

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

WEDNESDAY, APRIL 19, 2000 at 9:00 a.m.

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

I Call to Order: The meeting was called to order by Eugene Pandula, Chairman, at 9:00 a.m.

II Roll Call:

PRESENT: Eugene Pandula, Chairman
Elizabeth Dowdle, Vice Chairman
Ann Blades, Secretary (arrived 9:08 a.m.)
Sari M. Wilkey, Member
Jacqueline Albarran de Mendoza, Member
Ann Vanneck, Member
Jack Pyms, Member
Nikita Zukov, Alternate Member
Judy Hoffman, Alternate Member
Laurel Baker, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Jane Day, Preservation Consultant

ABSENT: Laurel Baker, Excused (As she was just appointed to the LPC)
Timothy M. Frank, Planner/Projects Coordinator

RECORDING SECRETARY: Cynthia M. Delp

III Approval of the Minutes of the March 15, 2000 Meeting:
MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES AS MAILED.
MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

IV Administration of the Oath to all persons who wish to testify:
Mrs. Delp administered the oath to all those present who stood for swearing.

V Public Hearings:

- A. Application for Certificate of Appropriateness #9-2000, (deferred from March)
Additions, pool, site changes
Owner/Applicant: Mr. and Mrs. Lee Hanley
Address: 250 Jungle Road
Architect: Lang Architectural Group
Project Description: Request approval of the following:
1. New first floor addition of 125 square feet with interior remodeling of kitchen, breakfast & cabana bath
 2. New second floor addition of 765 square feet over existing one story east wing
For new office, laundry and maid's room.
 3. New loggia of 465 square feet connecting existing residence to existing cabana and garage building
 4. New swimming pool and patio
 5. New circular drive with the elimination of the on street parking on Jungle Road
 6. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Mrs. Vanneck declared that she had spoken with Mr. Hanley.

At the March meeting, there was a motion as follows: To approve the changes to the house, as presented, with the front windows in alignment, and approving the change to the pool, together with conceptual approval of the loggia link with a deferral of the loggia for further study of the roof form and the modulation of the column shapes.

Mrs. Day stated that the house at 250 Jungle Road was designed by Maurice Fatio in 1929 as one of his personal residences, and was approved three years ago as a tax abatement project. That abatement will run through 2008. A covenant was signed by that former property owner that nothing would be done to negatively impact the tax abatement approved project. This is the first tax abatement project to come up for further renovations during the original abatement period. The Landmarks Preservation Commission is always reminded to maintain the Secretary of the Interior's Standards when reviewing tax abatement projects. Mrs. Day contacted the State Historic Preservation Office, and described this new project over the telephone. The reviewer at the state office had concerns about the second story addition proposed, as he felt it changed the mass of the house. On the other hand, he had no problem with the proposed loggia. So, she urged the LPC to be sure that whatever is approved for that second story addition does meet the Secretary of the Interior's Standards, so the Hanleys do not jeopardize the tax abatement which is already in place for the property.

Mr. Pandula commented that it is not so much the massing of the second floor addition, or the fact that an addition is being proposed, but the fact that it has been blended in architecturally and is not distinguishable as an addition. This architectural blending is not in keeping with the Secretary of the Interior's standards. The project was very near approval last month when it was originally heard, but the addition, because of the tax abatement, and the loggia columns are still an issue.

Mrs. Day added that the applicant should not be changing original materials in constructing the addition, as this would also violate the Secretary of the Interior's standards.

Don Lang, of Lang Architectural Group, explained that the plans shown today are different than

those shown last month. Since last month, they have looked at adding on top of a clay block wall. When considering the costs involved, it would be to the owner's behalf to rebuild the wall, and actually to move the wall out by 2', creating an additional 100 square feet there to allow for interior modifications. Mr. Pandula commented that when considering the tax abatement in place, the applicant is on much safer ground keeping the existing footprint, and not moving the wall out 2'.

Mr. Lee Hanley addressed the LPC, calling his situation a "Catch-22." On one hand, we're being asked to keep the same materials, and on the other hand, we're being asked to differentiate the addition. He stated that they have gone to a lot of trouble to attempt to duplicate the Fatio elements on the proposed addition, but he is happy to go with whatever is recommended by the LPC. Mr. Pandula mentioned that whatever the LPC approves, the state office handling tax abatements may or may not agree with that decision.

Mrs. Day commented that the LPC can approve the project as the owner would like, but the owner and architect need to know that the approval may risk losing the current tax abatement. She noted, for the record, that \$506,000 of property (translates to \$7000 to \$9000 savings per year) has been abated under the current tax abatement. She stated that the state will not look kindly on changing original materials. Mr. Lang noted that the abatement may already be in jeopardy due to the degree of approval given last month. Mrs. Day agreed. She suggested that if the owner wishes to maintain the current tax abatement, the original materials should be kept at the first floor kitchen area, the additional square footage (moving the wall out 2') be deleted from the request, and that they do as much as can be done architecturally to make the second story addition appear as an addition.

At this point, the client asked that the presentation proceed with the change to the loggia, while he re-thought his position on the other changes. Mr. Lang stated that the revised design shows square columns excepting two round columns in the center, together with a higher roof than shown at the walkways. The LPC was very pleased with this change.

MOTION BY MRS. DOWDLE FOR APPROVAL OF THE CABANA/LOGGIA AS PRESENTED.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

Mr. Bill Elias, working with the Hanleys on this project, stated that if they re-build on the existing footprint, there is structural difficulty trying to build a second floor on top of a hollow clay tile wall. Mrs. Day advocated keeping the original hollow clay tile wall and reinforcing the wall so it can hold the load of the addition. Also make the aesthetics of the second floor addition slightly different. Then the project would abide the Secretary of the Interior's Standards. Mr. Pandula echoed Mrs. Day's comments. Keep the footprint. Do not demolish the original wall. Tweak the design of the addition.

Mr. Moore asked the applicant to keep in mind that these are simply the opinions of Mrs. Day and Mr. Pandula. The state or county could still reject these improvements as they relate to tax abatement. If you move forward with this project as designed, you do risk loss of the existing abatement.

Mrs. Vanneck offered the viewpoint..."if it ain't broke, don't fix it." In other words, why tear down something beautiful to gain two extra feet?

Mr. Elias stated that from a construction timing perspective, they would rather add the 2'. Mr. Hanley stated that what they tried to do in the new design is to match the new addition to the existing home, not differentiate it. Mr. Hanley likes hollow tile as a building material, but then the engineers discovered that retaining the hollow tile could cause a lateral problem. After further discussion, Mr. Hanley stated that there is enough of a savings up front in the construction to remove the hollow tile to risk losing the abatement for the next eight years. Also, a larger kitchen would better fit their lifestyle. He stated that it is worth a great deal to him to have the house be true to Fatio and uniform, instead of differentiating the addition. He added that he really appreciates the efforts of the LPC in the review of his project.

Mrs. Day read from the Secretary of the Interior's standards relative to differentiating new construction. The LPC asked the applicant if it is the intention of the applicant to demolish the kitchen wing to start from scratch. Mr. Hanley responded "yes," and that he was willing to gamble on the tax abatement. He stated he will have to live in the house, not the people from Tallahassee; that the house will be absolutely Fatio; and that the money saved in construction will make up for the loss in the abatement.

