

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, JULY 20, 2005 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 9:00 a.m.

II **Roll Call:**

PRESENT: Eugene Pandula, Chairman
Judy Hoffman, Vice Chairman
Wendy Victor, Secretary
Ann Blades, Member
Patrick Segraves, Member
William Lee Hanley Jr., Member
Robert T. Eigelberger, Member
Gail Coniglio, Alternate Member
Hazel Rubin, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Jane Day, Staff Preservation Consultant

ABSENT: Eileen Bresnan, Alternate Member (Unexcused)

RECORDING SECRETARY: Cynthia M. Delp

III **Approval of the Minutes of the June 15, 2005 Meeting:**
MOTION BY MR. EIGELBERGER FOR APPROVAL.
MOTION SECONDED BY MRS. VICTOR.
MOTION CARRIED UNANIMOUSLY.

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

V **Informal Review: Palm Beach Public School**

Let the record show that the School Board was represented by Ms. Kris Garrison, and Messrs. Tom Kastner and Owen O'Rourke of Song and Associates.

Mr. Frank explained that staff was asked to do an analysis of the school to determine if there were any discrepancies between the plans of the building which were presented to the LPC and the Town Council, and the building, itself, as it is being constructed. After review, it was determined that the building, as constructed, does not match the approved plans. The Town Manager's office had urged staff to work with the School Board to make the building more aesthetically pleasing. A series of meetings have occurred between staff and representatives from the School Board. He reported that all parties have worked diligently to resolve these issues, respecting the fact that the School Board has a fiduciary responsibility to keep costs to a minimum. He introduced Ms. Kris Garrison of the School Board team.

Just prior to Ms. Garrison's presentation, Mr. Pandula called for disclosure of exparte communication. Mr. Pandula stated that he attended all four meetings with Town staff, and the School Board representatives, including the architects.

Ms. Garrison stated that they were present in an effort to continue the excellent working relationship that has been had with the Town. She stated her regret that the School Board's process did not address the changes to the building to allow them to be dealt with in a more proactive manner. The School Board wants the Town to be proud of its public school, recognizing that the needs of the Town must be balanced with the needs of the students. She noted that the ball fields, which were of great interest to the Town, have been maintained in their original location.

Ms. Garrison stated that some of the changes made since the plans were originally reviewed by the Town have been due to code and/or structural requirements. Some changes were simply due to the fact that the site is so small. She asserted that the School Board has not tried to hide anything in this process, and that changes have been done for good reason and with sincere efforts. They instructed the architect's office to prepare a report identifying the changes which have been made. Of those, staff identified three areas of primary concern:

1. Placement of the chiller system on the roof: Ms. Garrison explained that the roof placement is primarily due to the small site, as the School Board's normal procedure is to place chiller equipment on the ground level. This site did not allow for that. She stated that screening the rooftop equipment was always anticipated, but input was sought from staff relative to an appropriate screening method.
2. South elevation: Several glazed openings were originally shown on this elevation, but due to code reasons, they were not constructed. Due to the expressed concerns relative to these openings, they will be reintroduced as ornamental windows.
3. Porte Cochere: This element was introduced to the south elevation at the drop off area. Typically, if this were any other school, this would merely have been an aluminum roof. Knowing that the Town would not accept such an element, a more substantial design element was introduced. Staff pointed out that the introduction of the porte cochere was actually an opportunity to "pull the south elevation together," and the School Board was

asked to add a barrel tile roof to this element, regardless of the cost. She noted that this extra expense has been approved, if the overall presentation is approved by the Town.

Relative to the chiller system on the roof, Ms. Garrison presented photos of the equipment, showing screening which will look like part of the building and be painted the same color to match. The equipment will be most visible from the east elevation. Mr. Kastner, of Song and Associates, showed pictures of the Brazilian Court Hotel which used a similar technique to mask its rooftop air conditioning units.

Relative to the south elevation, a comparison of the approved and proposed elevation was shown. The proposal shows the reintroduced, yet non-functional, glazed openings; the louvers which are required for mechanical equipment; and, the +/- 3 ft. tower shift to the west to allow for exit requirements. All of these changes result from code requirements.

At this point, Mrs. Hoffman asked why these code issues had not been anticipated prior to making the original presentation to the LPC. Mr. Kastner stated that the design was still in development at the time. Ms. Garrison claimed that the architect could not have anticipated how all of the code requirements would impact the overall design.

Mr. Eigelberger asserted that surely the architect had to know that the building would be air conditioned, but now there is a massive cooling tower on the roof. Regardless of the type of construction, everyone knows that building codes require ramps for handicap access. "All these things you're saying...to me, it's the biggest snow job that I've ever seen in my life."

Mrs. Victor reported that two other communities have had similar problems with the School Board. She stated that the architect, Young Song, has done \$400,000,000 of business in school contracts over the last five years in Palm Beach County. The Town of Palm Beach has paid \$77,000,000 to the School Board in the last fiscal year. The School Board is spending \$997,000,000 in school projects over the next four years. "This is big business." Mrs. Victor stated that she has seen evidence of other schools designed by the firm of Song & Associates, and these are architecturally worthy. She questioned why this firm is submitting such an inferior design for a school in the Town of Palm Beach.

Mr. Eigelberger called today's presentation "a slap in the face." He questioned how, after the LPC spent hours and hours to help arrive at an acceptable design, the School Board could suggest such revisions to the approved design.

