

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, SEPTEMBER 17, 2008 AT 9:00 A.M.

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

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording (tape or CD) of the meeting by contacting Cindy Delp, Secretary to the Landmarks Preservation Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I **CALL TO ORDER:** Chairman Pandula called the meeting to order at 9:03 a.m.

II **ROLL CALL:**

PRESENT: Eugene Pandula, Chairman
William Lee Hanley, Vice Chairman
Patrick Segraves, Secretary
Robert Eigelberger, Member
Eileen Bresnan, Member
Hazel Rubin, Member
Charles S. Roberts, Member
D. Imogene Willis, Alternate Member
Dudley L. Moore, Jr., Alternate Member
Wallace Rogers, Alternate Member
John C. Randolph, Town Attorney (arrived at 9:10 a.m.)
John S. Page, Director of Planning Zoning & Building
Timothy M. Frank, Planning Administrator
Jane S. Day, Staff Preservation Consultant
Cynthia M. Delp, Recording Secretary

ABSENT: None

- III **APPROVAL OF THE MINUTES OF THE AUGUST 20, 2008 MEETING:**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.
- IV **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY:**
By Mrs. Delp
- V **APPROVAL OF THE AGENDA:**
MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. HANLEY.
MOTION CARRIED UNANIMOUSLY.
- VI **COMMENTS FROM THE PUBLIC:** None
- VII **PUBLIC HEARINGS:**
- A. Application for Certificate of Appropriateness #14-2008, (0:01:15.3)
Restoration, Rehabilitation, Reconstruction, Addition (deferral of unadvertised
portion of project - see below)
Owner/Applicant: Charles S. Roberts
Address: 710 South Ocean Boulevard
Architect: Portuondo Perotti Architects
Project Description: Request approval for restoration, rehabilitation,
reconstruction, and addition to historic structure which is further described as:

PORTION OF PROJECT REVIEWED & APPROVED AT AUGUST LPC MEETING

1. Garage Structure: Fireplace and two round top windows are added to structure on north face.
2. Via: Remove side lights and add round top door; Add trellis structure from auto court to via and remove windows in garage and gym adjacent to trellis
3. West facade of south wing: First floor family room goes from two double windows to two single windows; Second floor goes from 3 single windows to 2 single windows
4. North facade of south wing: Adding back the porch as a breakfast room and keeping the secondary stair in its original location; Adding a terrace on the second level above the breakfast room; Add bar at ground level below breakfast room; New breakfast room does not encroach into garden terrace as much as the previously approved open terrace; and, elevator is made longer to fit standard cab.
5. Two sets of double windows on second floor change from double windows to single windows
6. North facade of north wing: Pool loggia is changed from two large flat openings to four arched openings to match existing west terrace
7. East facade of north wing changes from two balconies to one connected balcony
8. Main stair on east facade is being kept as the original design; the three windows are being eliminated and the original balcony will be brought back
9. Fountain was added on the wall below stair (original to the existing house).
10. Other associated changes as presented.

① Please note that the items listed above in the project description were approved as presented with the proviso that the applicant returns to the September LPC meeting to formally present those items which were presented at the August meeting, but were not advertised for that meeting, and that the applicant shall also present the guesthouse and landscaping.

PORTION OF PROJECT FOR ACTION AT THE SEPTEMBER MEETING:

Request approval for restoration, rehabilitation, reconstruction, and addition to historic structure which is further described as: Window at guest bathroom was removed; door was changed from double door to single door at the covered loggia in the first floor north wing; window was removed from the bar area at the first floor north wing; Items below refer to the south facade of south wing; window was changed at the guest bath second floor to match existing condition; window was removed in the kitchen area first floor; window was relocated at the Gym located in the ground floor; door was added at east facade; a small balcony was added to the master suite; door at west facade was modified, spring line of arch is lower; and, other associated changes as presented. Please note that the LPC also requested a presentation regarding the guesthouse and the landscaping.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Let the record show that Mr. Roberts recused himself as he is the owner of the property. Mr. Roberts had declared this Conflict of Interest at the August meeting. Voting Conflict form on file.

① Architect Rafael Portuondo returned to the LPC subsequent to last month's deferral. Chairman Pandula noted that the entire project had been presented last month, but a portion of the project had not been advertised for last month's meeting. That portion is subject to approval today.