As such, Mr. Pandula asked Mr. Hanley to proceed with his presentation relative to the addition and pushing the wall out by 2'. For the record, Mrs. Day stated that the addition, as proposed, does not meet the Secretary of the Interior's Standards.

As for the addition proposed, Mr. Lang reiterated that on the east elevation, the wall will be pushed out by two feet at the kitchen with all openings and elements remaining the same. Windows were re-aligned on the front elevation of this kitchen area addition, as was requested last month.

Mrs. Albarran de Mendoza commented that, in theory, she always feels that additions should rightfully look like they have always been there. Mrs. Wilkey stated that in her opinion, the addition of 2' does not impact the structure adversely.

MOTION BY MRS. WILKEY FOR APPROVAL OF THE ADDITIONS AS PROPOSED.

MOTION SECONDED BY MRS. DOWDLE.

MOTION CARRIED 6-1-0, WITH MRS. VANNECK OPPOSING.

B. Application for Certificate of Appropriateness # 10-2000,

Landscape/hardscape

Owner/Applicant: Mr. Robert Deziel

Address: 311 Brazilian Avenue

Architect: Mario Nievera, Landscape Architect

Project Description: Request approval of landscape/hardscape plan and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mr. Mario Nievera stated that this project was heard informally a month or so ago. The plan has not changed since that time, and no negative commentary had been given during the informal review. The plan includes, but is not limited to the following: brick front entrance and walkways, two parking strips instead of a paved driveway for an old fashioned feel, lawn done in Zoysia except for some St. Augustine in the rear, grapefruit trees, boxwood hedge, white planters with annuals, white hibiscus at the foundation, Ficus Benjamina around the entire property to screen it, Alexander palms in the rear, decorative trellis outside the kitchen window, jasmine on the east side, and white painted

wood fence.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL AS SUBMITTED.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

- C. Application for Certificate of Appropriateness #11-2000,
 Landscape/hardscape
 Owner/Applicant: Mr. Edward Kelly
 Address: 241 El Vedado Road
 Architect: Lang Design Group, Landscape Architect
 Project Description: Request approval of landscape/hardscape plan and
 other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Mr. Pandula passed the gavel to Mrs. Dowdle and re-stated his previously declared Conflict of Interest with regard to this project. Landscape Architect, John Lang, described the landscape/hardscape as including, but not limited to, the following: A new pool (same size and shape) centered on the french doors of the approved cabana, pool and patio surface in Jerusalem stone, asphalt driveway to change to pebble or exposed aggregate driveway, with same driveway configuration, step stone path to rear, walkway to service gate, replacement of existing rotted wooden fence topping of wall with aluminum painted white in same configuration; and as for landscape: two beautiful banyans in front to be retained, but the grass underneath will be replaced with more shade tolerant material; for privacy from street, a new tropical garden in front of the house; flanking the living room bay windows with cocoanuts; four planters at pool deck with cocoanuts; new hedge material at the property line; and retention of heavily vegetated rear of the property with some associated clean out.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE PROJECT AS PRESENTED.
MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

- D. Application for Certificate of Appropriateness #12-2000,
 Addition and restoration
 Owner: Estate of Elizabeth R. Van Norden
 Applicant: Mr. & Mrs. Lawrence Sorrel (Contract Purchasers)
 Address: 1284 North Lake Way
 Architect: Thomas M. Kirchhoff
 Project Description: Request approval for the addition of a new loggia, family room,
 breakfast room, and master bedroom, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION:

Mr. Pandula stated that he had spoken with the architect.
Mrs. Albarran de Mendoza stated that he had spoken with the architect.

Architect Tom Kirchhoff stated that the Sorrels have now closed on the property which is a Gustav Maass Colonial Revival house. In the rear of the house, there was a porch that was an open deck on the second floor which was enclosed as a bedroom in an unsympathetic manner. Air conditioning had been added to the house, but the units are located in the garage making the garage unusable. The

house and landscaping are in poor condition. The owners intend to maintain the character of the house. The front facade will remain unchanged, except for one door being changed to a window. The largest change will occur in the back of the house where a loggia will be added, replacing an awning there. A master bedroom will be placed above the loggia, and a family room will be placed off the kitchen to the north side, with an open deck above that. This deck will be accessible from the master bedroom and guest bedrooms. Landscaping will be handled under another Certificate of Appropriateness application as it is not ready to be submitted today. **The owner does intend to apply for tax abatement relative to this project.**

Mrs. Day stated, for the record, that this project does meet the Secretary of the Interior's standards. Mr. Pandula commented that the architect did a great job of making the back of the property look as good as the front of the house.

MOTION BY MRS. DOWDLE FOR APPROVAL OF THE PROJECT AS SUBMITTED.
MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

E. Application for Certificate of Appropriateness #13-2000.
Miscellaneous changes

Owner: Mr. Steve Stavro

Applicant: Eight Sixty South Ocean Boulevard Inc., (Contract Purchasers)

Address: 860 South Ocean Boulevard

Architect: Smith and Moore Architects

Project Description: Request approval of the following:

1. Replacement of existing aluminum windows with new wood casement windows.
2. Restoration of stucco, cast stone railings and ornamentation
3. Addition of master bath balcony
4. Demolition of existing kitchen service stair
5. Placement of four new garage doors on north elevation
6. Extension of pool terrace
7. Addition of three pair of wood/glass french doors on west elevation to new terrace.
8. Other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION:

Mr. Pandula spoke with the architect.

Mrs. Albarran de Mendoza met with the architect.

Architect Harold Smith and Mr. Bill Elias, working with Mr. Smith and the owner, presented this project. This house was built in 1928 and is a magnificent Mediterranean Revival residence. The site runs from the ocean to County Road. The building is set back landward of the Coastal Construction Line. Landscaping will be presented at a later date. The gravel drive will be depressed about 2' to allow for some garage doors on the north side of the structure, as there is no garage on the property now. A terracotta breakfast terrace and a terracotta terrace connecting the pool deck with the main residence will be added. Mr. Smith reviewed the floor plans and elevations. Changes include, but are not limited to: east elevation-remove awning windows at second floor and replace with impact resistant, aluminum clad exterior, wood interior windows; replacement of roof with variegated Alhambra clay barrel tile; introduction of garage doors on the north elevation along with replacement of the service stair; general window replacement with casement windows; west

elevation-remove existing door and single window and replace with two pairs of french doors to lead out to the breakfast terrace, and add three pairs of french doors at the living room to lead to pool deck; addition of wood balcony at master bath and add more light to bath. As for colors, the house is now white stucco. Some tint will be added to the white. Windows will be white.

MOTION BY MRS. ALBARRAN DE MENDOZA FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. WILKEY.

MOTION AMENDED BY MRS. ALBARRAN DE MENDOZA GIVING THE APPLICANT THE OPTION TO HAVE HEAVIER STONE AT THE MASTER BATH BALCONY AS AN ALTERNATIVE TO THE WOOD PRESENTED.

AMENDED MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

Mr. Harold Smith noted, for the record, that the owner may ^{intend} ~~intent~~ to apply for the tax abatement on this project. Mrs. Day asked then, if the motion made stands. The LPC stated that the motion stands. It was noted that the original architect for this house was Julius Jacobs.

