

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director of Planning, Zoning & Building



Cc: Kirk Blouin, Town Manager

Re: Request to Send to the ORS Committee the Matter of Maximum Height of and Separation Distances Between Landscape and Neighboring Buildings

Date: September 24, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider sending the matter of creating a maximum height of and minimum separation distance between newly planted and maintained landscape that is adjacent to neighboring buildings to the ORS Committee for their review.

GENERAL INFORMATION

As evidenced in the review and discussion of 131 Seaview Avenue, the planting of new landscaping directly next to neighboring buildings can be problematic. The vegetation, including tall hedges, trees and palms, can be the pathway for rodents (primarily rats) and Iguanas to access roofs and eaves. The idea of a maximum landscape height and a minimum separation distance between newly installed planting and neighboring buildings could be reviewed, along with maintenance standards for the newly planted vegetation.

Any possible review should consider changes to Chapter 66, Natural resource Protection, Article IV, Vegetation.

This review is supported by PZB staff and has also been suggested by seven (7) residents. See their attached request and support for this type of regulation.

To Rules Committee and Town Council:

We need a Town rule that requires a written OK before one plants tall growing tree(s) or vegetation very near a neighbor's home or building structure. If the tree(s)/vegetation is there now, and are close, the rule should also require the owner to cut the tree(s) or vegetation well away from the neighbor's roof soffits, so iguanas will not get on the neighbor's roof. Thank you.

Bradford Winston and Sandra Powers



Handwritten signatures of Bradford Winston and Sandra Powers, with a date stamp of 9/16/2020.

Address: 419 Seaspray Avenue, PB

Thank you, in advance, for your consideration of the above.

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Mr/Mrs

Joan de Brie

Address

164 Sea
spray

Wayne Bergman

From: Steven Jeffrey Greenwald, Esq. <3102724@gmail.com>
Sent: Monday, September 14, 2020 3:12 PM
To: Wayne Bergman
Subject: Neighbors would like the new Code rule See letters

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Wayne: I earlier just sent an email to you on the meeting date and time.

This email has to do with feeler I put out to some neighbors on their thoughts of a new town code like the one you are working on. 100% favorable, and a quick response. One fellow told me he always has a fear that he will return back after summer and find newly planted tree hedges right at his building. I would have liked to do a petition, but folks are afraid of Covid and many are out of town still. So I opted for a sort of form letter they send me. STEVE

Eric Leiner
to me

Sun, Sep 13, 4:16 PM (22 hours ago)

Hi Steve,

That is a terrible problem you had with those tall trees, iguana waste, and a difficult neighbor. I can definitely see the need for a simple rule like this.

Eric Leiner

159 Seaspray Ave

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Eric Leiner

159 Seaspray Ave

To Rules Committee and Town Council:

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Mr Jay Serzan

Address 353 Seabreeze Avenue

Bradford Winston

Sun, Sep 13, 3:27 PM (22 hours ago)

to me

I will certainly support this request tonight when I get to my computer.

Bradford Winston
419 Seaspray Ave.

Janeylvisaker

10:52 AM (3 hours ago)

to me

Well done Steve... I would also add that neighbours should not allow their hedges & other vegetation to block out their neighbour's light. This happens to me on 2 sides.

I have attempted to copy & paste your letter back but my iPad isn't responding.

Jane Ylvisaker

346 Seabreeze Avenue, Palm Beach, FL 33480

UK 44.207.727.1589 home

Dorothy Martin

11:36 AM (3 hours ago)

Thank you for your email, I agree 100%. please keep me posted.

Dorothy Martin

312 Seabreeze Ave, Palm Beach

Carol LeCates

2:39 PM (0 minutes ago)

to me

Hi Steve,

I've been following your saga. What a nightmare! I will have a look at the draft language and write to Council.

Best to you and Martha,
Carol

--

Steven Jeffrey Greenwald, Esq.

Email address:

3102724@gmail.com

U.S.A. Telephone & voicemail:

561-310-2724

Mailing address: P.O. Box 3407

Palm Beach, Florida 33480 - U.S.A.

Wayne Bergman

From: Steven Jeffrey Greenwald, Esq. <3102724@gmail.com>
Sent: Monday, September 21, 2020 5:50 PM
To: Wayne Bergman
Subject: Another owner in favor proposed tall grow vegetation iguana rule

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Wayne: Thanx so much for the time you are taking out of your busy schedule. Really great of you. I could see your new very important position keeps you **super** busy.

Below in this email is another neighbor in favor of the proposed tall vegetation iguana rule, **Polly Wulsin**. A nice number of owners so far in favor, some strongly in favor. I'm sure I can get a lot more signatures as people return to Palm Beach. I have tried to knock on doors, but many are still out of town.

Not simple to get petitions signed during Covid too, so these little letters are a substitute for a petition.

Note: the idea of the **first** part of a rule is it is **only** applicable **if** the neighbor objects to planned tall hedges next to the neighbor's building, of course.

And the **second** part, for tall vegetation already there, Polly Wulsin's little note did not mention that cutting away from soffits would be needed **only** if requested by the neighbor. So most of the time nothing would change. The worst thing that could happen is for a few hundred dollars, the hedge owner would tell his gardener to cut the hedges a bit lower. No biggie really, this proposed code.

Kind regards, Steve and Martha

Polly's letter she sent me:

To Rules Committee and Town Council:

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Polly Wulsin
425 Seabreeze Ave.

