this property, and I got you a photograph of that within your report. I don't have a slide of that. Because of these little interesting quirks, because it's a good example of the Georgian Revival style and this interesting history that shows how a building can be changed from a one story to a two story and still be important in the town and reflect its history, I think this is a good example of the Georgian Revival style and deserves landmarking for the Town of Palm Beach.

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

MOTION SECONDED BY MRS. DOWDLE.
MOTION CARRIED UNANIMOUSLY.

① MR. ROBERT DEZIEL, PROPERTY OWNER: Hi! My name is Robert Deziel, and I'm the owner of this property. First of all, I want to thank Jane for all the hard work she did on taking a look at it, and secondly, I want to congratulate Mrs. Paine on her event today. You have a beautiful home. It's just really nice. We chatted about that. I just wanted to tell you why I'm doing this, and it goes toward what the first applicant was here contesting. It sort of makes me sad that the dominant portion of the conversation, when landmarking comes up, is about money. We see the same thing at ARCOM when people want to build big boxes because they're selling the garbage by the pound, so the bigger it is, the more they sell it for. But just a thought is in any of your conversations going forward, I can't think of a better way for this woman who came here earlier, and her husband, when they retire, to come to a new town and enjoy living in a landmarked home and have participated in the process. To me, it's part of a community service and what more can you do for a community than doing something that's really positive, that's going forward, and not focusing, in a town with so much money, always on the money. So, I just want to give you a viewpoint that I saw when I was sitting back there, and this is the second time I've done it, and I've actually done it to another home that probably should be a landmark too, but that's not my business. It would really be nice to see the community sort of rise up to the occasion on this and get the mental thought that they're doing it for the town and that more and more of these for the town are going to do what conceivably Mrs. Paine's home is going to do...because I do know at ARCOM, and Jim knows this from his experience presenting there, that the homes around that home probably will have their size taken into consideration because of the landmarked home next to them. So, the only thing I wanted to add is if you could see a whole other perspective of it. I think of this as a community service. It has nothing to do with money. It gives me a very good feeling to know that people walk down the street, look at a home, and say that's special, and that is not happening too often with the new stuff that's going up. And we have a lot of little jewels out there we can do that with, and fortunately or unfortunately, it's this commission that has the opportunity to do that. In a way, this commission has a lot more potential to have an impact on the future development of our town than even the Architectural Commission. So, I won't belabor that point. I want to thank you for the fine job that you do. I do want to make one comment to Ann when she previously said that...I think her words were...we're not as tough as ARCOM, and Ann, I want to tell you something. You enjoy a much easier job than ARCOM, and I welcome you all to sit in the kitchen for one day.

① MRS. DOWDLE: Jane, was this property reviewed during our inventory of all the properties?

MS. DAY: Yes, it was.

MRS. DOWDLE: And this one was ranked high, or was this one brought in by the owner?

MS. DAY: It was brought in by the owner. It wasn't ranked particularly high. Like I said, there was no building permit. Until you really got into the research of it, did you find the interesting history there. I was amazed to find out that both in the Preservation Foundation and the Palm Beach County Historical Society, there is no bio and no obituary for Lester Geisler, and Don Curl has been out of town. I left a call in there, but he was in Italy. Because I'd like to add a biography of Geisler in this because I think what he did to this property is extremely interesting and when you look at his plans, the architect wasn't known before we did this report, that he shows how he re-used windows from the original structure, how he matched the siding from the one story building to make a whole new style...I think that's interesting and our criteria says that it's a style worthy of study, and I certainly think that as we go into the 21st century and everything else is changing in building here, that these kinds of adaptations are worthy of study for ARCOM decisions as well as Landmarks decisions.

MR. SMITH: I also think that because it's on Brazilian, we're saving it from the grasp of suddenly turning it into a townhouse.

MRS. DOWDLE: And it's already being renovated currently?

MS. DAY: Yes, it's currently being renovated.

MR. SMITH: I've got a conflict here, and I've been talking about it so...I'm the architect for the plans for the renovation, so...I'm going to pass the gavel to Mr. Pandula.