F. Application for Certificate of Appropriateness #14-2000.
Conversion of duplex to single family dwelling

Owner: Estate of Addie Smith

Applicant: Josh Mendelsohn, (Contract Purchaser)

Address: 325 Chilean Avenue

Architect: Scott Disher

Project Description: Request approval for conversion of existing duplex to single family home, to include a two story addition of a master suite, two car garage, lounge and morning room; and demolition of small carport in rear and demolition of storage building in rear, and other associated changes as presented

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Mrs. Wilkey met with the owner and Mr. Paine at the house.

Mrs. Albarran de Mendoza met with the owner and Mr. Paine at her office.

Mr. Pandula met with the owner and Mr. Paine at Mr. Pandula's office.

Mr. James Paine, Attorney and architect, and Mr. Josh Mendelsohn, owner, were present. It was noted, for the record, that Mr. Mendelsohn has already closed on this property. Mr. Pandula noted that this property is on the agenda today for possible landmark designation, and he asked whether the designation matter should be handled first. Mr. Paine and Mr. Mendelsohn agreed to commence with the designation hearing.

Mrs. Albarran de Mendoza asked Mr. Paine if he was the architect for this project. He responded as such: "No, I am not the architect. I am the design consulting architect, but I am acting as the attorney in this matter." The architect who signed the plans for review today was not present.

Designation Hearing for 325 Chilean Avenue

ITEM 4: 325 CHILEAN AVENUE

Owner: Estate of Ms. Addie S. Smith

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

MRS. JANE DAY, Staff Preservation Consultant: 325 Chilean Avenue is the subject property that is under consideration for designation. Staff has found that it meets two of the criteria of our ordinance, criterion (c) "It embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsman." and criterion (d) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age." In his case, the architect is Addison Mizner. The house at 325 Chilean Avenue was designed by Mizner in 1925. It was designed for a man named H. Halpine Smith, and Smith was brought to the Palm Beach area by Mizner to be the general manager of Mizner Industries. When Mizner found that he couldn't get the materials that he needed for his construction in the height of the building boom, in the 1920s, he first bought a company called Las Manos that did the barrel tiles, but in 1925, as he is starting to do the development of Boca Raton, and before either the banks failed and the 1926 hurricane stopped a lot of the construction in South Florida, he expanded his business and Mizner Industries was said to do a quarter-of-a-million dollars worth of net profit in its first year of operation. Mr. Smith came from Georgia. He was the son-in-law of the supplier for the clay that Mizner used in making his building tiles, and when he came to town, he needed some place to live, and Mizner designed what was then a duplex for the Smith family. It has only been in one family. Mrs. Smith recently died, so we've had one owner, and the reason that it was made a duplex originally was because Mizner had the foresight to say to the Smiths that, well, if you're up in Georgia in the summers, maybe, if you have a tenant in here it can help pay some of your expenses. So, that's why the house was originally built as a duplex. The other thing that's interesting about H. Halpine Smith is he was one of the original members of the Art Jury that started in the Town of Palm Beach in 1929. Other members of that group were Marion Sims Wyeth, Maurice Fatio, and Addison Mizner, himself. So, what we have in front of us is a Mediterranean Revival style design, but it really has a lot of Northern Italian influences. It's a very difficult house to photograph because of the landscaping that surrounds it. This is the west facade of the property. The north facade of the property, that faces the street, you can barely see, but if you go down the street and look closely, you can see the half-timbering at the side. It's stucco construction. It's got the casement windows. It has many, many of the design features that are prominent in a Mediterranean Revival style house, and I recommend it to you for landmarking, both on its architecture, and the fact that it is, I think, an important 1925 design by Addison Mizner. True, it's not one of the big oceanfront mansions, but it's something else in the realm of what he did that was a very practical residence, and obviously, suited the family for 75 years. Any questions?

MOTION BY MRS. WILKEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. WILKEY THAT THE PROPERTY AT 325 CHILEAN AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. DOWDLE.

MOTION CARRIED UNANIMOUSLY.

Continuation of Certificate of Appropriateness application for 325 Chilean Avenue

The project, as previously stated, converts the duplex to a single family residence. At the site, some non-conforming structures were added to the rear of the property. Two of these will be demolished, and two will be restored and brought up to the level of detail found on the house. The original Addison Mizner house will be restored exactly as it was. The third portion of the project concerns an addition wing to match the Mizner structure in level of detailing. Landscape and hardscape matters will be heard in a future application.

During the presentation, it was noted that the plans submitted with the application are different than those which were being shown at the meeting. It was further noted that the presentation plans, then, had no zoning review. Mrs. Day stated that this proposal adds so much to the property that it does not meet the Secretary of the Interior's standards. Mr. Mendelsohn stated that he does not plan to pursue tax abatement relative to this project.

Several concerns were raised relative to the plans. These include, but are not limited to the following: Problem with the connector link; the design is too modern looking; the house has lost its character; two pairs of french doors over two pairs of french doors on the north elevation; insufficient renderings; problem with changing the front door location; primary positioning of garage doors; changing the mass greatly; "It's a mess. Come back with a plan that works."

MOTION BY MRS. DOWDLE FOR DEFERRAL FOR RE-STUDY OF THE DESIGN.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

The applicant was asked to come up with a set of renderings that more clearly illustrate what is happening. It was suggested that the front door be relocated from where it is shown on the proposed drawings. The applicant was asked to return with plans/photos showing those buildings which are being demolished.

VI Designation Hearings

Please note that the following designation hearings are transcribed mostly verbatim and partly in paraphrase. Verbatim portions are noted by the speaker's name at the left margin.

ITEM 1: 444 NORTH LAKE WAY (deferred from October, 1999)

Owner: Estate of Ziuta Akston c/o Betty Marcus, Personal Representative
CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mrs. Day read a letter into the record from Paul Thibadeau, Esquire, the attorney recently hired by Mrs. Marcus to represent her in this matter. As he has just been retained, he requested deferral of this matter to the November, 2000 meeting, and his client agrees to waive her right by ordinance requiring the commission to act within 30 days. Staff has no objection to the deferral.

MOTION BY MRS. VANNECK FOR DEFERRAL OF THE LANDMARK CONSIDERATION FOR 444 NORTH LAKE WAY TO THE NOVEMBER, 2000 MEETING.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

ITEM 2: 120 EVERGLADES AVENUE (deferred from October, '99 & March, 2000)

Owner: Lenore B. Ombres TR HLDR
CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None

Mrs. Day read a letter into the record from Douglas Ombres, Esquire, Attorney for and son of the homeowner, wherein Mr. Ombres requests that this matter be dismissed without prejudice. Mr. Randolph stated that it could be dismissed without prejudice, as long as it can be brought back in the future. Mr. Randolph requested, however, that Mr. Ombres indicate, in writing, that he understands that by dismissing it without prejudice, that means that the town, i.e., the LPC, has the ability to bring this matter back again in the future.

MOTION BY MRS. DOWDLE TO DISMISS 120 EVERGLADES AVENUE WITHOUT PREJUDICE, SUBJECT TO OBTAINING WRITTEN CLARIFICATION FROM MR. OMBRES THAT HE UNDERSTANDS THAT THE HOUSE COULD BE BROUGHT BACK BEFORE THE BOARD FOR CONSIDERATION AS A LANDMARK OF THE TOWN OF PALM BEACH.

MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

ITEM 3: 80 MIDDLE ROAD (deferred from January, 2000)

Owner: Joseph F. & Nancy Dryer

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

JANE DAY: Staff has found that the house at 80 Middle Road fulfills two of the criteria of the Town of Palm Beach. Those are criterion (c), that "it embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsman"; and criterion (d), "Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who has influenced his age." In this case, the architect was Marion Sims Wyeth. The house at 80 Middle Road was designed in 1925 by Marion Sims Wyeth, who is one of Palm Beach's most prestigious architects. It was originally called Casa Juanita, and it was built by Harry Corwin at a cost of \$80,000 and Sterling Postley, Esq. of Oyster Bay, New York, was the owner of that house originally. As you can see, it's a relatively large house on Middle Road, Mediterranean Revival style, with many of the characteristics of that style...stucco on the outside, barrel clay tiles, roof line, casement windows, cantilevered balcony on the east facade. Perhaps one of the most charming designs of the building is the entryway, with this Romanesque quality, arched doorway that leads into an interior courtyard and then into the interior of the house, with the casement windows and the engaged pilasters above it. It also has some of these details, the windows ledges, the elaborated chimneys. You can see the exposed rafter tails and some of the detailings of the small cantilevered wrought iron balconies. Perhaps the most negative impact on the property happened in 1957, and I point this out to you because, although the house, as I showed to you, is a good example of the style, it has been altered. In 1957, the garage and staff quarters that were to the south of the main block of the house were subdivided and consequently re-done as a separate residence. So, it is not an example that is purely text book of Marion Sims Wyeth's work, although I do believe that the main block of the house retains the character of his original design and is a good example for landmarking. Are there any questions about the report or about this particular house?

MOTION BY MRS. DOWDLE THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

JANE DAY: We have not heard from the property owners, either for or against, with this particular

property.

MOTION BY MRS. DOWDLE THAT 80 MIDDLE ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

ITEM 5: 163 SEMINOLE AVENUE

Owner: Steven H. Rose

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION

Mrs. Vanneck stated that she had spoken with Mr. Glenn Harris.

Mrs. Day verified that proof of publication and proper legal service were obtained relative to this hearing.

MRS. DAY: First of all, we have a letter from Glenn P. Harris, and I also spoke to Mr. Harris, dated April 4, 2000 to Mr. Tim Frank. "Dear Mr. Frank, I wanted to take this opportunity to thank you for taking the time to discuss the landmark review of Dr. Rose's home at 163 Seminole Avenue this past week. Dr. Rose has retained me to represent him on this matter that is to be reviewed by the Landmark Commission on April 19, 2000. Currently, Dr. Rose is not in support of the proposal to landmark his residence, as we discussed, and he is planning to join me at the Landmark Commission meeting to discuss this issue further before the Commission. Again, thank you for your assistance with the information on the process involved, and I look forward to seeing you at the Commission meeting. If you should have any further questions or comments, please feel free to contact me at your convenience." So, Dr. Rose does not agree to designation. As the report was written, the Town found that the property maintains or fulfills two of the criteria for designation:

- (c) Embodies distinguishing characteristics of an architectural type, or is a specimen inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsman." In this case, the Mediterranean Revival style.

and

- (d) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

When I submitted this report to you a month ago, I noted that Maurice Fatio and Howard Major did additions to this building. Since that time, I have found evidence that it was designed by Addison Mizner in 1921, so that the original block of the house is a Mizner design. This was not on the original Master Site File Form, that the consulting group from Pittsburgh did in the 1980s under Barbara Hoffstot, nor was it picked up in the town records because there was no original building permit. The first permit available in the town says that it's a Treanor and Fatio design. This, however, is the original section that was Addison Mizner. It's a Mediterranean Revival style and although it started as a quite small house in 1921, this was a summer that Mizner was in Europe and much of the work of the firm was done by his designers. Julius Jacobs was one of those whose house you saw earlier in this meeting. Later, the house was redone by Maurice Fatio in 1923. Fatio designed a long rectangular wing to the house that extends from the original block to the east toward

the ocean. It changed the mass of the house, but it's very difficult to view this property because of the landscaping on it. The plans for this particular wing are in the town file. Later on, Howard Major also adds to the house by adding an addition in the rear. I really don't have any further comments for you. If there are any questions that either I could clear up, or since the owner is here, he could perhaps tell you. I believe that the house does fulfill the criteria, particularly since it's now known that it's an Addison Mizner design, but I also have to say that in talking to Mr. Harris and Dr. Rose, that the house has been significantly added to and altered since its original 1921 design. So, I think that what I'm saying to you, as Landmarks commissioners, is that the decision is up to you whether or not you would like to go ahead over owner objection to landmark this property.

MOTION BY MRS. VANNECK THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

GLENN HARRIS: Good morning. I'm Glenn Harris, Architect, here on behalf of Dr. Rose today. And we have basically reviewed the structure and the design that's existing at 163 Seminole. And due to the fact that there have been a number of architects that have worked on this project over a number of years and it doesn't appear that it is representative of any one of the classical design architects of that period due to the fact that it has been added onto for a number of times. I don't think that we can deny that it is Mediterranean Revival in style, and I don't think that we can deny that these architects have worked on this project. I think what we are asking the commission to consider today is...is this of the quality of design that would represent classification for landmarking, and that's basically what our question to the commission is. The owner is not in favor of having this structure landmarked. He is here today if the Commission would care to pose questions to Dr. Rose, I'm sure he'd be glad to answer those as well.

MRS. VANNECK: Let me ask you, Glenn, do you have any record of the other architects who have worked on the house, and when those building permits might have been?

MR. HARRIS: I have a few of those, and I don't know that I even necessarily have all of them. Do you have some of those? O.K., well I'll let Jane present those for you.

JANE DAY: As I said, the original building permit from 1921 is not available. In 1928, was Fatio's permit, I think I stated in my report, because my eyes are bad, in 1923, but that's when Fatio came to town. 1928 was when that addition was done. 1932, Howard Major added a formal garden and fountain to the property. There were also building permits issued in 1957, 1972, and 1980, when the old, original Cuban tile roof was replaced.

MRS. VANNECK: So those are the extent of the building permits and the changes?

JANE DAY: There were five major building permits. Usually, when there are permits in the record that are just maintenance, I don't write those down because sometimes you can get dozens and dozens of them if they add an air conditioner or just do maintenance on things. But there were five that were major alterations to the property over the course of is 79 years.

MRS. ALBARRAN DE MENDOZA: Any other architects?

JANE DAY: The only major architects were Mizner, Fatio and Howard Major.

MRS. VANNECK: And, so there are no other additions other than those three?

JANE DAY: No, and I think that this is one of those properties where you can go either way with this property. If the property owner were in favor of it, you could definitely landmark it under the evidence that is there, and perhaps, that is what you should do, and send it to Town Council. With owner objection, you don't know where it's going to go from there. And I have spoken to Mr. Harris about the advantages of landmarking and I don't believe the property owner is interested in any of those advantages.

MR. PANDULA: Is there enough of the original fabric of the building, certain aspects that might warrant special consideration as opposed to the entire property?

MRS. DAY: I think that if it's landmarked, you should landmark the entire property. I think one of the disadvantages that I have, as staff is, I haven't been on the property to really see it, and this house, in particular, when you do this from public access, you see hedges and you see flat walls that Fatio designed that go toward the east. So, I'm really not in the best position to say what is there and what is not. From the record, it looks like, yes, we have major architects, and yes, we have a good example of Mediterranean Revival style design, but it may very well be that there are magnificent courtyards in the interior that I've not been privy to seeing.

