

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, NOVEMBER 16, 1994

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

I. Call to Order: The meeting was called to order at 9:02 a.m. by Chairman Lillian Jane Volk.

II. Roll Call:

PRESENT: Lillian Jane Volk, Chairman
William S. Gubelmann, Member
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Member (9:07 a.m.)
Arthur Silverman, Member
Jane R. Grace, Alternate Member
Anne Sory Keresey, Alternate Member
Tracy Biagiotti, Town Attorney Representative
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Elise P. Mackintosh, Vice Chairman (excused)
Sally Gingras, Secretary (excused)
Elizabeth Shields, Alternate Member (absent-pending classification)

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that the absence of Mrs. Mackintosh is excused due to her being out of state to tend to an ongoing lawsuit. Mrs. Gingras' absence today is excused as she was attending a funeral. Ms. Shields' absence classification is still pending.

III. Approval of the Minutes of the October 19, 1994 Meeting:

MOTION BY MR. SILVERMAN TO APPROVE THE MINUTES AS MAILED.
MOTION SECONDED BY MR. GUBELMANN.
MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 25-94, Lighting

Owner/Applicant: Power-Love Associates

Address: 256 Worth Avenue

Architect: Robert Bell

Project Description: Removal of existing ceiling globe lighting; blank off with brass or wood plates; installation of 8 coach lights on wall brackets on side walls of via, two lights at courtyard wiring to be recessed in wall and stuccoed over, and other associated changes as presented

(This matter was deferred from the July and August meetings. At the September meeting, lighting Location B was deferred to the October meeting. Now, the architect has requested removal of Location B from the request so the rest of the Certificate of Appropriateness can be issued.)

MOTION BY MR. SILVERMAN TO APPROVE THE ARCHITECT'S REQUEST FOR THE REMOVAL OF "LOCATION B" FROM THE REQUEST SO THAT THE REMAINDER OF THE CERTIFICATE OF APPROPRIATENESS MAY BE ISSUED.

MOTION SECONDED BY MRS. KERESSEY.

MOTION CARRIED UNANIMOUSLY.

B. Application for Certificate of Appropriateness No. 39-94, Awnings & miscellaneous other changes

Owner/Applicant: Mr. Robert List, Trustee

Address: 120 North County Road

Architect: Mr. David Miller

Project Description: Request approval of the following:

1. Remove existing awnings
2. Install new awnings
3. Tint windows
4. Repaint the exterior
5. Other associated changes as presented

(Please note that the light fixtures and doors were deferred from the September and October meetings, and the architect has requested another deferral to the December meeting.)

MOTION BY MRS. METZGER FOR DEFERRAL TO DECEMBER'S MEETING.

MOTION SECONDED BY MRS. KERESSEY.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 40-94, Cast stone and site furnishings

Owner/Applicant: Paramount Partners

Address: 139 North County Road

Architect: Mr. David R. Miller

Project Description: Request approval of the following:

1. Modifications to previously approved cast stone
2. Additional cast stone at main entry
3. New site furnishings
4. Other associated changes as presented

(Please note this item was deferred from the September and October meetings, and the architect has requested another deferral to the December meeting.)

MOTION BY MRS. GRACE FOR DEFERRAL TO DECEMBER'S MEETING.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness No. 47-94,
Modifications to previous approval

Owner/Applicant: 38 East Corporation

Address: 1300 S. Ocean Boulevard

Architect: Ferguson, Murray & Shamamian

Project Description: Request approval for modifications to previously approved plans for general restoration and site improvements, and other associated changes as presented

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

1. Changes to north cloister area.
2. Changes to tennis court pavilion.
3. Other associated changes as presented.

Mr. Mark Ferguson, Architect, presented the modified plans. The new tennis court pavilion, 15' x 20', will be wooden with an open lattice roof. It will be 10' in height, will be elevated 18" above the tennis court, and will contain a small bar and small storage area.

At the north cloister area on the east side of the house, construction of a loggia and cabana are being postponed. Instead, a masonry pergola will be constructed in this location.

MOTION BY MRS. GRACE FOR APPROVAL OF THE MODIFIED PLANS AS PRESENTED.

MOTION SECONDED BY MRS. KERESSEY.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness No. 58-94,
Identification Signage

Owner/Applicant: Sherry Frankel's Melangerie

Address: 256 Worth Avenue X

Project Description: Request approval of white window lettering and other associated changes as presented

(Please note that this item was reviewed informally at the October meeting.)