MOTION BY MR. EIGELBERGER FOR APPROVAL OF THE PROJECT AS PRESENTED AND REVIEWED AT THE AUGUST MEETING.

**MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.**

Mr. Segraves recalled that there was some concern about the balcony railing last month, as some members felt it was too heavy. Mr. Portuondo showed the balcony again.

**MOTION BY MR. SEGRAVES TO APPROVE THE BALCONY AS PRESENTED.
MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.**

- ① B. Application for Certificate of Appropriateness # 15-2008, (0:07:23.0)
Restoration, reconstruction, etc.
Owner/Applicant: Bath & Tennis Club, Inc.
Address: 1170 South Ocean Boulevard
Architect: Oliver, Glidden, Spina & Partners, Keith Spina
Project Description: Request approval for restoration, reconstruction, landscape/hardscape, demolition (interior), awning, exterior color change which is further described as: Change arch on West building elevation to match original design; expand interior work of tennis locker area; change tennis locker entry; revise landscape and awning design on promenade; add central courtyard design

which is to include adding a fountain, new hardscape and landscape; change awning color on west elevation promenade and tennis locker entries; replace/add awnings at service court and replace awnings on North end of west elevation over tennis courts; and, other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION:

Mr. Hanley stated that he has spoken with the architect; visited the site; has spoken with the President and various committee members of the Bath & Tennis Club.

Mr. Roberts met with the architect and has spoken with him several times and has spoken with the contractor. Messrs. Moore and Hanley stated they are members of the Bath & Tennis.

Architect Keith Spina returned to the LPC today for formal approval subsequent to last month's informal review. He explained that the project is continuing and is making good progress. The courtyard includes a small fountain in the center, specimen Seagrapes, and potted plants. The existing terrazzo will be removed and replaced with new terrazzo flooring in a tan/champagne color with a grey border to tie it into the grey cast stone. The arrangement of the flooring pattern at the tennis loggia has changed, but there is no change to the brick material. There is also a new medallion (not shown last month) which is done in cast stone and terra cotta tile.

At the east side of the courtyard, there was an awning there, and some members had suggested looking into a more permanent awning type structure instead. As such, future plans include a barrel tile and pecky cypress raftered canopy, but since that cannot be done at this time, the proposal on the floor today includes the replacement of a new awning in this location.

At last month's meeting, the applicant was asked to research historical awnings for the Club. Finding some historical evidence of striped awnings in the Club's past, today's proposal includes green and tan striped awnings at the tennis promenade. The awnings will have scalloped edges and closed end panels. This new awning is a bit smaller than the previous one, and it is flanked by some new landscaping at either end.

At the North service court, the rooftop hoods have been removed. Plans include a much fuller landscape plan with palm trees, hedges, and bougainvillea on the wall. There are future plans to remove the exterior stair and door (at the terminus of the stairs). Changes are contemplated to the parapet at the roofline at the service court, creating a Mission style parapet addition. Striped awnings are proposed for this area as well, but only as an interim remedy. Next year, barrel tile and pecky cypress raftered canopies will be proposed to replace the striped awnings.

Regarding the spindles, Mr. Spina was prepared with a sample. The existing spindles are wood painted brown. The proposed spindles will have resin frames (to alleviate deterioration) with wood spindles, and will look like weathered cypress.

It was noted, for the record, that this is a tax abatement project.

Mr. Eigelberger asked that any striped awnings should have the stripes centered. There was some disagreement regarding the suggested parapet, but most members were in favor of the design.

Mrs. Day noted that neither the parapet, nor the fixed permanent barrel tile and pecky cypress rafted canopies necessarily agree with the Department of the Interior's Standards, despite the fact that they may look nice. She thought that landscaping might be a better solution for the service

court. The commission was in general agreement that they would like to see these changes implemented, especially at the service court which has been so problematic for so long. Mrs. Day stated that even though these particular changes may not be suitable for a tax abatement project, if the LPC likes them and elects to approve them, they could be excluded from the tax abatement project when it ultimately is filed with Palm Beach County for tax abatement.

Mr. Eigelberger attempted to clarify that the only items being requested today for the service court are three new, but ultimately temporary, awnings and a hedge. The parapet, additional landscaping and the removal of the door and exterior stairway are planned for the future.