MRS. ALBARRAN DE MENDOZA: I've always loved the little bit that you can see there, but not knowing what all the rest of it looks like there, there really are not drawings, no pictures that we can see. I don't know if it's possible at all to go see it before we make that decision.

MRS. BLADES: Yes, would it be possible to defer it and to see it?

MRS. DAY: And that would be up to the property owner if they would like us to do that realizing that if we think that it's just a fabulous example, we may go ahead and vote to landmark it.

MR. PANDULA: We probably could do that now anyway.

MRS. DAY: I think that probably one of the reasons that this wasn't brought up for landmarking sooner is, first of all, the confusion about the original architect without the permit...that it wasn't identified in that original survey that was done, and secondly, that you can't see it particularly well from public access so that it's been overlooked during the process of landmarking during these last twenty years in the town.

MRS. HOFFMAN: If you landmark, wouldn't you just be landmarking a lot of additions?

MRS. DAY: Yes, but we have a history of landmarking additions by other well known architects, and in fact, in some examples, it shows you how, for example, a Maurice Fatio would have added on to something, and so therefore, it's a good example of what Fatio would do as an addition. Architects know that they just don't always get the opportunity to start from scratch with their own design, so sometimes it's educational to see how that's done. Mrs. Earl, I think, would like to speak also...from the Preservation Foundation.

MRS. ALBARRAN DE MENDOZA: I think it's typical to see all of these architects work on the same house. I think that's happened in many cases.

MRS. POLLY EARL: (Sworn at this time by Mrs. Delp) Polly Earl, Director of the Preservation

Foundation. I simply would like to make a general comment. I have no specific knowledge whatsoever of this house, but in general, in referring to your criteria, and the way those criteria have been applied over really the entire past of the Landmarks Commission, I think that structures, homes, commercial buildings, whatever they may be, that show the work of more than one architect have been almost more valued than those that show a single architect. Both types of historical records are very, very valuable, but it is extremely interesting to see the ways different architects really interact with each other over the years as they work on the same building. And in this case, you don't just have different architects, you have three architects who are of great note to the town, and I say that without knowing anything about the structure itself, just as a comment about your criteria, and I believe the Secretary of the Interior's standards also recognize the validity of architects coming one after the other and really creating a document that grows over time. Thank you.

MR. PANDULA: That's a good point. So, Mr. Harris and Mr. Rose, would there be an objection for a commission member and Mrs. Day to view portions of the property?

MR. HARRIS: Dr. Rose? Dr. Rose has indicated there would be.

MR. PANDULA: There is a problem?

MR. HARRIS: There is a problem.

MR. PANDULA: O.K.. So that means we need to take a vote one way or the other here.

MR. HARRIS: Again, my parting comment is that it's a house that if you've seen from the road or from the public access which we were talking about, the question that I would bring forth to the commission is...is this of the quality of that period of time that would deserve landmark status? I don't think that there is any question that it falls within the criteria that have been outlined in the report, and we have no argument with that at all, but I think that you really need to look at it and say is this something "looks-wise" that, you know, is worthy of landmark status, and that's what we're asking.

MRS. ALBARRAN DE MENDOZA: I think from what we know, without a doubt, it would be. It's three magnificent architects that have been landmarked individually. Having them together would be very interesting. I think sometimes, when we have not landmarked a house is when people have come to show us a lot of pictures, and prove why it shouldn't be. So, not having any of that, and not being able to see it for ourselves, I think we really are faced with the position of, at least, for myself, to landmark it...to propose it.

MRS. BLADES: Is that a motion?

MRS. DAY: Dr. Rose would like to say a few words.

DR. ROSE: The architects that altered the house, Fatio, the limit of his change was...there was an open loggia facing the garden. He enclosed that. He did not build it. Now, I have this information from my father-in-law who bought the house from Frank Woodward, and he has that information from Frank Woodward. So, that's all that Fatio did. In addition, he did build a two story garage apartment which is falling down...literally, falling down. I have my handyman living in it, and I have to get him out of there. Mr. Harris is going to worry about that part of it. The only legitimate, good architect besides that who did work was Howard Major, who added a tea house, as we call it. That was altered too. We had it enclosed, first of all. That was done by my father-in-law. We added

a bedroom which was also done by us. There are many other changes which were done by unknown architects. Now, Fatio did add some sheds all the way in back. This is not really part of the house. The other change is a whole bedroom wing was added on the east side. We have no idea who the architect is. It was not Fatio. It was not Major, but we don't know who it is. So, the well known architects...one did a very small part, except Mr. Major, who did a major part, but it's been completely altered again. So, it's kind of a potpourri, and I am carrying out the wishes of my deceased wife. I'm not asking for sympathy. She and her father...her father bought it...were extremely low key, which am I too, and this is also my wish. We just...it's her wish not to do it, and my wish, very much so too. O.K. That's all I have to say, but the other architects that did the major changes on the bedrooms and all that were completely unknown and not Mr. Major and not Mr. Fatio. Thank you.

MRS. DAY: I think we have a jigsaw puzzle.

MRS. WILKEY: May I ask a question? Is it possible just to landmark what we see that appears to be one of the nicest features of the house, and that is this entrance. Since we know that that was built by Mizner and we don't know about the rest of the house.

MRS. DAY: Yes, that's possible to do that. We have precedence. We've done that before.

MRS. WILKEY: How would Dr. Rose feel about that?

MR. HARRIS: My sentiments lean toward that solution as well, and Dr. Rose has indicated that he would have no problem with that.

MR. PANDULA: Do we have enough information at this time to precisely indicate what that might be or do we want to think about the limits of that?

MRS. DAY: I'd like to do some more research. I'd like to see what other Mizner information that I could do. The report has to be amended anyway. So, I would like to go back and look at that. I guess it's at your pleasure.

MRS. WILKEY: Would Dr. Rose give you permission to defer it and to check the front entrance?

DR. ROSE: The only problem I have with that is since I've retired, I've lived in the house since (indiscernible-speaking from audience without microphone). Since I've retired I'm a "snowbird." So at the end of the month, I'm leaving and not coming back till November, so that's the only problem.

MRS. VANNECK: Would you have an objection to us deferring it till you come back in November?

MRS. DAY: Could we defer it until November, and that way Dr. Rose will be back, and we can do the research on exactly what Mizner did and maybe we can even uncover who did those bedrooms on the east wing that no one knows about since our first permit is 1928 in the town record. Dr. Rose, could you just come up and do this in the microphone. So, I think what we're going with is if you would waive the 30 day requirement, we could postpone this hearing until November, at which point we could further research for just designating the front entrance of the Mizner portion of the house and see if staff comes up with something that we can bring that back at the November meeting.

DR. ROSE: That sounds right. I'm sorry that I didn't particularly want anybody inside the house,

but it just goes against my grain. It's my house. My home.

MRS. ALBARRAN DE MENDOZA: Just a comment. What you're saying is we're only getting a deferral, this is to Ms. Day, just to study the front or possibly to still study the whole project?

DR. ROSE: No, the door, the front entranceway which is really the only way...

MRS. ALBARRAN DE MENDOZA: So, at this point, we're giving up the rest of the house.

MR. RANDOLPH: Well, I'm not sure you're in a position, unless you're in a position today to know that you only want to do the front, then that deferral doesn't give you what you want. I think what we're looking for is would you give them the opportunity to defer this by waiving the 30 day requirement to November...