Mr. Steve Rowe of Phil Rowe Signs returned to the LPC for formal review of this sign and accompanying logo. The sign, having previously received staff approval, is already in place. The sign contains a logo of a box, bearing the shop's name, with materials coming out of the box. The shop name, "Melangerie", appears to the right of the logo. The total size of the sign is 4' wide by 9" in height, meeting the provisions of the sign code.

MOTION BY MR. GUBELMANN FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

F. Application for Certificate of Appropriateness No. 59-94,
Awnings

Owner/Applicant: Mr. Averell H. Fisk
Address: 204 Brazilian Avenue
Project Description: Request approval of color change for building awnings, and other associated changes as presented

(Please note that this item was reviewed informally at the October meeting.)

Mr. Frank stated that subsequent to last month's informal presentation of green and blue striped awnings, the owners have elected to change the awning color to green and cream stripes. The LPC found the new colors much more preferable.

MOTION BY MRS. KERSEY FOR APPROVAL OF THE GREEN AND CREAM STRIPED AWNINGS.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 60-94,
Miscellaneous Changes

Owner/Applicant: Peninsula Corp of Palm Beach
Address: 230 South County Road
Project Description: Request approval of the following:
1. Change to existing illuminated signage, and other signage as presented
2. Restoration of existing archways and plywood doors
3. Other associated changes as presented

Mr. Gubelmann declared a Conflict of Interest with respect to this matter as he is the president of the County Road Corporation, a property at 235 S. County Road, which is directly opposite of 230 S. County Road.

Mr. James Remez presented this request on behalf of the new tenant, "The Snooty Leopard". Mr. Remez explained that there are two existing illuminated signs reading "Isabel's", one on the north facade and one on the south facade of the building. The proposal is to remove the existing plastic cover reading "Isabel's" and replace it with a new one reading "The Snooty Leopard" in white with green letters. Mr. Frank explained that such backlit signs are no longer permitted by the Town's Code. The Commission had no problem with the size, design or location of these two signs, but felt review by Mr. Zimmerman, Assistant Building Official, was in order to determine whether the existing illumination of the sign could be continued for a new tenant. Mr. Remez stated that even if these two signs may not be lit, the

signs are still requested in that location. The owner is also considering facade lighting of the building, mounted on the eaves, which would ultimately serve to illuminate the building and the signs. Mrs. Volk cautioned Mr. Remez that this building is located in an area which is commercial and residential, so lighting the building must be done with sensitivity.

Secondly, Mr. Remez showed a scale representation of a wall sign reading "The Snooty Leopard". This sign would replace the existing "Isabel's" sign on the front facade. It will have a white background, green lettering, and a beige leopard with a pink nose.

On the Seaview Avenue facade, two existing blocked archways will be opened. New mahogany doors will be installed in these locations, and new awnings to match the existing awnings will also be installed. The doors will be painted to match the building color.

There are plans to shorten the hedge height in the front of the building, and to plant small purple bougainvillea behind the hedge.

At this point, the subject of the existing illuminated signs was discussed again. Mrs. Volk asked for a roll call vote, which was unrelated to a motion. The question posed was, "How does the Commission feel about backlighting of this sign?"

MRS. METZGER:	OPPOSED
MRS. ALBARRAN DE MENDOZA:	OPPOSED
MR. SILVERMAN:	OPPOSED
MRS. GRACE:	OPPOSED
MRS. KERESSEY:	OPPOSED
MRS. VOLK:	OPPOSED

MOTION BY MRS. KERESSEY TO APPROVE THE SIGNAGE AS REQUESTED, MINUS THE LIGHTING OF SAME, PENDING REVIEW FOR ZONING CODE COMPLIANCE RELATED TO THE EXISTING ILLUMINATED SIGNS; APPROVAL OF THE OPENING OF THE TWO ARCHES TO INCLUDE INSTALLATION OF NEW DOORS AND THE INSTALLATION OF AWNINGS TO MATCH EXISTING AWNINGS.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

It should be noted that any lighting requests beyond the issue of the existing illuminated signage, still pending decision, will need to be brought back to the Commission for approval.

H. Application for Certificate of Appropriateness No. 61-94,
Miscellaneous Changes

Owner/Applicant: Mr. and Mrs. Lawrence Cummings

Address: 217 Clarke Avenue

Architect: Smith Architectural Group

Project Description: Request approval for renovation of existing residence to include new windows, new french doors, new driveway and courtyard, new landscaping, new frontispiece, and other associated changes as presented.