Mr. Pandula summarized that at this point, the LPC could "throw up a wall" and stop negotiation, or conversely, work with the "givens" in a spirit of cooperation to achieve an acceptable revised plan.

Mr. Eigelberger stated that he blatantly rejects the revised design. Mrs. Victor read a lengthy list of assorted changes to the building (other than the three listed previously) which differ from the LPC approved plans. She stated that the aesthetics of the entire building have changed.

Mr. Segraves commented that it is unfortunate that today's presentation is not as nice as the first,

and he referred to all of the changes made as negative to the design. He felt that the porte cochere (south elevation) is not appropriate for the design, especially at this busy corner.

Mr. Hanley commented that the school looks like a "penal institution" which is far from what the LPC approved. He felt that a vote to reject the project would be easy to achieve. On the other hand, however, the building is there, and the project should move forward. He suggested that perhaps the issues with the school are outside of the LPC purview, and should rightfully be reserved for the Town Council. "It is horrible. It is the worst looking architectural disaster I have ever seen. It's nothing that we approved.." "It is an eyesore that is going to be there for 50 years." "The arrogance of the School Board to have imposed that on this Town, and to have not come back to the commission with these incremental, as you call them,...these are not incremental changes. This is major change. This has no architectural style. The top has architectural style. The bottom is a block, and it's not even a good commercial block."

Mrs. Victor referred to the School Board's actions as "bait and switch." It goes without saying that clients must approve changes prior to them being constructed in the field. The Town's building officials have no jurisdiction at the site, and requests for drawings went ignored until recently.

Mrs. Blades commented that this school looks very much like the huge schools being built everywhere in Palm Beach County, the "cookie cutter school" concept. "I, for one, would like to go on record that this commission wants nothing to do with this Palm Beach Public penitentiary."

MOTION BY MR. EIGELBERGER THAT THE LPC DOES NOT APPROVE THE CHANGES OR THE BUILDING THAT IS THERE NOW, AND THE LANDMARK COMMISSION DOES NOT APPROVE THIS.

MOTION SECONDED BY MR. HANLEY.

Mr. Don Kino, 205 Sanford Avenue, questioned whether staff was confident that the old portion of the building being replicated is being replicated as promised. He noted that on a recent trip to Washington, D.C., he watched a local commission reject the proposal of the National Parks Service, after two years of planning, asking them to start over. He urged the LPC to uphold their strict standards. Mr. Kino called the school project "an affront to both the commission and the citizens of this town."

Mrs. Ann Vanneck, 217 West Indies Drive, stated she was a member of the LPC when the original plans were reviewed. It was her opinion that the town should "slap a red tag on it" before any more money is spent. She felt that the School Board should be held to the approved plans.

MOTION CARRIED UNANIMOUSLY.

VI Public Hearings:

- A. Application for Certificate of Appropriateness #8-2005, (deferred from May& June) Restoration/Addition to Historic Structure/Landscape/Hardscape
Owner/Applicant: James Harpel
Address: 1102 North Ocean Boulevard
Architect: Smith Architectural Group Inc.
Project Description: Request approval for restoration, addition to historic structure, and landscape/hardscape, which is further described as:

Note: This matter was heard informally at the April meeting. It was advertised for formal review to occur at the May meeting. No presentation was made at the May meeting, however, as the applicant simply requested deferral to the June meeting. At the June meeting, there was a motion to approve the modifications to the east facade of the building including the 5 ft. expansion of the northeast corner, and the bay window; approving the concept of the ground floor footprint of the expansions as presented; asking for further study of the massing of the building, so the design does not become a perfect symmetrical U-shape, including re-thinking the second floor addition over the library, and the articulation of the new mass along the north facade of the building; and, recommending to the Town Council that in conjunction with the re-study of the massing along the north edge of the building, that if they require one of the variances asked for within reasonable proximity of what's been presented today, we (the LPC) recommend approval. The applicant is to return to the LPC next month (July) for further review.

REVISED PROJECT DESCRIPTION (as presented at the June meeting)

On the Colonial Lane "Entrance Facade"

Add a second story addition to the existing west "Library" wing to balance the five-part main facade. This addition will consist of a new guest bedroom, bath and closet. Construct a new bow window at the west end of the "Library" wing.

Add "heavy lintel moldings" over the existing six/nine shuttered windows to match the windows at the center "Greek Temple" front entrance. This detailing was referred to in the Landmark Preservation Commission Designation Report dated November 17, 1989.

On the North Ocean Boulevard Facade

Restore the Master Bedroom Loggia back to the original John Volk design. This requires removal of the current window infill and replacement of the columns and wood picket railing.

Remove six (6) windows and replace with hurricane impact rated french doors leading to a new terrace. The applicant proposes to add lintel moldings to match the Colonial Lane facade. The grade at the east lawn will be leveled to alleviate the existing "bowl" effect.

Infill the existing basement laundry room entrance/drying yard "pit" (where there are currently eight air conditioning condensing units located) and provide a new open terrace.

Extend the existing kitchen/bedroom wing by 5.05' (to 35' setback line). Relocate kitchen, provide breakfast room/guest bedroom above with new bow window and balcony above.