Nancy Murray, on the Bath and Tennis Club Board of Directors, reaffirmed that the Club is trying to improve the service end of the building, and wants to work with the LPC to continue to improve the Bath and Tennis Club for the future.

MOTION BY MR. ROBERTS FOR APPROVAL OF THE PROJECT, AS PRESENTED, TOGETHER WITH AN APPROVAL OF THE TEMPORARY IMPROVEMENTS TO THE SERVICE END, AND LOOKING FORWARD TO FUTURE UPGRADES.

Mr. Eigelberger questioned the landscape material for the service courtyard. Jorge Sanchez of Sanchez and Maddux Architects stated that the existing hedge material will be changed to a more salt tolerant hedge material and it will be planted 6 ft. to 8 ft. in height. Bougainvillea will adorn the wall and the palm trees will be Sabal Palms. Mr. Eigelberger asked the applicant to be sure to move any piping which is currently on the exterior facade to the interior.

**MOTION SECONDED BY MRS. BRESNAN.
MOTION CARRIED UNANIMOUSLY.**

C. Application for Certificate of Appropriateness #16-2008, (0:50:09.0)

Exterior window and door replacements

Owner/Applicant: Palm Beach Synagogue

Address: 120, 122, & 126 North County Road

Architect: Arthur Chabon Architect

Project Description: Request approval for exterior window and door replacement which is further described as: Remove all exterior awnings; Remove and replace all exterior windows - replace with new impact resistant aluminum framed windows. There are two options for the design of the bottom portion, either one single pane of glass or divided into three (3) sections. The aluminum windows are being submitted with no trim and an option to apply "Fypon", a high density trim, painted. The aluminum windows finish would be Archkote 1000 Gray #7001. The trim would be painted to match. Remove and replace exterior doors - replace with new impact resistant wood/glass doors and wood frames - doors and frames to be stained mahogany. At 120 & 126 North County Road: install new stained/leaded glass windows by McMow Art Glass at the interior side of all transom windows. There will be (4) similar transom designs; each design will be the same with the exception of the center piece - Star of David, Menorah, Torah, and Kiddush Cup & Candles. Glass colors will be amber, blue, clear and opaque. At 122 North County Road, install new stained/leaded glass windows by McMow Art Glass at the interior side of all windows (lower, transoms, and small upper window). The design of windows will match those used at 120 & 126; the transoms will have the Star of David design and the lower window will have a decorative trim around it along with leaded, crystal, beveled glass. The colors

and glass will be the same as used at 120 & 126 noted above. Other associated changes as presented.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION:

Mrs. Rubin met with Mrs. Albarran at the site. Ms. Willis met with Mrs. Albarran and the architect at the site. Mr. Roberts met with Mrs. Albarran at the site. Mr. Pandula met with Mrs. Albarran and the architect. Mr. Segraves met with Mrs. Albarran and the architect at the site.

Architect Arthur Chabon (New York) and local architect, Jacqueline Albarran, presented this request for window changes. In addition to the project description, as listed above, Mr. Chabon noted that each window will have three layers...working from the inside out, the first layer is a folding, lattice, screen-type shutter (Moorish in style and painted a wood color), then stained glass, and lastly, the impact windows. The rear doors (which had straight heads) are now proposed with pointed arches. Also, on Sunset Avenue, a new small window will be added, centered below the second floor triple arches. The largest issue to decide regarding the window changes is whether the windows should have one (1) fixed pane of glass or whether each window should be divided into three (3) sections with mullions between. None of the existing masonry openings will be altered.

LPC members agreed on a preference for one single pane of glass for each of the windows. Mr. Chabon attempted to clarify the differences in the stained glass on each of the buildings, since it was not clear on the presented drawings. The commission requested that staff will be given a record drawing indicating the specific stained glass treatment for each of the windows. Existing light fixtures will remain on each of the buildings. .

MOTION BY MR. EIGELBERGER FOR APPROVAL WITH SINGLE PANE WINDOWS.