(Please note that the architect has requested deferral of this matter to the December meeting.)

MOTION BY MRS. GRACE TO DEFER THIS MATTER TO THE DECEMBER MEETING.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

I. Application for Certificate of Appropriateness No. 62-94,
New gates

Owner/Applicant: Mr. Michael S. Fawcett

Address: 196 Banyan Road

Architect: Brower Architectural Associates Inc.

Project Description: Request approval of new wrought aluminum gates at front entrance, and other associated changes as presented

As the architect has requested deferral to the December meeting...

MOTION BY MRS. GRACE TO DEFER THIS MATTER TO THE DECEMBER MEETING.

MOTION SECONDED BY MRS. KERSEY.

MOTION CARRIED UNANIMOUSLY.

V. Designation Hearings:

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

Item 1: 319 Brazilian Avenue

OWNER: Mr. Robert Deziel

Mr. Frank verified that we had Proof of Publication and proper legal service relative to this designation. Mrs. Delp administered the oath to Mr. Timothy Frank, Planner/Projects Coordinator, and Mrs. Jane Day, Staff Preservation Consultant. Mr. Robert Deziel, the owner, was present, but as he is an attorney, was not sworn.

Mr. Frank stated that the subject property, 319 Brazilian Avenue, 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;

(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;

MRS. JANE DAY: Good morning, Madame Chairman, Members of the Commission. As you can see by the two reports that we have before you, we are again expanding and working on what's already been established in landmarking in the Town of Palm Beach. Neither of the houses that I'm going to present to you this morning are the beachfront mansions that the Town has been so famous for. However, it's important that when we look at our Ordinance, to look at the other criteria for designation that are available, and this particular building at 319 Brazilian Avenue exemplifies and fulfills Criterion (a) and Criterion (c) as Mr. Frank said. The building was built during the 1920's. It was built by East Coast Builders and there is somewhat of a contradiction on the exact building date. We're not sure. The original Florida Site File list says it's plus or minus 1910. The earliest records in the Town, which are not complete from those early years, suggest that it's more in the mid-20's. We do know, however, that the bungalow style of architecture, of which this is a good example, was popular throughout the United States from 1905 through about 1926. This house has many of the distinguishing characteristics of that architectural style, however, it does have some differences that make it important to save and to study. One is that most bungalows are front gable ends. This is a side gable. It's only available in about a third of the bungalows nationwide and although the bungalow tends to, as a whole, be very horizontal in feeling, this one has a pitched roof that is much higher than is normal. The builders, however, have divided that very highly pitched roof with the dormer that you see here, which is one of the distinguishing features of the house. The windows that are in the front of that dormer...we call that a ribbon of windows, and it was very popular in the teens and the 20's to do that with architecture, because before the days of air conditioning, they needed ventilation within the second story of the home. Here again is that dormer, and you can also see the front porch of the house, which extends the full width of the facade, which is also a primary characteristic of the bungalow style. There are two chimneys on the property. Within the eaves, there are also added louvers which again with that whole need to provide ventilation. This particular example of the bungalow style has a porte cochere that goes to the back of the property. As I said, this exemplifies what's happening in Palm Beach during the teen years and the 20's, the early development of the Town. This example is an example of how a property of this style is important because so little was done to it in the early years of its existence.

There are building permits in the 1960's that had it reroofed. However, in 1990, the building was in such bad condition that it was cited by the Town for its deteriorated condition. It was bought by Mr. Robert Deziel, and I would like to thank him publicly for the sensitivity he had in the restoration of the property. We reviewed those records, and in 1992, the property was completely redone. The site plan, by Smith Architectural Group, who did the restoration, is in your report. Are there any questions on either the style, or the characteristics or the criteria which we used to designate this property?

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

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

MR. ROBERT DEZIEL, ESQUIRE, PROPERTY OWNER: For the record, my name is Robert Deziel, and I live at 319 Brazilian. I came here quickly just to take a moment of your time to thank all of you for the cooperation and help that you gave my architect, Jeff Smith, in taking on this venture here. I think Tim Frank will remember, and it didn't show in the pictures, but in about 30 days or so when this hearing process is completed, I would like to invite all of you over to take a look at the house inside and out. And you will see, I took some very good and accurate pictures of the before and after, and I think that it would be fair to say that the house was such an eyesore, it should have either gotten condemned or dragged away. But, I kid Jeff about it with all the mansions he works on. I really think that this is his best work in Town, and the reason is that with the other properties he worked on, he truly had landmarked material to work with. And I think Tim Frank knows this house did not have a landmark infrastructure to really work with, and I think, in this case, Jeff made a landmark, and one that I think will be around for a long, long time. I won't say any more. It's with your help and all the work that you've put in on the Commission, that little jewels like this can come out at the end of the day. So, thank you.