On the Queens Lane Facade

Demolish existing 1842 sq. ft. pool house. Add a new three-story wing opposite the wing on

Colonial Lane. The new wing shall have the same cornice height as the existing building. The existing garages shall be relocated underground in the new wing. The motorcourt entrance shall be shifted from its current location.

On the West, Courtyard Facade

Restore the original second floor Sleeping Porch by removing the current window infill, restoring the columns and providing a new wood picket railing. Behind this railing the applicant proposes to provide a series of french doors in place of the existing infill windows.

A new french door shall be added at the west dining room wall as seen on the Loggia.

General Site Improvements

The pool shall be relocated. The existing tennis court will be resurfaced and new retaining walls and chain link fence added. The courtyard planting and paving has been modified.

The entire site shall be completely re-landscaped and shall have new motor court paving and low site walls as designed by Mario Nievera Design Incorporated.

The entrance and exit gates and perimeter wall between shall be reconstructed to match the original John Volk design.

A new unenclosed accessory pool pavilion shall be constructed. This shall be an awning structure open on all sides. (Staff Note: *Please note that this pavilion was not legally advertised for an LPC hearing. Per Paul Castro, Zoning Administrator, this pavilion requires a variance, and no application for variance has yet been filed for the pavilion.*)

All windows and french doors shall be replaced in kind with hurricane impact rated windows and french doors.

And miscellaneous changes as presented.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Mr. Hanley spoke with the architect by phone and in person and visited the site.

Mrs. Hoffman met with the architect and visited the site.

Mrs. Victor met with the architect and visited the site.

Mr. Pandula met with the architect at his office.

Mrs. Blades met with the architect, Mr. Chopin, the architect's assistant at the office, and accompanied Mr. Smith and Mr. Chopin to the site.

Mr. Segraves met with the architect at his office.

Mr. Eigelberger visited the site yesterday.

Mrs. Coniglio met with the architect and his assistant.

Mrs. Rubin met with the architect and visited the site.

The project was represented by Attorney Frank Chopin, and Architects Jeffery W. Smith and Don Kino. Mr. Chopin began by stating that the architect has worked diligently to try to accommodate the LPC concerns raised at the last meeting, while still adapting the property for

modern living. Mr. Chopin reviewed the history of this project to date. The architect has re-studied the project, including breaking up the mass and the controversial second floor addition over the library. Mr. Chopin hoped that after today's presentation the LPC will recommend for the variance and the revised design.

Mr. Smith responded first to the massing issues along the north facade of the property. He showed a speculative site plan showing that the additions on the north (a one story connector addition to a two story element) would extend all the way to the end of the tennis court, if the second floor addition (needed square footage) over the library is not constructed. This would then require relocation of the swimming pool. He showed a comparison between the Queens Lane facade using the Smith Architectural recommended proposal vs. this speculative plan, and recommended against the speculative plan. Mr. Smith recommended the presentation made at the last LPC meeting, with modifications to the roof line at the cornice level, to successfully reduce the mass architecturally. Brick detailing and brick keys were removed, and detailing was reduced on the chimney.

Regarding the library addition, Mr. Smith had searched the Volk archives finding a home at 615 North County Road, an oceanfront home which was originally designed by Volk with an asymmetrical oceanfront facade in 1952. However, in 1960, a new client needed additional square footage, and Volk did an addition over the library which then made the facade symmetrical. He noted that such an addition is an architect's prudent answer to the client's request for additional square footage. Mr. Smith pledged that they will work with the neighbors relative to landscaping the property in an effort to mitigate the additions. He showed a rendering with landscaping indicated, noting that a wall with hedging will be placed along North Ocean Boulevard to keep the noise down. Mr. Chopin noted that another neighbor, Mrs. Holman, was in the audience today in support of the project.

Mr. Eigelberger commented that he had no problem with the second story over the library and liked the way the roof lines have been modified on the north side. As such, he made the following motion:

MOTION BY MR. EIGELBERGER TO APPROVE THE DESIGN MODIFICATIONS AS PRESENTED, WITH THE PROVISIO THAT THE PICKET AND POST FENCE BE RETAINED WHEREVER POSSIBLE, AND THAT WHATEVER VARIANCES ARE NEEDED ARE ACCEPTABLE TO THE LPC.

MOTION SECONDED BY MR. HANLEY.

Mr. Frank noted that the pavilion, shown on the plans, will require a variance and no application has been filed for that as yet. Mr. Chopin stated that they are not requesting the pavilion at this time. With regard to the variances, staff recommends that the LPC not support the variance requests, and requests deferral for restudy of the design. Mrs. Day agreed with Mr. Frank relative to the variances. She acknowledged that Mr. Smith did a good job addressing the commission's concerns about massing of the north elevation. Mrs. Day still objected to the second story addition over the library as she felt it was not compatible with the main house. She stated that historic preservation standards recommend that additions not be added to main facades when

square footage can be added elsewhere. Staff noted that some of the supporting plans presented today had not been filed with the Town in advance of today's meeting.

Mr. Moore was sworn by Mrs. Delp. He explained that this matter was deferred by the Town Council back to the LPC for clarification relative to the LPC's opinions regarding the variances. Mr. Moore encouraged the LPC to make a determination today, not a deferral.

Mr. Eigelberger stated several reasons making a motion to approve the project: This owner could have attempted to build another house on the property due to a previously approved subdivision; the new owner has spent a large amount of money to purchase the property, and is agreeing spend much more to care for and add on to the house; he does not like the one story library element; and, this is a great solution for the property, especially considering what could have been done with the land.