DR. ROSE: Sure.

MR. RANDOLPH: ...so they can study the whole house.

DR. ROSE: I'm very private about entering the house. Oh, the outside, fine. Of course. The only way I want to leave the house is feet first.

MOTION BY MRS. WILKEY TO DEFER STUDY OF THIS ENTIRE HOUSE UNTIL NOVEMBER SO WE CAN STUDY WHAT MIZNER DID, AND IN PARTICULAR, CONCENTRATE ON THE FRONT ENTRANCE, WITH THE PROVISO THAT THE OWNER RECOGNIZES HE IS WAIVING HIS RIGHT BY ORDINANCE REQUIRING THE COMMISSION TO ACT WITHIN 30 DAYS.

MOTION SECONDED BY MRS. BLADES.
MOTION CARRIED UNANIMOUSLY.

*****At this point, Mr. Pandula asked for any objection to hearing the Royal Park Bridge matter, as the applicant had a time constraint today. No objections were heard.*****

VII Other Business:

A. Informal Presentation: Royal Park Bridge

The following persons presented this matter:

Joe Borello, DOT Project Manager
Mario Echagarrua, E.C. Drive
Thomas Piotrowski, H2L2
David Risinger, Kimley-Horn & Assoc.

Today's presentation was for a status update, as the project will be heard formally at the May meeting. The shape of the arches, span arrangements, have all been presented before. Now, it is the design details which are being considered. Items discussed include but were not limited to the following: Entrance features at both ends of the bridge; Light fixtures: will use the same poles and light fixtures as they exist now, with a small internal change within the fixture; Sidewalks will be done in plain concrete; Bridge arches will be painted in a warmer tone; Railing design: 42" in height, main architectural support mimics the light poles; Discussion relative to the tender's house details - roof tiles, cast stone, pastel stonework, bulletproof glass; and Pedestrian overlooks which get smaller as the spans get smaller.

Mr. David Risinger, Landscape Architect with Urban Resource Group, a Division of Kimley Horn, stated that he was working with Polly Earl and others (the sub-committee) at the town to discuss the bridgehead on the Palm Beach side together with the area to the south of the bridge. Two large banyans (60'-80' in diameter) are proposed (tree selection will be a function of availability) at the entrance to the bridge, one on the property of the Society of the Four Arts and the other on the Town property to the south of the bridge. It was noted that large oaks will be placed at the West Palm Beach entrance to the bridge. Together with the Town's Department of Public Works, Mr. Dusey, a decision was made to move the existing employee parking area (15 spaces) on the south side of the bridge and replace landscaping there. The parking area, then, will be moved next to the water. Landscaping will be used to screen the Town's utility buildings on this south parcel. Some benches will be placed along the water's edge to provide a seating area.

Mr. Risinger stated that the bridge median (16' wide x 300' long) will be kept simple and clean with sodding and irrigation. A computer enhanced photo was presented showing how the Palm Beach entrance to the bridge will appear as one is approaching it on Royal Palm Way.

Mrs. Polly Earl of the Preservation Foundation commented that there has been no insistence on banyans at the Palm Beach side of the bridge. There was a feeling that banyans would be more traditional here, and would match those already in place to the south of the bridge. No one in the sub-committee expressed any excitement for oaks, nor was there any feeling that the Palm Beach side of the bridge should match the West Palm Beach side. The final plans have not been reviewed as yet by the sub-committee. She noted that there had been discussion at the sub-committee level about whether or not to have landscaping west of landfall. Mr. Jorge Sanchez and Mr. Jeff Smith, at the sub-committee, encouraged that it be kept clean and simple.

Mr. Moore encouraged the LPC to appoint a new representative from the LPC to the sub-committee, in light of Mr. Smith's resignation from the LPC, and therefore the sub-committee. He reminded the LPC that if the LPC would like oaks, they can request them. The LPC does not have to abide by the opinion of the sub-committee.

Mrs. Earl brought up the Town's greenspace amendment. She questioned the placement of Town structures on the south side of the bridge, and questioned the wisdom of placing parking right next to the bike trail and waterfront. Mr. Moore noted that the buildings have been there at least 19 years, and the greenspace amendment was passed some time after that.

Mr. Echagarrua noted that the plan shown for the Palm Beach bridgehead and the land to the south has been seen and approved by the Town Council. It is possible that more trees can be added to the parking area to minimize its impact. They will take this into consideration when preparing the drawings for the next meeting.

(Let the record show that Mrs. Blades left the meeting at 12:23 p.m.)

MOTION BY MRS. DOWDLE TO APPOINT MR. PANDULA TO THE BRIDGE SUB-COMMITTEE.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.
MOTION CARRIED UNANIMOUSLY.

The applicants stated that plans at 60% readiness will be shown at the next meeting. Final plans are to be presented in December.

ITEM 6: 535 SOUTH COUNTY ROAD

Owner: Mary H. Thomas

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mrs. Day stated that proof of publication and proper legal service were achieved with respect to this matter. Mrs. Delp administered the oath to all those who wished to testify today and were not previously sworn.

MRS. DAY: 535 South County Road is a Monterey style house that was designed in 1937. Both this designation report and the one that's following this are a little unusual because although they both meet one of the criteria, which is architecture, I have not been able to find who the original architect was on either of these designation reports, and in both of them, we have owner objection to the designation of their properties. At 535 South County Road, there are original plans in the Town files from 1937. Those plans look very much like the facade, as you can see it, behind a very massive hedge that shields the property from South County Road. Since this report was written, however, I have had conversation with Mr. Tom Kirchhoff who is an architect that worked on this house a number of years ago. The plans and the renovations that he did to the property have not been filed or microfiched yet within the Town record. So, Mr. Kirchhoff very kindly told me that he re-did the house a number of years ago. And I said to him...I applauded him on what he did on the west facade of the property because it does look very much like the original plans of the property. However, he also did tell me that he made many alterations to the rear of the house, and those are not visible from public access. So, we have a house that's a very good example of the Monterey style. We have plans in the file from 1937 that look very much like this facade looks like, but we do not know an architect. That portion of the plans have been cut off the original plans, and they were then taken over by the contractor at the time. It's not a strong designation report because the only criteria we have is architecture, and I will read that into the minutes for you...

(c) It embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsman.

...Again, we have a beautiful house that was proposed by members of this commission, but architecture is the only criteria that this property meets, and we do have owner objection, and I believe that there is a representative of the owner here.

MR. PANDULA: Do we have other landmarks in town of similar style?

MRS. DAY: Yes, we have quite a few Monterey style houses that are designated.

MR. PANDULA: Is there anyone from the public who would like to speak? Oh, I'm sorry. Yes, would anyone care to make a motion for the Designation Report?