MRS. JANE DAY: It is charming. It is unusual in all of the South Florida bungalows, and that's one of the reasons why this particular example...we've looked at other bungalows and have designated them, but this example of the style shows something different and that's one of the reasons we deserve to designate it.

Mrs. Volk stated that we have, in fact, designated a large percentage of the bungalows in Town which demonstrates that the Commission does care about bungalows. Mr. Gubelmann encouraged the Commission to continue to consider all of the different types of houses which were present during the "great years of the Town of Palm Beach."

MOTION BY MRS. ALBARRAN DE MENDOZA THAT THE PROPERTY AT 319 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. METZGER.

MOTION CARRIED UNANIMOUSLY.

Item 2: 111 Seabreeze Avenue

OWNER: Mr. Gerald & Ms. Therese M. Williams

Mr. Frank verified that we had Proof of Publication and proper legal service relative to this matter. Mrs. Delp administered the oath to the property owner, Mrs. Williams. Mr. Frank and Mrs. Day had previously been sworn. Mr. Frank stated that the subject property, 111 Seabreeze Avenue, 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;
- (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;

MRS. JANE DAY: Madame Chairman, Members of the Commission, Mrs. Williams...welcome. We're always glad to have homeowners here. As we said before, not every Mediterranean Revival style house in Palm Beach was a grand beachfront mansion. This is one of the homes that is in Poinciana Park that exhibits many of the characteristics of the style, but on a smaller scale. For that reason, it is important to architectural historians, and others in the Town that are interested in architecture and how it is interpreted from one size and massing to another. The house, itself, was built in 1923 in Poinciana Park. Although we don't have an architect's name, we know that the builder was E.B. Walton. If you'll remember from last season, Mr. Walton was a well known builder in Palm Beach. The company is still in business. He arrived in West Palm Beach in 1917, opened an office in Palm Beach by the 20's, and last season, we designated two other properties that he constructed in Town, 220 Monterey and 221 Monterey. It's a hollow clay tile building covered with stucco that is typical of the Mediterranean Revival style. And as is in this style, one of the most important detailing on Mediterranean Revival is this cast stone applied ornamentation. Here, you have a very good example of this on the front door which is on the south facade. If you can peak up under the awnings, you'll see that the windows are double hung sash which are typical and they are six lite over one lite. Other cast stone detailing is this little crest which is on the front facade. And here you have a different kind of window, the casement windows, which are also typical of this style. Again, that cast stone ornamentation on the house, and here again, look

at the front door which is also typical, a very important front entranceway with wood and then accented by detailing. It's one of the things that you find on the larger Mediterranean Revival homes by Mizner, Volk, Fatio...the typical what you see in the studies of Mediterranean Revival. Instead of there being a porte cochere on this house, the builders and whoever the designer was put a porch to the east facade, and although it's not large enough for a car to ride under it, it replicates that same design feature that is many of the other houses that were important in the 1920's with the curved arches and the shed roof. Also note on this the barrel tile roof on this porch as it is. The roof, itself, on the main building is flat, but then there is tile detailing around the eave. And toward the back on the west side of the house, is a one car garage which goes, and really moves that car and parking problem toward the back of the property. You have to remember in the 1920's most places in America weren't two, three and four car families. They were just starting to add garages to houses, and this is how this is placed in the property at 111 Seabreeze. 111 Seabreeze, as you can see, is a good example of a Mediterranean Revival style. It is also part of the overall development of Palm Beach with its placement in Poinciana Park, and we have a well known Palm Beach builder, E.B. Walton, to attribute to the building. Are there any questions about the report or anything you would like to ask me?

Mrs. Grace suggested that Mrs. Day contact Mr. Walton to obtain the name of the architect. Mrs. Day stated that she will contact him. Mrs. Williams, the property owner, stated that the garage is a two-car garage, not a one-car garage, and that it is very deep, with one car parked in front of the other car.

MOTION BY MRS. METZGER TO MAKE THE DESIGNATION REPORT, AS AMENDED, PART OF THE RECORD.