Mr. Pandula agreed with Mr. Eigelberger's comments. He added that just because the property is large, and because mathematically it is possible to locate square footage elsewhere, this is the best solution for the property. He felt the design is much improved from last month.

Mrs. Victor commented that the proposal is "too much" in terms of historic preservation. She read from the Secretary of the Interiors Standards to illustrate her point relative to new additions. She expressed concern about the courtyard and an anticipated lack of breeze; the scale being lost; and felt that the slope of the land speaks to the house as it is.

MOTION CARRIED 5-2, WITH MRS. VICTOR AND MRS. HOFFMAN VOTING AGAINST THE PROJECT.

B. Application for Certificate of Appropriateness #5-2005, (deferred from April, May & June) Restoration, Addition, Garage Doors

Owner/Applicant: David and Elizabeth Wetherell

Address: 222 El Brillo Way

Architect: Brower Architectural Associates Inc.

Project Description: Request approval for restoration, addition to historic structure, and garage doors, which is further described as: This is a one and two story addition to an existing recently landmarked house. The additions attach to the existing garage and guest apartment. The project consists of a sitting room on the second floor for the existing guest rooms and an exercise room on the ground floor. At the east end there is another two-story element with a cabana on the ground level and the owner's office above. A one story open loggia will connect the two, two-story structures. The restoration work consists of the completion of the work contemplated, but not completed three years ago including: adding windowsills and/or brackets to windows at various locations (specifically on the north side of the garage; on the south side of the garage; on the south side of the dining room; on the east side of the house both on the first and second floor; on the west of the house both front and second floor. Additionally, add brackets to the balcony on the north and south elevation.) Also, widen the garage doors from 8' to 9'. Other associated changes as presented. **Please note that at the April meeting, this item was deferred for further study. At the May meeting, there was a motion for deferral**

to the June meeting with the stipulations that the architect study the staircase from the first to the second floor to see if it can be placed on the outside of the building; study sliding the study/cabana room over to the other building creating a long hipped roof from one end to the other; and, study creating an open one story loggia by the cabana, for the pool, resulting in a U-shaped house. At the June meeting, the project was deferred (without further presentation) to the July meeting at the request of the architect.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

PLEASE NOTE THAT THE ARCHITECT HAS REQUESTED TO WITHDRAW THIS PROJECT.

**MOTION BY MRS. VICTOR TO REMOVE THE PROJECT FROM THE AGENDA.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.**

- C. Application for Certificate of Appropriateness # 14-2005.
 Change of roof material
 Owner/Applicant: Carole and Cynthia Martin
 Address: 220 Orange Grove Road
 Architect: None
 Project Description: Request approval for change of roof material, from the cedar-lite roof material approved on June 15, 2005 to architectural asphalt shingles, and other associated changes as presented.

Please note that the applicant requests that this project be withdrawn.

**MOTION BY MRS. VICTOR TO REMOVE THE PROJECT FROM THE AGENDA.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.**

- D. Application for Certificate of Appropriateness #15-2005.
 New Garage
 Owner/Applicant: 1300 South Ocean Boulevard Trust/Shari Sklorman, Trustee
 Address: 1300 South Ocean Boulevard
 Architect: Bridges, Marsh & Associates, Inc.
 Project Description: Request approval for a new accessory structure which is further described as a new separate three car garage as proposed on the south end of the existing residence. The architectural elements will be similar to the existing. Other associated changes as presented. *(This had been reviewed informally at the June meeting to allow the LPC to make a determination as to the affect of the variance on the landmark.)*

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mr. Pandula clarified that the LPC had previously approved this project. When submitted for permit, it was determined that a variance was required. The matter returned to the LPC informally in June for an opinion relative to the variance; the LPC had no objection to the variance; and the matter is before the LPC today for formal approval.

MOTION BY MRS. VICTOR FOR APPROVAL.
MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.

- E. Application for Certificate of Appropriateness #16-2005,
 Planting Plan Revisions
 Owner/Applicant: Robert Echele
 Address: 143 Clarendon Avenue
 Landscape Architect: Mario Nievera Design Inc.
 Project Description: Request approval of planting plan revisions, and other
 associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mrs. Rubin met with Mr. Nievera at his office.

Mr. Nievera stated that the LPC had asked that the landscape plan be brought back to the commission since no windows are planned for the south elevation of the new garage structure. On that south elevation, which is within a courtyard, Mr. Nievera is planning some sort of garden statuary within a ficus archway surrounded by palm trees. Informal boulders and coral rock paving will be used.

MOTION BY MR. EIGELBERGER FOR APPROVAL.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

- F. Application for Certificate of Appropriateness #17-2005,
 Landscape/Hardscape
 Owner/Applicant: Burke Ross
 Address: 172 South Ocean Boulevard
 Landscape Architect: Mario Nievera Design Inc.
 Project Description: Request approval for landscape/hardscape which is further
 described as proposed east terrace and planting along east facade, and other
 associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: Mr. Hanley spoke with the owner several months ago relative to the proposal.