MOTION BY MRS. DOWDLE THAT 311 BRAZILIAN AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

VIII Other Business:

- A. Distribution of Designation Report(s) for December meeting
- B. Mr. Smith commented that he has been contacted by a woman who is complaining about the condition of the building at the Warden House, as well as the great height of the Australian Pines. He questioned whether the LPC can regulate tree/hedge height. Mr. Moore replied that the building condition is a code enforcement problem and the tree/hedge height is not under LPC control.
- C. Comments by Mr. Moore relative to Ordinance #8-99
Mr. Moore noted that a member may now serve three three-year terms. There are new provisions for attendance and voting conflicts. Also, one member of the commission may now be a non-resident, provided that individual demonstrates expertise with regard to historic preservation.

- ①
- D. Mr. Frank, relative to the Preservation Celebration, reported that he has been invited to a meeting with the Executive Director and the Chairman of the Board of the Everglades Club on the upcoming Friday relative to the proposed Preservation Celebration being held at the club. So far, discussion has been favorable. Mr. Frank will report at the next meeting.

IX Adjournment:

MOTION BY MR. PANDULA TO ADJOURN AT 12:05 P.M.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on WEDNESDAY, DECEMBER 15, 1999 at 9:00 a.m. in the Town Council Chambers, 360 South County Road, Second Floor, Palm Beach, Florida.

Respectfully submitted,

Elizabeth Dowdle

Elizabeth Dowdle, Secretary
LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH

ATTENDANCE RECORD (1999)

MEMBERS	1/ 99	2/ 99	3/ 99	4/ 99	5/ 99	6/ 99	7/ 99	8/ 99	9/ 99	10/ 99	11/ 99	12/ 99
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	
Dowdle												
Elizabeth Shields	P	E	P	P	U	P	P	P	P	P	P	
Sari M. Wilkey	P	P	P	P	P	P	P	P	P	P	P	
Jacqueline Albarran	P	P	P	P	P	P	P	P	P	Resigned		
de Mendoza												
Ann Blades	P	P	P	P	P	P	P	P	P	P	P	
Ann Jilja												
xxxx Vanneck	P	P	P	P	P	P	P	P	P	P	P	

ALTERNATES	1/ 99	2/ 99	3/ 99	4/ 99	5/ 99	6/ 99	7/ 99	8/ 99	9/ 99	10/ 99	11/ 99	12/ 99
Nikita Zukov	P	P	P	P	P	P	P	U	P	P	P	
Judy Hoffman	n/a	n/a	P	E	P	P	P	U	P	P	P	
Jack Pym	n/a	n/a	E	P	P	P	E	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 (1999)

MEMBERS	1/99	2/ 99	3/ 99	4/ 99	5/ 99	6/ 99	7/99	8/99	9/ 99	10/99	11/99	12/99
Jeffery W. Smith			VPD1		V1	VPD1			V1 VPD1	VPD3	VPD1	
Eugene Pandula		VPD1	VPD1									
Elizabeth Shields												
Sari M. Wilkey												
Jacqueline Albarran		VPD1										
de Mendoza	VPD1	V1										
Ann Blades												
Ann Lilja												

ALTERNATES	1/99	2/ 99	3/ 99	4/99	5/ 99	6/99	7/99	8/99	9/99	10/99	11/99	12/99
Nikita Zukov												
Judy Hoffman												
Jack Pym												

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 ORIGINAL DECLARED CONFLICT FOR ONGOING PROJECTS PER JOHN C. RANDOLPH, TOWN ATTORNEY)

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

LAST NAME—FIRST NAME—MIDDLE NAME <u>SMITH JEFFERY W.</u>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <u>LANDMARKS PRESERVATION COM.</u>	
WORKING ADDRESS <u>200 PHIPPS PLAZA</u>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: :: CITY :: COUNTY :: OTHER LOCAL AGENCY <u>TOWN</u>	
CITY <u>PALM BEACH</u>	COUNTY <u>PALM BEACH</u>	NAME OF POLITICAL SUBDIVISION: <u>TOWN OF PALM BEACH</u>	
DATE ON WHICH VOTE OCCURRED <u>9/21/99 & 11/17/99</u>		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 present 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, JEFFERY W. SMITH, hereby disclose that on 9/21, 19 99

(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 ROBERT DEZIEL, by whom I am retained

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

Relative to the decision to place 311 Brazilian Avenue "under consideration" for landmark designation.

11/17/99: Designation Hearing heard

9/21/99
Date Filed

[Signature]
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.