**MOTION SECONDED BY MR. ROBERTS AND MRS. RUBIN SIMULTANEOUSLY.
MOTION CARRIED UNANIMOUSLY.**

- D. Application for Certificate of Appropriateness #17-2008, (1:20:15.0)
Exterior demolition and minor fenestration changes
Owner/Applicant: 700 North Lake Way, LLC
Address: 700 North Lake Way
Architect: Smith Architectural Group, Inc.
Project Description: Request approval for exterior demolition and minor fenestration changes which is further described as: Removal of previous front door/two oval windows and replace with two casement windows on East facade; removal of existing balcony/railing and replacement of two french doors with two casement windows on West facade; and, other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: Mrs. Rubin, Mr. Hanley, Mr. Rogers, Ms. Willis, and Mr. Roberts met individually with Mr. Smith at the site. Mrs. Bresnan discussed the proposal with the architect. Mr. Segraves met with Mr. Smith at the site and reviewed the project. Mr. Pandula met with the architect on site.

Architect Jeffery W. Smith and Laura DiGregorio of Smith Architectural Group presented this project. Mr. Smith explained that in April of 2006 extensive additions and renovations were approved by the LPC, and those changes are now complete. At that time, the LPC had denied the removal of the two items which are now being requested for removal again per the project

description above, i.e., the removal of the original Fatio entrance to the home, and the balcony on the West facade.

Mrs. Day stated that the applicant is asking to remove yet two more pieces of the original fabric of the home, pieces of the home which were deemed worthy of keeping in 2006 when the commission approved extensive renovations to the home. She felt that these elements were signature design elements of Maurice Fatio.

Despite Mr. Smith's arguments to defend his request, and despite the LPC's expressed accolades for the completed project, the LPC was adamant that these design elements should be retained, especially since the retention of the elements was a condition of approval of the 2006 renovations.

MOTION BY MR. HANLEY FOR DENIAL OF THE PROJECT.

MOTION SECONDED BY MR. ROBERTS.

MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #18-2008. (1:35:53.0)

Rehabilitation and change out windows

Owner/Applicant: 702 Associates LLC, Steven Ross

Address: 702 North County Road

Architect: Russell K. Brown

Project Description: Request approval for rehabilitation and change out windows which is further described as: In conjunction with changing out all of the windows on the property, the owner would like to change the size of the current window in the master bedroom facing the ocean, on the east elevation. The size would go from 58" in height to 70" in height. Other associated changes as presented

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared

Architect Ira Steinberg presented this request to add 12 inches to the bottom of the window in question. This change affects the horizontal band running between the first and second floors. It was noted that the original home had no windows on this facade, but they have since been allowed by the LPC. It was also noted that this home had been totally reconstructed less than 20 years ago due to poor construction techniques when the home was originally built. Mr. Eigelberger objected to the resulting change to the banding.

MOTION BY MR. HANLEY FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. RUBIN.

MOTION CARRIED 6-1, WITH MR. EIGELBERGER OPPOSED.

Mr. Gerry Goldsmith, owner's representative, thanked the LPC on behalf of Mr. Ross, the property owner.

VIII **OTHER BUSINESS:** (1:54:23.9)

- A. Informal Review: 150 Bradley Place, Biltmore Condominium
(In association with Site Plan Review #04-2008)

Site Plan Approval with Variances for emergency power generator

Please note that at the August meeting, the applicant had requested deferral of this informal review to the September 17, 2008 LPC meeting. Please be advised that Site Plan Review #4-2008 has been withdrawn from Town Council consideration at this time. The applicant will re-apply in the future.

- B. Informal Review: 301 Australian Avenue, Brazilian Court Hotel
(In association with Site Plan Review #7-2008 with Variances)
(1:54:49.0)

Addition of nineteen (19) white awnings at the first and second floors, various locations including the interior courtyard and the north, east, and west facades

Please note that at the August meeting, this informal review was deferred to the September 17, 2008 LPC meeting for re-study. To date, the LPC has forwarded no opinions or recommendations to the Town Council relative to the variances requested for this project, as re-study was requested by the LPC.

CALL FOR DISCLOSURE OF EX PARTE COMMUNICATION: None declared.

Richard Leja of the Lawrence Group stated that since last month's meeting, several changes have been made: The large awning which covers the area leading to the outdoor seating area has been reduced in size; at the second floor level, single awnings (covering more than one window opening) were split into individual awnings per opening; a change was made to the awning at the north side of the apartment; the awnings will have open sides, and the awnings have been generally reduced in width.