MOTION BY MRS. DOWDLE THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

ATTORNEY CHARLES HICKMAN, ATTORNEY FOR THE PROPERTY OWNER: Mr. Chairman, Members of the commission, my name is Charles Hickman and I represent Byron and

"Cissy" Thomas who are the current owners of 535 South County Road.. Cissy Thomas acquired that property from her grandmother about five years ago, and made some extensive modifications to it at that time. Their family was growing and their needs were much different than those of her grandmother. Cissy is not past childbearing age as we speak, and there are contemplations of the need for further modifications in the future, including a modification to the north, which is the left side of that picture because they purchased the lot next door and tore down the house on that lot, and are contemplating putting a three car garage and playroom off that northern side. So, I have spoken with them about the advantages and disadvantages of landmarking and the considerations that go into possible changes that they may want to make to their home, and after quite a bit of deliberation, they've decided that they would rather not have the property landmarked at this time. So, at that point, I contacted Mr. Kirchhoff, who I knew had made some modifications and asked him about more specifically what changes were made, and looked at the designation study and was able to determine that the Monterey style is, in our opinion, is not perfectly represented, or this is not an outstanding representative of the Monterey style. I really don't have a professional opinion on that. I guess that is Mr. Kirchhoff's, and that there were modifications to even the facade that you see that were approved in 1995, specifically, just to the right edge of the picture, there was an addition made for a master bedroom and bath which did change the facade presentation somewhat. And then again, their contemplated changes would affect the left side, which is a guest bedroom that you see presented there. The fact is that the criteria selected is that it's a model of an architectural style or of a period, and in fact, the majority of the house was built by Mr. Kirchhoff in 1995, and not that he's not a famous architect, but it really can't have much historical significance after about five years. The only thing that remains of the house on the inside is the living, dining room and foyer area and it appears that some of that may have been designed by architect Wyeth as a modification to the original plans. The exact extent of his involvement is not perfectly clear, but he was involved in a subsequent modification, and maybe some of his work still remains on the inside. So, really we have what, in the Navy, we used to call a whistle alteration, which is when a ship is so old and rusty, but they don't want to buy a new ship for some reason, they go into the shipyard. They lift the whistle off, and put a new ship underneath, and call it the same old ship, and that's what we have with this house. Mr. Kirchhoff is largely responsible for its design, and I don't believe it meets the criteria set forth in the code. Thank you.

MR. THOMAS KIRCHHOFF: For the record, I'm Tom Kirchhoff and as Charles already said, the only portion that remains is the living room, which is below the cantilevered porch. Because of an addition of a 12' ceiling large loggia off to the south side, which is basically tucked underneath the second floor windows, we took the entire second floor of this house off, and everything to the back of that living room came off. So, basically, just the living room in the front, the entry foyer, and that little guest bedroom is the only thing that remains from before we started that project. And the loggia itself, which we put a master bedroom on top of.

MRS. DAY: I would agree with the property owners that the house has been altered. I think they did a fabulous job, and in my first conversation with Mr. Kirchhoff he said, if you were nominating us for a Ballinger Award for re-use of an older home, we would be thrilled, but the property owner doesn't want to restrict the property at this point and exclude extensive further alterations to it. I think it was a weak designation to begin with, although it's a lovely house. I couldn't find more than one of the criteria that you could even consider using with it.

MOTION BY MR. ZUKOV NOT TO DESIGNATE 535 SOUTH COUNTY ROAD.

MOTION SECONDED BY MRS. WILKEY.

MOTION CARRIED UNANIMOUSLY.

ITEM 7: 130 BANYAN ROAD

Owner: Martin L. Berman

CALL FOR DISCLOSURE OF EXPARTE COMMUNICATION: None declared

Mr. Pandula declared a Conflict of Interest with this matter as Mr. Berman is one of Mr. Pandula's clients.

Mrs. Day stated that proof of publication and proper legal service have been achieved with respect to this matter. Staff has found that this property meets the following criteria for designation as a landmark in the Town of Palm Beach:

(c) Embodies distinguishing characteristics of an architectural type or is specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsman.

MRS. JANE DAY: 130 Banyan Road is a Tudor Revival style house. Again, like the house that I just brought forward to you, we don't have an original architect. It was designed in 1924, and the property owner was Rodney Proctor. This style is characterized by a steeply pitched roof, usually cross gabled. It has massive chimneys on it, which is also typical of the style, with decorative chimney pots and decorative half-timbering. It's very typical of English building traditions from the late Medieval times. There you can see the half-timbering, some of the gables that face the street, and again, the steeply pitched roofs. There are five chimneys that are visible from the street. And this is the main one that takes a prominent place on the north facade of the building. This is a very popular Tudor detail. It's massive in size topped with two chimney pots and really kind of defines the architecture of the house. Like the other property that I brought forward, again, I only have one criteria. It's architecture. We don't have an architect for this house. Unlike the other house, however, it's a Tudor Revival style structure, and there aren't as many of those in the town, and there aren't as many of those designated in the town as there were Monterey style houses. In my count that I went through the criteria, there were only five other Tudor Revival style houses that were identified in the Historic Sites Survey and there are two other structures that are designated at this point. The house has been altered. It originally cost \$50,000 when it was built in 1924. It was repaired after the 1928 hurricane. There was an addition done in 1929 and an underpass was gone to the ocean in 1929. It's had a new pool. It's had a dining terrace that was added in 1971. A pool pavilion was added in 1970. A variance was given to construct a tennis court on the southeast corner of the property in 1983. So, it's a house that, although it's a good example of the style, there have been significant alterations to it, and I have to leave it up to the Landmark Commission whether or not you think this is worthy of designation when we have owner objection to the property. It's not, again, one of the strongest designation reports as far as adherence to the criteria. There is only one. It's architecture. And the relatively rare style for the Town of Palm Beach.

MOTION BY MRS. VANNECK THAT THE DESIGNATION REPORT BE MADE PART OF THE RECORD.

MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

ATTORNEY PETER BROBERG, ATTORNEY FOR THE PROPERTY OWNER: Thank you, commissioners. My name is Peter Broberg and I've been asked, by the owner of 130 Banyan, Martin Berman, to speak against this designation proposal. Many of you may know me. You know I represent a lot of people in front of the different commissions in town, but you know that I don't

ever come before you to ask for properties not to be designated because I believe in the landmark process. I believe in it so much that my house is landmarked. It was a Monterey style. It is an excellent style, specimen of the Monterey style. It was landmarked in 1994, and I think Landmarks has done a good job. I have a list and it's not up to date, but as of December 17, 1998, you all have 234 properties in town that you have designated as landmarks, and I'm sure there's more because that's not counting 1999, so you've done a good job. And when the owner asked me to look at this property in the light of asking you all not to designate it, I was a little bit reluctant, but when I went to the property file, I became convinced because it's a hodge podge. As Ms. Day said, there is no architect of record. And the house has been changed. I don't know if she enumerated the number of times, but many many times, and I'll go over that with you in a second. A little bit of history...back in June of 1998, this house was originally put up for...it was designated to be studied. And I spoke with Tim Frank and Jane Day at that time, and they indicated that if they couldn't find an architect, they weren't really going to actively pursue it, and the landmark season came and went and we assumed that it was just off the list. Well, lo and behold come March this year, a letter appeared in Mr. Berman's mailbox telling him that today's date you all were going to consider it again. So, to that end, let's review for a second the designation report. It says that even though this is a good example of Tudor Revival style, it did not say it was a great or an excellent style. And if you look at the manual, your own manual right here, you will find that it says that an excellent example of Tudor style is 311 South County Road. So, we do have excellent examples of Tudor style already designated in this town. The Designation Report also says, and I'm going to quote...it says "The absence of the original plans and the extensive amount of alterations to the property over the years makes it difficult to determine if the structure retains the architectural integrity of the 1924 design." I mean I think that says it all. We don't know what it originally looked like, and we know it's been extensively renovated and changed. I mean the report, itself, basically says the house blew down in the 1928 hurricane. Let me just take another second and we'll go through some of the repairs. The report says that there was an underpass built in 1929. Mr. Berman would love to find that underpass. He would love to use that because he's the second property in from South Ocean Boulevard. So, he doesn't have an underpass that he's aware of. But, be that as it may, I just want to correct the report in that fact. But in 1964, there was a pool and a new roof; '65, the south elevation was completely changed. There was 1000 square feet added to the back of the house; '67, it was remodeled again; '70, a pool pavilion was put in; '71, the whole house was remodeled and a dining terrace was added; '77, it was remodeled again; '83, there was a tennis court, 1989, the whole house, when the present owner purchased it, he remodeled it completely, and remodeled the pool cabana. In 1990, most recently, was a garage alteration. And also, my client tells me and I could not find this in the property file, but the entrance that you see, the pyramidal entrance, was also an add on, but I couldn't find that in my file, but he believes that that is so. The bottom line is that according to your criteria, you don't know enough about the original house to designate this house, and it's been so extensively altered and the fact that the owner doesn't want it designated, I think, when you put all that into the bow, into the pile and tie it up, I would ask this council not to designate this house, and I'll answer any questions that I am able to.