Mario Nievera stated that this property is at the corner of South Ocean Boulevard and Clarke Avenue. It is currently screened by a Seagrape hedge on the inside of a low wall. Mr. Nievera explained that from inside the house, there is no connection to the outside, especially on the east side. The St. Augustine lawn will be replaced with Zoysia lawn. A walkway will be added from

the glass enclosed loggia to an elevated terrace, and then out to the street. It will be elevated 30"-36" above ground to offer glimpses of the ocean. All mature landscape material will remain.

MOTION FOR APPROVAL BY MR. EIGELBERGER.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

For review of Item G & Informal Item A, Mr. Pandula declared a conflict of interest and passed the gavel to Mrs. Hoffman.

- G. Application for Certificate of Appropriateness #18-2005,
 Landscape/Hardscape
 Owner/Applicant: Bill Elias
 Address: 421 Peruvian Avenue
 Landscape Architect: Mario Nievera Design Inc.
 Project Description: Request approval for landscape/hardscape which is further described as proposed hardscape and planting design, and other associated changes as presented

Voting Conflict form for Mr. Pandula. Voting Conflict form on file.

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Mr. Hanley has been to the site and has spoken with the owner.
Mrs. Rubin has been to Mr. Nievera's office.

An existing solid wall on Peruvian will have a lattice design behind it serving the front garden courtyard and fountain. A paved walkway will lead to the front door on the west facade. Working with the property owner to the west, the west facade will be re-planted with palm trees, hedges and tropical planting. The east garden is broken into a series of small courtyards and terraces. Off the living room, there will be a wall fountain on the south facade of the garage. The pool is also located on the east side of the house off the guest room loggia. A terrace will be placed off the family room. The east border will be heavily planted with tropical material. Mr. Frank stated that this property does not have to meet green space requirements as it is in the R-C Zoning District and is a landmark, but the landscape area has been significantly increased on the site.

MOTION BY MR. EIGELBERGER FOR APPROVAL.
MOTION SECONDED BY MR. SEGRAVES.
MOTION CARRIED UNANIMOUSLY.

VII Other Business:

- A. Informal Review: 442 Seaspray Avenue
 (In conjunction with Variance #29-05)
 Request approval for addition to historic structure (which is under consideration for landmark designation), and exterior demolition, which is further described as

removal of non-original additions and construction of new two-story infill between main residence and accessory building. Materials and finishes to match original existing*

*This is a preliminary review associated with a variance application to maintain a cubic content ratio beyond permitted amount.

Voting Conflict declared by Mr. Pandula. Voting Conflict form on file.

Mrs. Day reminded the commission that this house was just placed under consideration for landmark designation, and the designation hearing for the property will not take place until the designation season.

Mr. Pandula explained that this is a 1928 Maurice Fatio building. The structure is intact in its original form, use and room layout. The purpose of today's review is to evaluate the architecture as it relates to the variance request required to reposition certain portions of the building. Mr. Pandula explained that the allowable cubic content on the site is 3.99, while the existing house is at 4.7. The proposal is to demolish four areas of non-original construction, and manipulate that square footage elsewhere on the site resulting in an ultimate cubic content of 4.8 which provides a connector link between the main house and the automobile garage. The areas to be demolished are a one story metal shed carport on the west facade which encroaches on the neighboring property, a two-story addition at the southwest corner, a one story shed addition at the southeast corner, and an exterior stairway to the guest/staff quarters. The project will reintroduce garages to the property; will eliminate the non-conforming setback of the carport encroaching to the neighbor's property; will eliminate a two-story non-conforming setback; will eliminate a one-story non-conforming setback; will eliminate the setback non-conformity of the stairway; and, will bring the site drainage up to code. Mr. Pandula added that the existing above ground pool is in poor shape, and they plan to relocate a new pool off the new addition.

Mr. Pandula anticipated that more detail would be added to the addition. Mr. Eigelberger suggested adding a french door to the elevation as it opens to a large expanse. He thought the project made good sense and was a major improvement.

MOTION BY MR. EIGELBERGER THAT THE VARIANCES DO NOT NEGATIVELY IMPACT THE LANDMARK ARCHITECTURE; THAT THE LPC APPROVES OF THE ELIMINATION OF THE OLD ADDITIONS, AND THE CONSTRUCTION OF THE PROPOSED ADDITION.

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

At this point, 10:50 a.m., there was a short recess until 11:03 a.m.

When the meeting reconvened, Mr. Pandula advised that Mr. Patrick Flynn had requested to be heard by the LPC relative to the Royal Poinciana Playhouse. The commission agreed to hear his comments at this time.

Mr. Patrick Flynn, President of the Palm Beach Theatre Guild, and Mr. Norman Berwin, Attorney, were present on behalf of the Royal Poinciana Playhouse. Mr. Flynn reported that the theatre guild has applied for 501C3 status, has formed a non-profit organization, and has established a Board of Directors and an Advisory Council. The plan for the theatre is to reduce the size of the house without compromising its architectural integrity. The number of seats would be reduced to 499 seats for a subscription season as a regional theatre. He commented that such a plan would be financially feasible. Mr. Flynn noted that the Volk building was built with good acoustics, and the venue will accommodate the shows of the subscription season along with certain performances by the ballet, Palm Beach Opera, and the Palm Beach Symphony. He asked the LPC to consider landmarking the theatre.

