



TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, SEPTEMBER 17, 2003 AT 9:00 A.M.

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

I **Call to Order:** Chairman Pandula called the meeting to order at 9:01 a.m.

II **Roll Call:**

PRESENT: Eugene Pandula, Chairman
Sari Wilkey, Vice Chairman
Ann Vanneck, Member
Jack Pyms, Member
Judy Hoffman, Member
Patrick Segraves, Member
Wendy Victor, Alternate Member
William Lee Hanley Jr., Alternate Member
Robert T. Eigelberger, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Veronica Close, Assistant Director of Planning, Zoning & Bldg.
Timothy M. Frank, Planning Administrator

ABSENT: Ann Blades, Secretary (Excused)
Jane Day, Staff Preservation Consultant

RECORDING SECRETARY: Cynthia M. Delp

III **Approval of the Minutes of the August 20, 2003 meeting:**
MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

IV **Administration of the Oath to all persons who wish to testify:** By Mrs. Delp

V **Public Hearings:**

- A. Application for Certificate of Appropriateness #22-2003,
Landscape/hardscape
Owner/Applicant: Leo & Kathryn Vecellio as listed on application
210 Via Del Mar Trust, (provided later)
Address: 210 Via Del Mar
Architect: Mario Nievera Design Incorporated
Project Description: Request approval of the following;
1. Entry piers
 2. Gates
 3. Driveway/motorcourt
 4. Landscaping
 5. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mario Nievera, Landscape Designer, stated that this project had already been granted Special Exception approval by the Town Council for the driveway gates. He presented very simple sliding gates for two locations on the front of the residence. There had not been gates in these locations previously. The hedges between the gate locations are existing. Brick gate piers without lamps are included in the design. Possibly vines will grow on the piers, or pots may top the piers. Currently, there is a gravel driveway. The proposal would change the driveway to brick in the same size and configuration. No pedestrian gate is included. Mrs. Vanneck asked that the hedges be rounded to avoid them looking so square.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. WILKEY.

Mr. Pandula asked Mr. Nievera to create a middle on the gates so they appear to be a pair of gates. Mr. Nievera replied that he would do so by adding a center member.

Mr. Frank stated that he had visited the site on Monday. On the plans, the lot is shown as going out into the center line of the street, but the right-of-way cannot be counted as part of the front yard. He commented that any approval today should be conditioned upon the plans meeting code requirements, i.e., that there is at least 40% landscaped open space in the front yard. If that requirement is not met in this design, the driveway will have to be pared back in size. Mr. Frank also noted that when this site was visited previously by staff when the property was under other ownership, the gravel driveway configuration was not there, so that work may have been done without LPC approval. Staff has no problem with the proposal, provided it meets code.

MOTION BY MRS. VANNECK AMENDED TO INCLUDE THE PROVISION THAT THE DESIGN MUST MEET CODE REQUIREMENTS, AND THAT CENTER MEMBERS BE ADDED TO THE GATES TO CREATE THE APPEARANCE OF PAIRS OF GATES.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

B. Public Hearing for 455 North County Road
relative to Deterioration by Neglect
Owner: 455 North County Road Inc.
Address: 455 North County Road

Let the record show that Mr. Pym recused himself relative to this matter. Voting Conflict form on file.

Mr. Moore advised the LPC that Mr. Kolins was present to offer some new information today, the day which had been set for hearing the deterioration by neglect issue.

Mr. Kolins reported that his client has a contract for sale of the property, and in fact, the property will close today by midnight. According to Mr. Kolins, the new owner is fully aware of the status of the property, and the LPC requirements for the property. As the property will not technically close until midnight, Mr. Kolins felt it would serve no purpose to hear the case for deterioration by neglect today. Of course, if the property does not close, other measures would be in order. As such, Mr. Kolins requested a continuance to the next LPC meeting. By that time, the property should have a new owner, and there may be no need for further discussion relative to deterioration by neglect.

Mr. Moore stated that staff has spoken with the contract purchaser's attorney. The new owner and his representatives know exactly what is required at the site. They also know that previously issued permits could be transferred to their contractor of choice. As a matter of fact, that contractor has already been chosen and is ready to begin the work to effect the landmark approved design, with some interior changes. If some exterior changes are required, the new owner realizes he must apply for LPC approval. The installation of a tennis court is being considered. As for the continuance, Mr. Moore did not, however, support the request for a 30 day extension as there has been much public, staff and Town Council concern over this property. Staff requested an extension of just a week to 10 days. Mr. Moore stated that staff believes with the cooperation of this new owner, there is an excellent chance for this property to be completed as originally approved.