MRS. DAY: I think that Mr. Broberg and I agree on this and I think that the report reflects that. We don't know what the house originally looked like. I think the reason that this commission proposed it for landmarking is it's a beautiful example of the Tudor Revival style, and one of the things we do as staff is we study them. Could you subjectively say it met that criteria. Yes, you could if the owner wanted to do it and wanted to get some of the advantages. Could you subjectively look at that criteria the other way? There have been a lot of alterations on this house. It would be very hard to defend this because you don't know what the original house looked like with the absence of plans or architect.

MOTION BY MRS. VANNECK TO REMOVE 130 BANYAN ROAD FROM CONSIDERATION AS A LANDMARK.

MOTION SECONDED BY MR. PYMS.
MOTION CARRIED UNANIMOUSLY.

MRS. DAY: The only thing I would like to make clear for the record is that the house was under consideration under one time period. It did not come back a second time to be re-looked at from '98 to right now. We kept putting them at the bottom of the list because I kept hoping I'd find an architect. So I don't want anyone to think that we didn't meet the procedure.

want

VII Other Business:

A. Informal Presentation: Royal Park Bridge
(Heard earlier)

B. Preservation Celebration

MOTION BY MRS. HOFFMAN TO POSTPONE TO NEXT MONTH.
MOTION SECONDED BY MRS. WILKEY.
MOTION CARRIED UNANIMOUSLY.

C. Discussion relative to 250 Sanford Avenue-possible under consideration status
Mr. Pandula stated that he wished to nominate this property for study for landmark designation. Mrs. Day stated it was a Marion Sims Wyeth house from the 1930's in the Monterey style. She felt it was worthy of study.

MOTION BY MRS. WILKEY TO PLACE 250 SANFORD AVENUE UNDER CONSIDERATION FOR LANDMARK DESIGNATION.

MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

D. Comments by Mr. Randolph

Mr. Randolph stated that the Town Council has requested that he prepare an amendment to the Landmarks ordinance to require architects to be members of the LPC. That will be considered by the Town Council at the May 9, 2000 meeting. They have also asked Mr. Randolph to write a letter to the Commission on Ethics to get a clarification in regard to this conflict of interest issue under discussion.

VIII Adjournment:

The meeting was adjourned at 1:00 p.m. based on a motion to that effect.

The next meeting of the Landmarks Preservation Commission will be held on WEDNESDAY, **MAY 17, 2000** in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach at 9:00 a.m.

Respectfully submitted,



Ann Blades, Secretary
Landmarks Preservation Commission

cmd

TOWN OF PALM BEACH

ATTENDANCE RECORD (2000)

MEMBERS	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Jeffery W. Smith	P	P	P	***Resigned***								
Eugene Pandula	P	P	P	P								
Elizabeth Dowdle	U	P	P	P								
Sari M. Wilkey	P	P	P	P								
Jacqueline Albarran de Mendoza	P	P	E	P								
Ann Vanneck	P	P	P	P								
Ann Blades	P	P	P	P								
Jack Pyms	see below-----			P								
ALTERNATES	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Nikita Zukov	P	P	P	P								
Judy Hoffman	P	P	P	P								
Jack Pyms	P	P	P	(appt. as regular member)								
Laurel Baker	n/a	n/a	n/a	E								

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 (2000)

MEMBERS	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Jeffery W. Smith		VPD2										
Eugene Pandula	V1			V1 VPD1								
Elizabeth Dowdle												
Sari M. Wilkey												
Jacqueline Albarran de Mendoza												
Ann Vanneck												
Ann Blades												

ALTERNATES	1/00	2/00	3/00	4/00	5/00	6/00	7/00	8/00	9/00	10/00	11/00	12/00
Nikita Zukov												
Judy Hoffman												
Jack Pym												

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, TOWN ATTORNEY)

130 Banyan Road

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

LAST NAME—FIRST NAME—MIDDLE NAME OPANDUCA EUGENE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LANDMARKS PRESERVATION
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 FL	NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BCH.
DATE ON WHICH VOTE OCCURRED 4/19/00	MY POSITION IS: :: ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

Minutes

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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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.

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DISCLOSURE OF STATE OFFICER'S INTEREST

I, GOVE PANDUCH, hereby disclose that on 4/19/00, 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. MARTIN BENJAMIN, by whom I am retained.

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

ARCHITECT FOR CONTEMPLATED RENOVATIONS

Agenda Item: Landmark Designation Hearing
130 Banyan Road

4/19/00
Date Filed

[Signature]
Signature

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130 Banyan Road

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CITY PALM BEACH FL	COUNTY Palm Bch.	NAME OF POLITICAL SUBDIVISION: TOWN OF Palm Bch.	
DATE ON WHICH VOTE OCCURRED 4/19/00		MY POSITION IS: :: ELECTIVE ☒ APPOINTIVE ☐	

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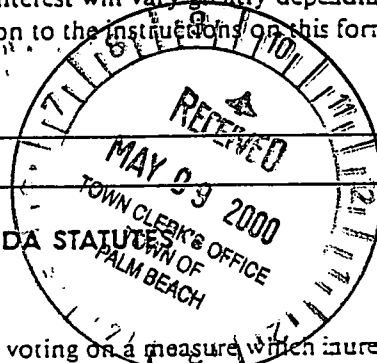
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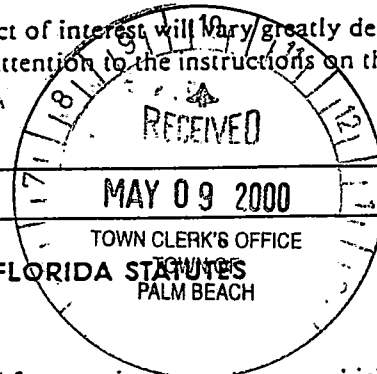
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CITY PALM BEACH FL. COUNTY Palm Beach		NAME OF POLITICAL SUBDIVISION: TOWN OF PALM BEACH	
DATE ON WHICH VOTE OCCURRED 4/19/00		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

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PREVIOUSLY PROVIDED ARCHITECTURAL SERVICES
FOR PROJECT

Agenda Item: Certificate of Appropriateness #11-2000
241 El Vedado Road

4/19/00
Date Filed

[Signature]
Signature

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