Mr. Eigelberger noted that there is still one large, continuous awning on the first floor level, and that should be split into three pieces at the bay window. Mr. Leja stated that he had forgotten to make that change, but it can be implemented.

Leslie Schlesinger, with the Brazilian Court, stated that they are trying to preserve the historic significance of the building and trying to create a service flow for guests to protect them from the elements. Creating three awnings at the salon is acceptable, but she stressed the need for the one large awning required to protect guests who are making their way to the outdoor dining space. Mr. Pandula was opposed to that awning, preferring a T-shaped awning instead.

Mr. Leja clarified that the variances requested are for setbacks and lot coverage.

MOTION BY MR. EIGELBERGER RECOMMENDING APPROVAL OF THE VARIANCES TO THE TOWN COUNCIL.

**MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED 6-1, WITH MR. PANDULA OPPOSING.**

Mr. Frank noted that some of the hardships (weather issues) referenced by the applicant

are a result of changes made by previous owners. Thus, some have hardships have been self-imposed.

- C. Informal Review: 456 Worth Avenue (2:07:58.4)
(In association with Variance #15-2008)

Addition of one (1) story, two (2) car garage with flat roof, cypress doors and stucco finish to match existing residence.

Don Kino of Smith Architectural Group presented this request to afford the owner the ability to house vehicles, especially during hurricane season. The request is for a simple garage in keeping with Mizner's architecture. The color and details will match the existing home. Variances are requested for front yard setback, side yard setback and cubic content.

MOTION BY MR. EIGELBERGER RECOMMENDING APPROVAL OF THE VARIANCES TO THE TOWN COUNCIL.

**MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.**

- D. Informal Review: Bradley House (2:17:46.0)

Mr. Frank stated that he had received telephone complaints that the color of the Bradley House had been changed. This change had not been approved by the LPC. Mr. Frank had given staff approval for painting, with the proviso that the existing color scheme was maintained. When the painting was actually done, the yellow color on the facade was brighter than before, and green trim color areas had been painted black. As a result of those changes, Code Enforcement "red tagged" the work, but the contractor continued working.

Steven Levin, with the Bradley House, and Mike Craddock, Architect, were present.

MOTION BY MR. EIGELBERGER THAT THE PAINT COLORS ARE TO REMAIN THE ORIGINAL PAINT COLORS AS WERE STAFF APPROVED, ("EVENING GLOW" FOR THE FACADE AND "DEEP JUNGLE" (GREEN) FOR THE TRIM); RECESSES SHALL BE PAINTED THE COLOR OF THE FACADE, NOT THE COLOR OF THE TRIM.

**MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.**

Ms. Willis noted that the tenant, Coco's, was only given approval to use one-half of the courtyard for umbrella tables, but they are also using the other half of the courtyard. She felt this was problematic for persons wanting to check into the hotel, as they would, in effect, be negotiating through restaurant tables. Mr. Pandula referred this to staff.

Mr. Levin asked that the parking in front of the hotel be reserved for the hotel, rather than for Publix customers. He was referred to the Police Department and/or Public Works.

IX **COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND
PLANNING ZONING AND BUILDING DEPARTMENT DIRECTOR:**

(2:31:39.5)

Mrs. Day introduced Adam Munder to speak to the LPC regarding the Royal Poinciana Plaza. Mr. Munder stated that he has scheduled meetings with all of the LPC members during the month of October, and he will be meeting with each member individually. These meetings are included in the approximately 50 total meetings which Mr. Munder has scheduled in October. The meetings have been scheduled to get feedback from interested parties like the LPC members, the Preservation Foundation, the Garden Club, the Chamber of Commerce, and various other focus groups. The information gathered will assist in the creation of a development plan for the Plaza to be presented to the Town Council in November. Mr. Munder distributed a report relative to the theatre to the members.