Mrs. Victor questioned whether the new owner is planning a lot split, as she is very concerned about splitting large landmarked parcels. Mr. Moore responded that this has not been mentioned by the purchaser at this point. There has been an application filed by the current owner to re-zone the property, but if the property sells today, that application will be mute, as the new owner has no desire to re-zone the property. Mr. Kolins stated that his client explored the option of a lot split, and discovered that the lot was large enough to undertake the split. Mr. Moore clarified that this parcel does not have sufficient frontage to support a lot split. It could, however, be subdivided into two lots. That process would take three to six months. Work on the landmarked structure would have to continue while the subdivision process was ongoing.

MOTION BY MRS. WILKEY TO ADJOURN OR CONTINUE THIS PUBLIC HEARING TO THURSDAY, SEPTEMBER 25, 2003 AT 9:00 A.M. TO CONTINUE DISCUSSION RELATIVE TO DETERIORATION BY NEGLIGENCE OF 455 NORTH COUNTY ROAD.

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

VI Other Business:

- A. Brazilian Court Hotel: Mr. Frank stated that an air conditioner over the restaurant had been replaced a few years ago. The work was done with a permit, but the permit was for an a/c change out. A "change out" implies replacement of old with new, with no substantial changes to the equipment. In this case, the new unit is massive on top of the roof. It looks particularly worse when viewed from the courtyard. Attempts have been made to paint and/or screen it to no avail.

Mr. Adam Schlesinger presented the option of having a faux painter paint the unit to look like barrel tile roof material. He passed photos of the existing condition and renderings of the proposed faux painting. Mrs. Vanneck commented that every time this unit has to be changed the hotel will be faced with the same concealing issues. She felt it would be better to split the unit and do it right. Mr. Pandula stated that the architectural integrity of this building has been pushed to the limit, and every effort must now be made to avoid any further negative impact. Mr. Schlesinger will look into this option.

- B. Everglades Island Entrance Gatepost Structures: Mr. Frank reported that staff had originally thought this designation hearing would be heard in November, but in the process of attempting to notice the owner, it has become clear that ownership of these structures is quite unclear. Staff is proceeding to hire a surveyor to determine the land on which these structures sit. The process cannot move forward until ownership has been determined.

- C. Palm Beach Public School Grant: Mr. Frank reported that this grant is 1 of 44 applications (of the 100+ applications filed) which were recommended for funding. This particular project was recommended by state staff for full funding; in this case, \$250,000. Now, the 44 projects need to be ranked. If we are successful in procuring the full grant, the \$ 250,000 will be used to restore the older corner building of the school.

After having met with the architect for the school project, Mr. Pandula commented that the design of the project is much improved from the version presented to the LPC last October. The design is much more sensitive to the architecture.

- D. New Advisory Review Procedure: Mr. Moore explained that the Mayor and Town Council asked staff to develop a procedure to allow for an informal advisory review by the LPC or ARCOM on only certain projects requiring variance, special exception or site plan approval. In effect then, if it is determined by staff that such an advisory review is needed from the LPC, the LPC will informally review the project, pass on comments to the Town Council for their review process of the variance, special exception or site plan approval, and then formally review the project in a public hearing for Certificate of Appropriateness. This policy will be in effect experimentally for nine months, and will be modified as needed within that time frame, after which the procedure may be adopted by the Town Council. Ms. Veronica Close, Assistant Director of Planning, Zoning & Building, stated

that the process will be implemented in January. It will require a longer advance filing date for applicants. As such, an application for the LPC or ARCOM will be filed at the same time as the variance, special exception or site plan review application is filed for Town Council approval. Staff will determine which projects are suitable for this type of informal advisory review.

Mr. Randolph clarified that the LPC and ARCOM will not be commenting to the Town Council as to whether or not the variance, special exception or site plan approval should be granted, but how the project will be affected by the requested variance, special exception or site plan approval. In short, the LPC and ARCOM cannot take on an approval role for variances, special exceptions and site plan approvals.