MOTION SECONDED BY MR. SILVERMAN.

MOTION CARRIED UNANIMOUSLY.

Mrs. Williams stated that she is contemplating some work in the rear of the house. She wondered if the designation would impede that work. Mrs. Day stated that the work will require a Certificate of Appropriateness, and staff will help her through that process. She stated further that the LPC realizes that buildings need to grow and be updated.

Mrs. Volk commented that one of the reasons that smaller houses, such as this one, are so nicely ornamented is that the building of the Town's large mansions drew top craftsmen to Palm Beach, who also employed their skills on the smaller houses.

MOTION BY MRS. KERESSEY THAT THE PROPERTY AT 111 SEABREEZE AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

VI. Other Business:

- A. Informal Review: 256 Worth Avenue-Rear 1
Galleria De Arte Casa Corbo
Identification Signage

As the applicant was not present, Mr. Frank gave some background on this matter. He stated that the applicant, from Spain, had had an extremely large tile logo made in Spain and brought here. Mr. Frank advised the applicant that the logo, at its given size, would not be allowed by code. The applicant has, instead, created signage on tiles which will conform to the code. He did not meet the filing deadline for today's meeting, and so, was to be heard informally today. No review was done as the applicant was not present. Mr. Frank did mention, however, that due to construction deadlines on Worth Avenue, the applicant will not be able to erect the sign at this time. Some sort of temporary signage will be in order.

- B. Informal Review: 350 South County Road
L'Ambiance
Identification Signage

Mr. Chuck Capella of Ferrin Signs addressed the Commission regarding this request. Mr. Frank had previously given this signage staff approval with the proviso that it matches other signage on the building as to size, color and texture, etc. Staff approval was made on the basis that this would be a message change only. The signage was erected and is in place. It is, however, different in appearance from the other signs on the building. The letters are slightly smaller; the style is slightly different than the previous Times Roman; and the new letters have a glossy finish rather than a buffed finish.

Mrs. Volk stated that procedure must be followed in review of changes to landmarked structures. Mrs. Grace felt that staff approval of signs should be discontinued to avoid situations such as this. Mrs. Albarran de Mendoza felt that in the vast majority of situations, staff approval is a helpful method of processing signage changes. The elimination of staff approvals would definitely increase the workload of the Commission.

Ultimately, the Commission sanctioned the sign as it exists as it is not vastly different from previous signage.

C. Status Report: Greater South County Road Association
Palm tree plantings in Town Hall Square
Historic District

Ms. Christine Franks of the South County Road Merchants Association Beautification Committee addressed the LPC relative to the proposal to plant a total of 120 palms on both sides of South County Road from Seaview Avenue to Worth Avenue. She stated that the placement of the trees was done with the assistance of Mr. James Bowser, Town Engineer, as he provided valuable input relative to other structures/devices already located on the sidewalk, i.e., fire hydrants, road signs, and parking meters. She stated that the DOT has also approved the trees in their proposed locations. The palms will be Christmas palms which will be 8' to 10' in height at planting and 15' to 25' at maturity.

Mrs. Volk expressed her reservations regarding this plan. She felt that the concept was great when the plan was originally drawn in 1929 by the Garden Club, when there was much less construction along South County Road. Now, however, the area is very built up. This plan would mimic the plantings on Worth Avenue. Mrs. Volk noted, however, that the Worth Avenue sidewalks are wider than those along South County Road.

Some of the Commissioners felt that the plantings were too dense. Additionally, some felt that trees on these sidewalks would greatly decrease available walking area on the sidewalk and would be a problem for car doors opening and closing. Other Commissioners loved the proposal as they felt that the trees would very beautifully soften this area of the Town. The LPC was concerned whether uniformity of the plantings along South County Road could be achieved, as it has been achieved along Worth Avenue. Ms. Franks stated that the plantings are quite uniform.

The Commission asked that Ms. Franks return with elevations and a typical section for each block so the LPC could better ascertain the impact of the trees on the sidewalk.

Let the record show that Mrs. Metzger left the meeting at this point, at 10:30 a.m.

