

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., WEDNESDAY, AUGUST 20, 1997

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

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I. Call to Order: The meeting was called to order at 9:03 a.m. by Chairman Jeffery W. Smith.

II. Roll Call:

PRESENT: Jeffery W. Smith, Chairman
Eugene Pandula, Vice Chairman
Lindley M.F. Hoffman, Secretary
Elizabeth Shields, Member
Sari M. Wilkey, Member
Leighton Rosenthal, Alternate Member
Ann Lilja, Alternate Member
Robert L. Moore, Director of Planning, Zoning & Building (9:15 a.m.)
Timothy M. Frank, Planner/Projects Coordinator
John C. Randolph, Town Attorney

ABSENT: Arthur Silverman, Member (excused for medical reasons)
Harrison M. Robertson Jr., Member (unexcused)
Nikita Zukov, Alternate Member (unexcused)

RECORDING SECRETARY: Cynthia M. Delp

III. Approval of the Minutes of the July 16, 1997 Meeting

MOTION BY MR. HOFFMAN TO APPROVE THE MINUTES AS MAILED.

MOTION SECONDED BY MR. ROSENTHAL AND MR. PANDULA SIMULTANEOUSLY.

MOTION CARRIED UNANIMOUSLY.

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

No public hearings were listed on the agenda, therefore, no oath was required.

V. Public Hearings: (None)

VI. Other Business:

A. Discussion in furtherance of matters discussed at the July meeting, i.e., review of previous Historic Surveys; prioritization of structures for future landmark designation, etc.

Mr. Smith opened with discussion relative to the house at 150 Clarke Avenue. The LPC had approved a partial designation at this site, but the Town Council did not ratify that designation. Mr. Smith felt that the LPC had tried so hard to compromise with the Bakers, the original owners when the designation process began. In that effort to compromise, multiple deferrals were allowed, and only a partial designation was approved. Then, when the matter was forwarded to the Town Council for ratification, a new owner of the property appeared who did not agree with the compromise made. This series of events, Mr. Smith felt, made it appear that the house wasn't totally worthy of landmarking. Mr. Pandula, who attended the Town Council meeting in Mr. Smith's stead, stated that he felt the owner's objection to the designation, even a partial designation, was the determining factor which led to the Town Council's failure to ratify. He felt that the Town Council got the impression, via a partial designation proposal, that this was not a high priority building, and it was mentioned that the LPC should keep the standards for designation up.

Mrs. Day stated a comment was made at the Town Council meeting that several other Monterey style structures were already landmarked in the Town. She attempted to point out, however, that this was a Howard Major design and there are only seven other Howard Major designs in Town. She remarked that Mr. Wyett had made a statement that it was not good precedent to have one owner at the start of the process who makes an agreement with the LPC only to have a new owner appear before the Town Council with a different position. Mrs. Day pointed out, however, that it was her opinion that this property was worthy of designation, yet the owner's objection was the reason why it was not ratified by the Town Council. Mrs. Day stated that she had spoken, at length, with the new owner's attorney and offered to speak to his clients regarding the matter. The new owners never contacted Mrs. Day. She believed that the LPC and staff had done everything they could have to move this designation forward.

Comments by Mrs. Day relative to 1997 Historic Sites Survey

Mrs. Day stated that over the next few months, prior to the 1997/1998 Designation Season, she will be providing much information to the LPC members gathered from local, state, and national sources. Today she distributed copies of a large reference publication entitled Making Defensible Decisions. This book was compiled by Michael Zimny from the Secretary of State's office in Tallahassee where he is in charge of Certified Local Governments (CLG's). The Town of Palm Beach is a CLG, which is a partnership between the federal, state and local governments serving to protect resources. She encouraged the LPC members to read through the book as it is a very useful tool.

Mrs. Day stated that the newly compiled 1997 Historic Site Survey will be distributed to the LPC members at their September meeting. Then the LPC will have two months to review this information and decide upon future designation strategies. She distributed a copy of a blank Historic Sites Survey form to demonstrate the type of information which had to be determined for each of the properties surveyed. These forms are ultimately submitted to the State for entry into the State's data base, a process which will take approximately one year.

① The new survey updates 842 site file forms from the previous 1981 and 1988 Historic Surveys, and adds 189 new sites, for a total of 1031 structures surveyed which are over 50 years of age. There are also twenty-some architectural features, rather than structures, which have been noted, and the State is advising Mrs. Day on how to proceed with these. Also approximately 80 sites have either been demolished or so severely altered that they should no longer be on the list, representing approximately 10% of the structures originally surveyed in 1981. This recent survey also took a subjective look at structures which have not yet reached 50 years of age, but have been found to be architecturally noteworthy by Mrs. Day and her survey team. These younger buildings were selected on the basis of architect and architectural style. Mrs. Day explained that although a summarized report will be distributed to the LPC members, the individual site forms, due to the sheer number of them, will be available in Mr. Frank's office. This survey process has taken a full year to complete. It will be the best and most updated information available to date, but Mrs. Day asked the members to realize that in any survey process, there is some information which will be updated and/or corrected in years to come.