Ms. Close thanked Mr. Pandula for his participation in development of this procedure.

VII **Adjournment:**

The meeting adjourned at 9:55 a.m. subsequent to a motion sponsored by Mrs. Vanneck, which was seconded by numerous members and carried unanimously.

The continued hearing for 455 North County Road will be held on THURSDAY, SEPTEMBER 25, 2003 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

The next regular meeting of the Landmarks Preservation Commission will be held on WEDNESDAY, OCTOBER 15, 2003 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,



19 Sept. 2003

Eugene Pandula, Chairman

LANDMARKS PRESERVATION COMMISSION

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**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2003

MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
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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>			
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Elizabeth Dowdle	<u>P</u>	<u>P</u>	(Term expired 3/03)									
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Sari M. Wilkey	<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>			
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Ann Vanneck	<u>P</u>	<u>P</u>	<u>P</u>	<u>E</u>	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</u>			
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Ann Blades	<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>E</u>			
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Jack Pyms	<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>			
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Judy Hoffman	<u>P</u> Alt.	<u>E</u> Alt.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
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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>			
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ALTERNATE MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
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Wendy Victor	<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>			
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William Lee Hanley Jr.	<u>n/a</u>	<u>n/a</u>	<u>P</u>	<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
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Richard Krock	<u>n/a</u>	<u>n/a</u>	<u>E</u>	(Resigned 4/8/03)								
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Mario Nievera	<u>P</u>	<u>P</u>	(Did not seek re-appointment)									
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Robert T. Eigelberger	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>P</u>	<u>P</u>	<u>U</u>	<u>P</u>			
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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 2003

MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
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Eugene Pandula	___	___	___	___	___	V	___	___	___	___	___	___
Elizabeth Dowdle	___	___	(Term expired 3/03)									
Sari M. Wilkey	___	___	___	___	___	___	___	___	___	___	___	___
Ann Vanneck	___	___	___	___	___	___	___	___	___	___	___	___
Ann Blades	___	___	___	___	___	___	___	___	___	___	___	___
Jack Pyms	___	___	___	___	___	V	VPD1	VPD1	VPD1	___	___	___
Judy Hoffman	___	___	___	___	___	___	___	___	___	___	___	___
Patrick Segraves	Alt.	Alt.	___	___	___	___	___	___	___	___	___	___

ALTERNATE MEMBERS	1/03	2/03	3/03	4/03	5/03	6/03	7/03	8/03	9/03	10/03	11/03	12/03
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Wendy Victor	___	___	___	___	___	___	___	___	___	___	___	___
William Lee Hanley Jr.	___	___	___	___	___	___	___	___	___	___	___	___
Richard Krock	___	___	(Resigned 4/8/03)									
Mario Nievera	___	___	(Did not seek reappointment)									
Robert T. Eigelberger	___	___	___	___	___	___	___	___	___	___	___	___

LEGEND: V = One Voting Conflict during a meeting
 V2 = Two Voting Conflicts during a meeting
 V3 = Three Voting Conflicts during a meeting

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
 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 Pym s JACK S		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 2545 So. Ocean Blvd #209		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY ☐	
CITY PALM BEACH FL.		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
COUNTY 33480		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	
DATE ON WHICH VOTE OCCURRED 9-17-03			

MINUTES

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

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

In either case, you should disclose the conflict:

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

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

APPOINTED OFFICERS:

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

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

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

(1) 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, JACK PYMS, hereby disclose that on SEPT 17, 2003:

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

NEITHER

inured to my special private gain; or

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

PROPERTY IS LISTED FOR SALE ON THE
PALM BEACH BOARD OF REALTORS MULTIPLE LISTING
SERVICE WHICH I AM A MEMBER

9-17-03
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.

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

LAST NAME—FIRST NAME—MIDDLE NAME Pym s, JACK S		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION COMMISSION	
MAILING ADDRESS 2545 So. Ocean Blvd #209		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY ☐	
CITY PALM BEACH FL. 33480		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED 9-17-03		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

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RECEIVED

SEP 17 2003

TOWN CLERK'S OFFICE
TOWN OF PALM BEACH

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

☐ inured to my special private gain; or NEITHER

☐ 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:

PROPERTY IS LISTED FOR SALE ON THE
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9-17-03
Date Filed

[Signature]
Signature

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