It was clarified that the Town Council will hold a hearing for designation ratification of the Plaza at their meeting in November. Mr. Munder stated that the Town Council had asked, at their April meeting, that the Plaza representatives bring a plan for re-development of the Plaza to the Council's November meeting, at which time the landmark designation issue will also be heard. Per Mr. Munder, "We are not asking for an approval of a development plan in November. All the Town Council asked us to do is to prepare a plan that would present enough evidence and things and support that the Town would want that we might want to consider landmarking portions and not the entire property." Mr. Randolph recalled that the Town Council had asked that a presentation of some type be given to the LPC. Mr. Munder stated that this was done during the summer in the form of a progress update. Mr. Randolph cautioned Mr. Munder that when they appear before the Town Council in November, the Town Council may want to know how the LPC feels about the proposal. Furthermore, the Town Council has the right to modify the LPC's recommendation to landmark the entire Royal Poinciana Plaza. Mr. Randolph stated that by the applicant meeting with LPC members individually, the Town Council will not know the opinion of the LPC as a whole.

Mr. Eigelberger stated very emphatically that the LPC had voted to landmark the entire 12 acre parcel, and that is still the desire of the LPC. Partial designations would mean that the applicant might have to go to two different commissions for approval of changes. "We believe, as a Landmark Commission, that any change in Royal Poinciana Plaza is important to the Landmark Commission, and any addition of any building is important to the Landmark Commission; that those new additions be in conjunction with the existing building that are there designed by John Volk."

Mr. Roberts re-stated his comment from last month's meeting that the entire 12 acres should be landmarked and that the Landmarks Preservation Commission should have jurisdiction of the Plaza, rather than ARCOM. Mr. Randolph noted that even if only parts of the property are landmarked, it could be made a condition that review of changes to all of the Plaza go before the LPC for approval rather than to ARCOM (for non-landmarked portions). Mr. Munder stated that at this point, they are willing to embrace the idea of the LPC having jurisdiction over the Plaza, rather than ARCOM, but they have not made a final determination in this regard.

Mr. Paul Castro, Zoning Administrator, stated that the Town Council, in deferring the designation in April, wanted the applicant to return in November with a "conceptual plan only" before they made a determination on the landmarking. He stated that staff has not

yet seen any conceptual plans for the Plaza, and added that the Town Council is not trying to usurp the LPC's review of the matter, and, in fact, could send the conceptual plan back to the LPC for comment prior to the Council making a determination on the landmarking.

Mr. Brian Kosoy stated that the Town Council had asked that they come to the LPC in June with a progress report, and that was done. Likewise, the applicant will take their conceptual plan to the Town Council in November as they were instructed.

There was some discussion as to whether the applicant should have individual meetings with the members, or, come to the October LPC meeting, to the commission as a whole. John Ripley of the Preservation Foundation advocated having the individual meetings with the applicant, rather than having an informal discussion at the October LPC meeting. He also stated that it should be clear that just because the LPC members are meeting with the applicant, there is "no implied consent".

Mr. Pandula stated once more, for the record, that the LPC wants the entire 12 acre parcel to be landmarked.

PROPERTIES TO BE CONSIDERED FOR POSSIBLE LANDMARK DESIGNATION

Mrs. Day distributed a handout showing several properties which she felt might be appropriate for study for possible landmark designation. They are as follows:

226 Worth Avenue - Facade (Please note the correct address is 236 Worth Avenue and it is in the same parcel.)

323 Chilean Avenue - the last non-landmarked Mizner

150 Chilean Avenue - Moorish Revival

300 Royal Palm Way - Samuel Paley Pavilion - Volk design

105 Banyan Road - Mediterranean Revival

288-294 South County Road - very important corner commercial building

450 Royal Palm Way was also added to the list - Volk - very important gateway commercial building.

In addition to the properties listed above, several properties have already been placed "under consideration" for landmark designation: the Post Office at North County Road, 958 North Lake Way, 977 North Ocean Boulevard, and the re-landmarking of the Seagull Cottage for perpetuity.

John Mashek of the Preservation Foundation spoke in support of studying the properties listed above.

MOTION BY MR. EIGELBERGER TO PLACE THE ABOVE LISTED PROPERTIES "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION.

**MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.**

It was mentioned that the Casa Bendita pavilion is falling down. Mr. Frank noted that this matter is going before the Code Enforcement Board. Mrs. Day will look into this.

FAREWELL TO MR. FRANK

As Mr. Frank will be retiring on September 30th, this is his last Landmarks Preservation Commission meeting. Mr. Pandula praised Tim's work with the commission, as did other members.

MOTION BY MR. ROBERTS TO ASK STAFF TO PREPARE A PLAQUE TO PRESENT TO MR. FRANK AT A FUTURE MEETING TO ACKNOWLEDGE HIS MANY YEARS OF SERVICE.