Mr. Smith stated he would be very interested to know which buildings have previously been reviewed for designation, but were not landmarked for one reason or another, so that we do not encounter disputes claiming "administrative res judicata." Mrs. Day stated that although this information could be obtained, it would be a lengthy process requiring reading old LPC and Town Council minutes dating from the time when the LPC was first created. Mr. Frank stated he would be very interested in the Town creating a Data Base for landmarked properties as a research tool so that such information would be available without doing a lot of research. Mrs. Day stated that when the State adds the new 1997 survey site files to its computer system, the Town should be able to obtain a copy of all Town of Palm Beach sites for loading into the Town's computer systems. The only structures which will have to be added are those which were proposed for landmarking, but were not ultimately designated.

① Mr. Randolph stated that with regard to "administrative res judicata," if circumstances have changed, i.e., more time has passed, the owner has changed or other circumstances have changed, "administrative res judicata" would not apply.

Mr. Frank read a letter into the record from LPC Member, Harrison M. Robertson Jr., wherein he suggests that a map showing all of the landmarked sites might be helpful. Mr. Frank stated that such a map already exists in the Comp Plan, but it is not site specific to protect the privacy of the residents.

Mrs. Polly Earl, Director of the Preservation Foundation, commented that the book distributed today as well as the survey to be distributed next month will provide an excellent basis for the LPC to develop a philosophy of how to establish a coherent designation philosophy. With this new information, the LPC would be afforded a great opportunity to defend and protect the important structures in Palm Beach. She stated that it is critical to look at threatened structures and threatened areas of Town, to do the study, recognizing the fact that all may not be suitable for designation. She reminded the LPC that 50% of the Town's designation criteria concern "history." With that in mind, it is then possible for a smaller house to be landmarked by virtue of its history. Calling this designation season one of great opportunity, Mrs. Earl pledged the assistance of the Preservation Foundation in any way possible.

Comments by Mr. Tim Frank relative to the 1997 Preservation Celebration

① Mr. Frank stated that the Preservation Celebration has been moved this year from the spring to the fall when more Residents are in town. Plans are to highlight the new tax deferments available to landmark owners. Typically the Preservation Celebration includes a tour to a landmarked house, and this year staff will attempt to contact the Cooks on Via Del Mar to see if their newly restored English Tudor home would be available for this event. The celebration will tentatively be held at either the Society of the Four Arts or the Flagler Museum, with tours proceeding from

there. A lecture and/or presentation will be held at the marshaling area, along with a reception for event guests. The Preservation Celebration is tentatively scheduled for November prior to the Thanksgiving holidays. The specific date is yet to be determined.

Ms. Shields stated that Mr. Vincent Scully, an architectural historian from Yale, will be in Town during the season and might be available as a speaker for the event.

VII. Adjournment:

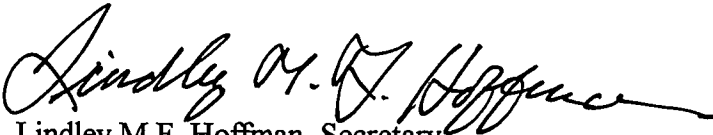
MOTION BY MR. PANDULA TO ADJOURN THE MEETING AT 9:50 A.M.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on Wednesday, September 17, 1997 in the Town Council Chambers, second floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,



Lindley M.F. Hoffman, Secretary

LANDMARKS PRESERVATION COMMISSION

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TOWN OF PALM BEACH

ATTENDANCE RECORD (19 97)
WITH NEW MEMBERS

MEMBERS	1/97	2/97	3/97	4/97	5/97	6/97	7/97	8/97	9/97	10/97	11/97	12/97
Jeffery W. Smith	P	P	P	P	P	P	P	P				
Eugene Pandula	P	P	P	P	P	P	P	P				
Arthur Silverman	P	P	P	P	P	U	P	E				
Lindley Hoffman	P	P	P	P	U	P	P	P				
Harrison Robertson	P	P	P	P	P	P	U	U				
Elizabeth Shields	P	P	P	P	P	P	U	P				
Sari M. Wilkey	P	P	U	P	P	P	P	P				

ALTERNATES	1/97	2/97	3/97	4/97	5/97	6/97	7/97	8/97	9/97	10/97	11/97	12/97
Leighton Rosenthal	n/a	n/a	P	U E	U E	U E	P	P				
Nikita Zukov	n/a	n/a	E	P	P	P	P	U				
Ann Lilja	n/a	n/a	E	P	P	P	P	P				

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

TOWN OF PALM BEACH

RECORD OF VOTING CONFLICTS (19 97)
WITH NEW MEMBERS

MEMBERS	1/ 97	2/97	3/97	4/ 97	5/97	6/97	7/ 97	8/97	9/ 97	10/97	11/97	12/97
Jeffery W. Smith	V2			VPD1 V1	VPD1 V2	VPD1 V1	VPD2					
Eugene Pandula												
Arthur Silverman												
Lindley Hoffman												
Harrison Robertson												
Elizabeth Shields												
Sari M. Wilkey												

ALTERNATES	1/97	2/97	3/97	4/97	5/97	6/97	7/97	8/97	9/97	10/97	11/97	12/ 97
Leighton Rosenthal	n/a	n/a										
Nikita Zukov	n/a	n/a										
Ann Lilja	n/a	n/a										

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

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