--

Steven Jeffrey Greenwald, Esq.

Email address:

3102724@gmail.com

U.S.A. Telephone & voicemail:
561-310-2724

Mailing address: P.O. Box 3407
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Wayne Bergman

From: Steven Jeffrey Greenwald, Esq. <3102724@gmail.com>
Sent: Wednesday, September 23, 2020 6:14 PM
To: Jay Boodheshwar; Wayne Bergman
Subject: 2 more good letters in favor of the town code add
Attachments: Letter from David (Lily Rovin) re Code add vegetation iguanas.pdf

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Jay and Wayne:

Thanx so much for all of your hard work on the proposed code add. Do either of you know exactly when the Code hearing is on this proposed vegetation/iguana rule, ie., what day time and place? I know of a number of citizens who want to attend and speak.

Below and attached are two more letters in favor of the town code add on tall vegetation and iguanas. One written by Dr and Mrs Richard Goldberg of Seabreeze, below.

The other was written by David Katzman, Esq., nephew and attorney for **Lily Rovin**. If you recall, Lily Rovin lives next to the home on Seaspray that was landscaped last year by Mr Williams Group. I had sent photos of the outrageous tall huge trees and plants engulfing Lily's structure. Mrs Rovin is very upset about the iguanas on her roof too, and other iguana problems, large amounts of feces, etc. What I saw next door to Lily was way too much huge vegetation, hence the iguanas. You may want to have a look at that. Read Attorney Katzman's letter attached in the PDF.

I also had a talk with a Dorothy Martin from Seabreeze Ave, same subject. She is very concerned about how landscape planners are overdoing what is near neighbors' structures. She strongly urges planning and zoning to not allow this to happen any longer. She complains her neighbors' new hedges are way too huge and close to her structure. You may want to interview her. She is pretty smart and has much to say about this. She is a 50 year resident of PB.

Mrs Martin's phone is **561-801-5539**. Although she likes the little proposed code add, she wants to write her own letter explaining the automatic approving of overdone landscaping by planners near neighbors' structures, is causing citizens of Palm Beach major problems, including iguanas, and most of all constant **severe dampness**. Thus damages in neighbors structures that are engulfed by their landscape planners' overdoing things. She has 5 or more other neighbors that will also be in touch. Pretty upset lady.

Either way, a little rule that an owner of tall plants may have to spend a couple hundred bucks to cut say tall hedges down from their neighbor's roof soffits, **is not a biggie**. It just codifies neighborliness.

I will shortly be sending more letters.

Thanx again and kind regards, Steve and Martha Greenwald

LETTER FROM MR and MRS GOLDBERG:

To Rules Committee and Town Council:

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**Dr. and Mrs Richard I Goldberg
358 Seabreeze Ave, PB**

Mailing address: P.O. Box 3407
Palm Beach, Florida 33480 - U.S.A.

Steven Jeffrey Greenwald, Esq.

Email address:

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RICHARD F. SCHADEN, OF COUNSEL

September 14, 2020

Via U.S. Mail

Members of Town Counsel and
Gail L. Coniglio, Mayor
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Phone: 561-838-5400

Re: 140 Seaspray, Palm Beach, FL

Dear Members of the Town Counsel and Mayor of Palm Beach:

I write on behalf of my aunt, Lily Rovin, who has for decades been a resident of Palm Beach. Although elderly, Mrs. Rovin possesses amazing soundness of mind and body. She remains active, alert, and in full possession of all her faculties. I digress only momentarily to tell you one of my favorite facts about my aunt: As a teenager my Aunt Lily lived through the Nazi bombing of London, the blitz. Consequently, it would be foolish for anyone to underestimate her tenacity.

Mrs. Rovin is fastidious in keeping her property groomed and presentable. She is a proud resident of Palm Beach, and she ardently believes in maintaining high community standards.

Unfortunately, there have lately been some problems involving recently installed landscaping on several properties using tall growth trees, precipitating an invasion of iguanas and large rodents onto her property. Recently, Mrs. Rovin was compelled to have her car repaired because rodents chewed through wiring that runs along the underside of her vehicle. The car is maintained in the porte-cochere attached to her house. The expense of the repairs is not of concern. Apparently, the newly installed landscaping has also attracted iguanas and permitted them to access a flat portion of her roof, upon which they sun and defecate; and, the iguanas have invaded her backyard swimming pool, into which they defecate. These conditions create at best a nuisance and of far more concern, they create a genuine and potentially serious health hazard.

Mrs. Rovin desires only to be a good neighbor. She believes that the concern for public health eclipses the singular matter here described and should be addressed in a broader context.

There are apparently several potential solutions, ranging from limiting the placement and height of tall growth trees to requiring that tall growth trees and other tall-growth vegetation be trimmed to at least a distance of six feet from the roofline of nearby and adjacent structures.

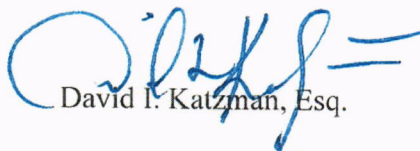
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September 14, 2020

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Mrs. Rovin respectfully requests that the issues and concerns expressed in this letter be addressed in the interests of public health and safety and consistent with traditional community standards.

Very truly yours,

A handwritten signature in blue ink, appearing to read "D. Katzman", with a stylized flourish at the end.

David I. Katzman, Esq.

cc: Lily Rovin