Attorney Norman Berwin stated that this 48 year old Volk masterpiece is under attack for possible demolition. He explained that the property owner has filed suit against the Town in an effort to demolish the theatre and erect a hotel on the site. If successful in that lawsuit, the theatre would lose the protection offered by the 1979 agreement which preserves the theatre as a venue for the performing arts. Mr. Berwin felt the theatre was an appropriate candidate for landmarking and asked them to waive the fact that the theatre is 1.5 years short of 50 years of age, and landmark it now as the only performing arts venue in the Town of Palm Beach.

Mr. Eigelberger stated that the 50 year rule is not part of our ordinance, although it has been the practice of the commission. He asked Mr. Randolph whether since the Royal Poinciana Plaza has been so abused over the years with unmatching paint colors and awnings, it might be wise to landmark the entire Royal Poinciana Plaza, especially because it is a John Volk building, all built in the same year. Mr. Randolph responded that it is within the LPC's prerogative to place the property "under consideration," although it has been the policy of the Town Council to not landmark buildings under 50 years of age. He verified that a building having to be 50 years of age is not required in the LPC ordinance.

MOTION BY MR. EIGELBERGER TO PLACE THE ENTIRE ROYAL POINCIANA PLAZA "UNDER CONSIDERATION" FOR LANDMARK DESIGNATION, AND TO INSTRUCT MRS. DAY TO PREPARE A DESIGNATION REPORT FOR THE PROPERTY AS IT IS AN IMPORTANT JOHN VOLK DESIGN, ON AN IMPORTANT CORNER, WHICH REMAINS 99% ORIGINAL AND IT SHOULD BE UNDER THE LPC'S JURISDICTION FOR ALL FUTURE CHANGES..

MOTION SECONDED BY MRS. BLADES.

Under discussion, Mrs. Day asked the LPC to think carefully whether they wish to landmark the entire property or just the theatre. Mr. Randolph advised that any decision should be based on whether landmarking all or part of it is supportable. Mrs. Day responded that from a historic preservation perspective, the entire Royal Poinciana Plaza could be landmarked under most of the criteria in this ordinance. She explained that the reason the theatre exists is because when John Volk was asked by Bessemer Properties to build the plaza, there was already theatrical space where the old slat house had been. "His suggestion was to build a first world class theatre on the site, and Bessemer agreed to fund that as part of the overall development of the whole parcel."

Mr. Eigelberger commented that it would be a mistake to try to separate the theatre from the plaza, and other commissioners agreed. Mr. Pandula commented that architecturally, the theatre is integral to the design of the Royal Poinciana Plaza, and it is not logical to separate it.

MOTION CARRIED UNANIMOUSLY.

B. Informal Review: 150/158 South Ocean Boulevard

Please note that the owner of 150 South Ocean Boulevard has just purchased 158 South Ocean Boulevard and intends to integrate the two properties as one. As such, changes are contemplated, and this informal review is in advance of an application for Certificate of Appropriateness.

Architect Tom Kirchhoff was present on behalf of the project. Mr. Frank read a letter (on file) into the record from Mr. Kirchhoff requesting this informal review. Prior to Mr. Kirchhoff's presentation, Mrs. Victor asked if there was a Unity of Title joining the two properties. Mr. Kirchhoff responded that no Unity of Title has been filed yet, but one will be filed if this project is approved.

MOTION BY MR. EIGELBERGER TO HEAR THE MATTER INFORMALLY.

MOTION SECONDED BY MR. SEGRAVES.

MOTION CARRIED 6-1, WITH MRS. HOFFMAN OPPOSED.

Mr. Kirchhoff stated that Mr. Koch has purchased the home at 158 South Ocean Boulevard, the property immediately south of his property at 150 South Ocean Boulevard with the intention to join the properties as one large parcel. Mr. Kirchhoff showed slides of the existing homes and the space between. Mr. Koch wishes to unify the two houses as one, extending the east lawn all the way across the property; establish an informal play area opening out to the lawn; address the service areas; develop controlled access to the property; provide for service/staff parking; and, provide a generator.

Mr. Eigelberger commented that the owner's plans cannot be effected without de-landmarking the facade. The LPC has already rejected such a proposal previously.

Mr. Kirchhoff presented three possible options and asked for LPC feedback:

1. Maintain the character of the Howard Major house as is.
2. Tear down the Howard Major house and make the Koch house nicer.
3. A combination of both, which would tear down the five landmarked arches as they are not really important. It is the courtyard, the detailing, the eyebrow windows which are important.

Mrs. Day stated that she had met with Mr. Kirchhoff about a month ago. She did not think that the Kochs are proposing de-landmarking the 158 South Ocean property at this time, but clarified that because the arches are landmarked, the LPC has jurisdiction over the whole property. Mrs. Day stated that the 150 South Ocean Boulevard house is one of the major Mediterranean Revival homes in town. The LPC must decide if the south house should be differentiated in style and size from the main house at 150 South Ocean Boulevard. She suggested that perhaps the two

houses could be tied together with a unifying roof, but noted that there are many different ways to approach this project. She stated that Mr. Kirchhoff is looking for direction from the LPC, i.e., can the landmarked five arches be demolished if the Clarke Avenue facade is saved; should the two houses be connected, and if so, how?

Mrs. Victor commented that she would like to see the two houses (one British Colonial and one Mediterranean Revival) stay separate, with no connector between, and that she would like to see the Howard Major house restored. Mrs. Day cited an example from Ft. Lauderdale where two houses were joined by a glass connector, and this had been approved by the National Trust. They could also be joined by a common roof element, but with different windows.