**MOTION SECONDED BY MRS. RUBIN.
MOTION CARRIED UNANIMOUSLY.**

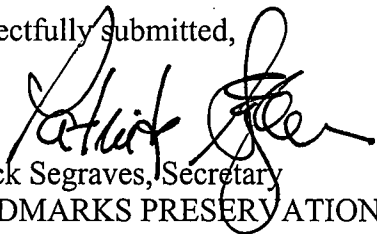
Mr. Frank stated he has had the honor and privilege to serve the Town and this commission. Mr. Pandula stated, "This program would not be anywhere near where it is if Mr. Frank hadn't been here for twenty of those years...It's not a debatable point, and I think, all of us on the commissions, past and present, as well as the Town folks, owe him a lot of gratitude for the work he has done for landmarks preservation here in Town, so thanks again."

X ADJOURNMENT:

The meeting adjourned at 12:20 p.m. based upon a motion by Mr. Eigelberger which received unanimous support.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, October 15, 2008 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,


Patrick Segraves, Secretary
LANDMARKS PRESERVATION COMMISSION

cmd

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2008

MEMBERS	1/08	2/08	3/08	4/08	5/08	6/08	7/08	8/08	9/08	10/08	11//08	12/08
Eugene Pandula	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	___	___	___
William Lee Hanley Jr.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	___	___	___
Patrick Segraves	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	___	___	___
Robert Eigelberger	<u>P</u>	<u>P</u>	<u>E</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	___	___	___
Eileen Bresnan	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>E</u>	<u>P</u>	___	___	___
Hazel Rubin	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	___	___	___
Charles S. Roberts	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	___	___	___

ALTERNATE MEMBERS	1/08	2/08	3/08	4/08	5/08	6/08	7/08	8/08	9/08	10/08	11//08	12/08
D. Imogene Willis	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	___	___	___
Dudley L. Moore	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	___	___	___
Wallace Rogers	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	___	___	___

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

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

RECORD OF VOTING CONFLICTS 2008

MEMBERS	1/08	2/08	3/08	4/08	5/08	6/08	7/08	8/08	9/08	10/08	11/08	12/08
Eugene Pandula	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
William Lee Hanley Jr.	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Patrick Segraves	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Robert Eigelberger	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Eileen Bresnan	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Hazel Rubin	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Charles S. Roberts	_____	_____	_____	_____	_____	_____	_____	<u> V </u>	VPD	_____	_____	_____

<u>ALTERNATE MEMBERS</u>	<u>1/08</u>	<u>2/08</u>	<u>3/08</u>	<u>4/08</u>	<u>5/08</u>	<u>6/08</u>	<u>7/08</u>	<u>8/08</u>	<u>9/08</u>	<u>10/08</u>	<u>11/08</u>	<u>12/08</u>
D. Imogene Willis	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Dudley L. Moore	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Wallace Rogers	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

LEGEND:	V	=	One Voting Conflict during a meeting	VPD	=	Voting Conflict Previously Declared
	V2	=	Two Voting Conflicts during a meeting		(This category to be used when a conflict has	
	V3	=	Three Voting Conflicts during a meeting		Been declared at a previous meeting, and the	
						Changes being reviewed are part of an ongoing
						project. ONLY COUNT ORIGINALDECLARED
						CONFLICT PER JCR, TOWN ATTORNEY)

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

LAST NAME—FIRST NAME—MIDDLE NAME ROBERTS CHARLES		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 710 SOUTH OCEAN BLVD.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE OF WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY COUNTY PALM BEACH, FL 33480		NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 8/20/08 & 9/17/08		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE Minutes member	

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, Charles S. Roberts, hereby disclose that on 8-20-08, 19 08

(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: member

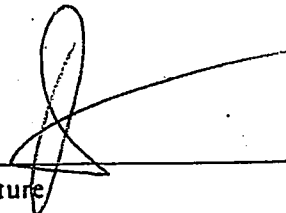
OF LANDMARK COMM. & 710 S. Ocean is my
Home AND Nature OF CONFLICT! I have had NO
CONTACT with ANY Comm. or Communication!

Date Filed

8-20-08

+ 9/17/08

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRE 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.