Mr. Jim Bowser, Town Engineer, having just arrived, addressed the Commission relative to this subject. He stated that the State DOT may not permit the base of the trees to be any closer than four feet to the curb line in those areas where we have a traffic lane. This is yet to be determined. The trees, when adjacent to parking areas, will be placed at the parking stall lines so that car doors will be able to open without impediment. Mr. Bowser stated that ADA requirements will also need to be considered in the placement of the trees. He stated further that site lines must be maintained at points of intersection, so a few of the trees may have to

be eliminated. Mr. Bowser admitted that the spacing of these trees will not be as uniform as the Worth Avenue plantings. Also, the exact placement of the trees (distance from the curb) on the sidewalk is dependent upon the specific dimensions of the sidewalk at given locations.

D. 1200 South Ocean Boulevard - Mr. Gustave Broberg, Esq.

Mr. Gustave Broberg, Esquire, Mr. Mahoney's legal representative, addressed the Commission regarding Mr. Mahoney's concerns relative to the previously issued Certificate of Appropriateness, No. 44-94, issued September 21, 1994. This CoA approved a smaller awning than that proposed, and an attachment of that awning which is not suitable to the owner. The approval was as follows: "APPROVAL IS MADE WITH THE PROVISIO THAT THE AWNING HAS A MAXIMUM DEPTH OF ONLY 12', AND THE AWNING SHALL START UNDER THE BALCONY, RATHER THAN BEING ATTACHED TO THE BALCONY."

Mr. Broberg pointed out that as the balcony, itself, extends out 7.5 feet, the awning, as approved, will only extend 5 feet beyond that, and will not, then, cover the patio, which is the reason for the awning installation anyway. Also, attaching the awning under the balcony would prevent the beautiful wooden beams under the balcony from being seen. It was noted that the awning cannot be seen by the public, as they are only visible from the ocean.

Mr. Mahoney will not install the awning as approved, and would like the LPC to review the matter further, and possibly make individual site visits to the property to see what is actually required.

Mrs. Volk stated that awnings are, after all, removable structures, so accommodations can be made for them. Mrs. Volk asked Mr. Frank and Mrs. Albarran de Mendoza to go to the site, take photos, and then report back to the Commission. It was noted by Ms. Biagiotti, presiding Town Attorney, that the site visit of Mr. Frank and Mrs. Albarran de Mendoza should be done without interaction with either the owner or any owner representative, per the recently rendered decision of the Florida Supreme Court.

Let the record show that Mrs. Keresey left the meeting at this point, at 10:50 a.m.

E. Police Station Stairs - Mr. James Bowser, Town Engineer

Mr. Bowser provided an update to previous discussions relative to the reconstruction/tiling of the exterior stairs at the Town's Police Facility at 345 South County Road. He stated that they have now settled on the rise of the stairs. The existing stairs are constructed with a 7" rise and an 11" run, whereas the new design includes a 6" rise and a 13" run. Although the existing stairs meet the provisions

of applicable codes, the new design will provide more "user friendly" stairs. Alternatives for the circular stairs are currently being studied, and Mr. Bowser stated that he will return to the Commission next month with a proposal. The tiling of the steps will be dealt with after the stairs reconstruction has been settled.

F. Upcoming Designation Hearings - Mrs. Jane Day

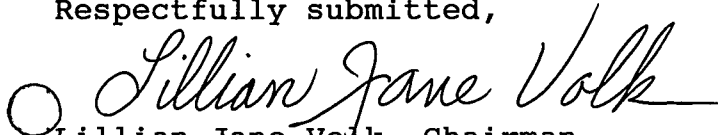
Mrs. Day reported that 1095 North Ocean Boulevard will be heard at the December meeting, and those reports will be mailed to the members of the LPC shortly.

VII. Adjournment:

MOTION BY MR. GUBELMANN TO ADJOURN THE MEETING AT 10:55 A.M.
MOTION SECONDED BY MR. SILVERMAN.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be heard on WEDNESDAY, DECEMBER 21, 1994 at 9:00 a.m., in the TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,


Lillian Jane Volk, Chairman

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FORM 8B MEMORANDUM OF DECISION COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Gubelmann, William S.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Landmarks Preservation Commission	
MAILING ADDRESS 670 Island Drive		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Palm Beach	COUNTY Palm Beach	☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY ☐ Town	
DATE ON WHICH VOTE OCCURRED 11/16/94		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

MINUTES FILE

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, William S. Gubelmann, hereby disclose that on 16 November, 19 94:

(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 _____, by whom I am retained.

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

I Am president of the County Road Corp
Which owns A property At 235 S County Rd
Which is directly opposite 230 S. County Rd.,
A property which came before the commission at
today's meeting.

X 16 November 1994

Date Filed

X [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.