Mrs. Hoffman agreed with Mrs. Victor feeling that respect should be paid to the two different styles of architecture. She had no objection to a glass connector.

Mr. Eigelberger did not think that the 158 South Ocean Boulevard home was architecturally worthy enough to require that it be retained in its existing style. He felt that this presents an opportunity to further enhance one of the best Mizner houses in the town, and advocated sacrificing the Major house for the Mizner house. He felt sure that the property owner would do an excellent addition to the existing house at 150 South Ocean Boulevard. As such, he suggested that de-landmarking 158 South Ocean Boulevard may be the way to proceed, but only after plans have been presented and approved. Mrs. Day spoke against de-landmarking as the south parcel will be joined by Unity of Title with the existing landmark at 150 South Ocean Boulevard. As such, any changes to the south parcel would come to the LPC for review.

Mr. Segraves saw the project either as a total tear down or as connecting the two houses with a glass connector.

Mr. Kirchhoff acknowledged that the project will ultimately require several variances, and briefly reviewed the plans of the suggested Koch proposal.

Mr. Pandula commented that he did not like the proposal as presented, as "more of a great thing is not necessarily better," referring to adding onto the 150 South Ocean Boulevard house. He acknowledged that the designation of the five arches resulted from a convoluted agreement from the past, or an error. He advocated building around the existing wonderful courtyard at 158 South Ocean Boulevard. Mr. Pandula noted that the house (158 S.O.B.) has been part of the streetscape for years, and it contributes to that part of the town. Mr. Pandula stated that he would prefer to see two preservation projects, i.e., doing a fabulous job in restoring the British Colonial and then finding some way to join the two parcels/houses.

Mrs. Day summarized that it appears that one member would recommend a tear down so that the Mizner could have an addition, whereas, three to four members prefer maintaining the two houses in their respective styles and consider a tasteful connection of the two. Mr. Kirchhoff questioned how much of the Major house, then, should be saved, and the members responded that as much as possible should be saved.

C. Royal Park Bridge Landscape

This concerns the two large trees which will flank the bridge on the Palm Beach side. Mr. Moore stated that Mr. Frank has placed the LPC's concerns about the tree selection, as voiced at the last LPC meeting, in writing and has forwarded same to the Town Council for consideration. These comments did not, however, reach the Town Council prior to their July meeting. At the July meeting, there was discussion relative to the trees, and in fact, the DOT has opted out of the selection process for the trees. They have turned over \$160,000 to Mr. Brazil, Director of Public Works, for the trees. Mr. Moore recalled that the original trees were to be Live Oaks, but then on the recommendation of Jorge Sanchez and the lack of availability of the oaks, Green Buttonwoods became the trees of choice. When locating Green Buttonwoods became a problem, the Town opted for Kapoks. Since the LPC was not in favor of Kapoks, Mr. Moore suggested that the LPC make a motion that the Town Council reconsider the type of trees to be planted, and to return it to the LPC for consideration.

MOTION BY MR. EIGELBERGER THAT THE TOWN COUNCIL CONSIDER A DIFFERENT TREE SPECIMEN THAN KAPOKS, SINCE KAPOKS LOSE THEIR LEAVES ALL WINTER LONG (NOV THROUGH MAY), AND THEY ARE VERY HOLLOW ROOTED; AND, THAT ANY LANDSCAPE PLAN FOR THE BRIDGE BE RETURNED TO THE LPC FOR APPROVAL.

MOTION SECONDED BY MRS. VICTOR.

Mr. Eigelberger stated that he will contact a University of Florida arborist for recommendations of trees for this location.

MOTION CARRIED UNANIMOUSLY.

The Advisory Council of Historic Preservation is giving its Section 106, Essentials Training Course, to be given August 23rd and 24th. "It explains the requirements of Section 106 of the National Historic Preservation Act which applies any time a federally assisted or approved activity might affect a property listed in or eligible for the National Register of Historic Places." It will be held in Atlanta in August, or at the National Trust meeting in Portland, Oregon in September.

Mrs. Victor requested that the LPC review the Seagull Cottage at the next LPC meeting. She has heard rumors that it may be moved to the Bradley Park on the Northwest corner.

Mrs. Blades asked whether it would be possible for the LPC to dictate that only architects may present to the LPC, rather than attorneys. Mr. Randolph responded that it would violate due process, and cannot be done.

VIII Adjournment:

MOTION BY MR. EIGELBERGER TO ADJOURN AT 12:20 P.M.

MOTION SECONDED BY MRS. BLADES.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Landmarks Preservation Commission will be held on **Wednesday, August 17, 2005** at 9:00 a.m. in the Town Council Chambers, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Wendy Victor, Secretary

Wendy Victor, Secretary

LANDMARKS PRESERVATION COMMISSION

cmd

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION**

ATTENDANCE RECORD 2005

MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
Eugene Pandula	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
Ann Vanneck	<u>P</u>	<u>P</u>	(n/a-terms expired)									
Ann Blades	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>E</u>	<u>P</u>					
Jack Pyms	<u>P</u>	<u>P</u>	<u>E</u>	(Resigned 3/29/05)								
Judy Hoffman	<u>P</u>	<u>U</u>	<u>P</u>	<u>P</u>	<u>P</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>					
Wendy Victor	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</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>P</u>					
Robert Eigelberger				<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
Robert T. Eigelberger	<u>P</u>	<u>P</u>	<u>P</u>	(Promoted to regular member)								
Eileen L. (Morris) Bresnan	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>U</u>					
Gail L. Coniglio	<u>n/a</u>	<u>n/a</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
Hazel Rubin	<u>n/a</u>	<u>n/a</u>	<u>n/a</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 2005

MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
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Eugene Pandula	_____	<u>VPD1</u>	_____	_____	_____	_____	<u>VPD1</u> <u>V1</u>	_____	_____	_____	_____	_____
Ann Vanneck	_____	_____	(n/a- terms expired)									
Ann Blades	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Jack Pym	_____	_____	(Resigned 3/29/05)									
Judy Hoffman	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Patrick Segraves	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Wendy Victor	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
William Lee Hanley Jr.	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Robert T. Eigelberger	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

ALTERNATE MEMBERS	1/05	2/05	3/05	4/05	5/05	6/05	7/05	8/05	9/05	10/05	11/05	12/05
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Robert T. Eigelberger	_____	_____	_____	(promoted to regular member)								
Eileen L. (Morris) Bresnan	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Gail L. Coniglio	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

Hazel Rubin

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 PANDUCA EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN OF PALM BEACH LANDMARKS	
MAILING ADDRESS 201 SEAVIEW AVENUE PALM BEACH		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH	COUNTY FLORIDA	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 7/20/05		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

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, GENE PANACKA, hereby disclose that on 20 JULY 2005, 19__

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

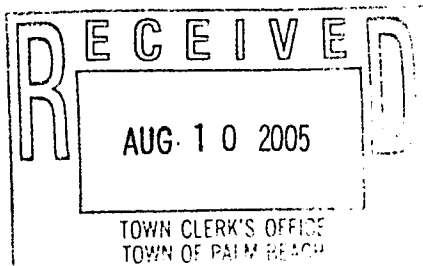
☐ Inured to my special private gain; or

☒ Inured to the special gain of 421 PERUVIAN AVE L.L.C., by whom I am retained

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

LANDSCAPE PLAN FOR PROJECT WHICH WE PROVIDED
ARCHITECTURAL SERVICES FOR WAS PRESENTED
BY LANDSCAPE ARCHITECT RETAINED BY OWNER

DID NOT PARTICIPATE IN VOTE



Date Filed

7/20/05

Signature

[Handwritten 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 PANDULA EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN OF PALM BEACH LANDMARKS	
MAILING ADDRESS 201 SEAVIEW AVENUE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: CITY :: COUNTY :: OTHER LOCAL AGENCY	
CITY PALM BEACH, FLORIDA		NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 7/20/05		MY POSITION IS: :: ELECTIVE ☒ APPOINTIVE	

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INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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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.

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

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- 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, GENE TANDLER, hereby disclose that on 20 July 2005, 19__

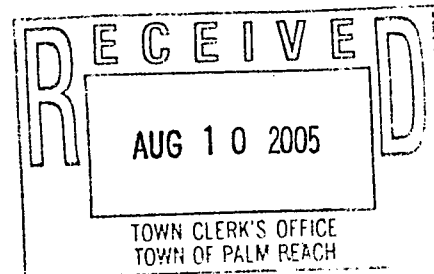
(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☒ inured to the special gain of MR & MRS ROBERT SHIPMAN, by whom I am retained

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

PRELIMINARY PRESENTATION WAS GIVEN
FOR ZONING ISSUES RELATED TO
PROJECT WHICH WILL COME BEFORE
THE COMMISSION



7/20/05
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.

Re: 442 Seagrass Ave.

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

LAST NAME—FIRST NAME—MIDDLE NAME PANDULA EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TOWN OF PALM BEACH LANDMARKS	
MAILING ADDRESS 201 SEAVIEW AVENUE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE OF WHICH I SERVE IS A UNIT OF: CITY COUNTY OTHER LOCAL AGENCY	
CITY PALM BEACH, FLORIDA	COUNTY	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 7/20/05		MY POSITION IS: ELECTIVE APPOINTIVE	

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.

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INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

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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:

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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, GENE TANKA, hereby disclose that on 20 JULY 2005, 19__

(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 MR & MRS ROBERT SHIPMAN, by whom I am retained

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

PRELIMINARY PRESENTATION WAS GIVEN
FOR ZONING ISSUES RELATED TO
PROJECT WHICH WILL COME BEFORE
THE COMMISSION

Date Filed

7/20/05

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.

Re: 421 Peruvian Ave.

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

LAST NAME—FIRST NAME—MIDDLE NAME PANDOLA EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town of Palm Beach Landmarks	
MAILING ADDRESS 201 SEAVIEW AVENUE PALM BEACH		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE OF WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
CITY PALM BEACH FLORIDA		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
DATE ON WHICH VOTE OCCURRED 7/20/05		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

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, GEORGE PANUCCA, hereby disclose that on 20 JULY 2005, 19__

(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 421 PERUVIAN AVE L.L.C., by whom I am retained

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

LANDSCAPE PLAN FOR PROJECT WHICH WE PROVIDED
ARCHITECTURAL SERVICES FOR WAS PRESENTED
BY LANDSCAPE ARCHITECT RETAINED BY OWNER

DID NOT PARTICIPATE IN VOTE

Date Filed

7/20/05

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.