

From: [Steven Jeffrey Greenwald, Esq.](#)
To: [Wayne Bergman](#); [Julie Araskog](#); [Margaret Zeidman](#); [Kirk Blouin](#); [Lew Crampton](#); [Paul Castro](#); [Danielle Hickox Moore](#); [Bobbie Lindsay](#); [John \(Skip\) C. Randolph](#); [Gail Coniglio](#); [Kelly Churney](#); [Jay Boodheshwar](#)
Subject: ARCOM and Demolitions and a Vegetation Height rule
Date: Monday, October 12, 2020 12:45:19 PM

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Honorable Council, Town Attorney, Mayor and Staff:

Wayne Bergman and Town Staff worked hard on the new Historic Conservation Ordinance approved just three months ago. It was a nice balance. *Preservationists* were pleased at the historic designation of the older homes in town.

For *owners* who actually foot the bill for preservation, there was a “release valve” in the ordinance **which should remain**, that was promised to owners. Barely 3 months later some are unhappy about rare situations where it is illogical to restore a home, or financially *impractical*. The ability to have the rare demolition was left in the ordinance to protect a life’s financial investment. Nobody takes demolishing an older home lightly. But as the reality of climate change and hurricanes get worse, yes some homes will need to be *completely* rebuilt as fortified or elevated, and designed to look like they *really* belong with the surrounding homes. This procedure has really worked out fine, and so it **was** upheld **three times**.

This week 3 items before council are all related to this, and to one another:

1. October 13, consideration of a simple rule that would assure protection of old (1920’s) lot line structures from vegetation that helps iguanas and their feces to roofs of neighbors’ homes; a simple rule that would also *preserve* the many Town historic lot line structures from dampness, wood rot, etc. This rule would make it possible and practical to continue to preserve an older home.
2. October 14, ARCOM’s concern that they have less authority to deny demolition. It should be noted that ARCOM regularly approves plans described in number 1 above. ARCOM and LPC both regularly approve massive vegetation at neighboring older 1920’s lot line homes and structures, making it difficult or impossible for those neighbors to *preserve* their older homes. These *neighboring* structures threatened by tall huge plants are almost always historic (or Landmarked).
3. October 14, sort of a test case: whether our neighbor (131 Seaview) can place tall massive trees just at our **lot line** structure (128 Seaspray, built 1925) with the real

threat of returning iguanas and a mass amount of feces to the roof, possibly making our house obsolete, not liveable, and thus not practical to preserve.

In the case of our home now for sale, of the dozen or so prospective buyers in the past year, all wanted to save the home. These buyers had proposed (for description simplicity) a range from 20% on up to 60% improvement. None wanted to totally demolish. So our house was not going anywhere, **as long as the town would allow us to protect it.**

What *preservation* minded buyers have been most interested in at our house, is its garage apartment structure sitting just at our rear property line. Grandfathered with its unique large apartment, and extreme soffits just at the very edge of the lot, it provides open space for a great look from the street (see pic below).

But if 131 Seaview behind us were to have 35 feet of huge trees and hedges carrying massive iguana feces to the roof, who would want to buy or live in this home? Preservation minded buyers would have second thoughts. Should they demolish the entire home, and rebuild away from lot lines?

Iguanas are not the only issue, there is also concern of 131 Seaview's tall ever growing trees possibly smashing against this interesting 1920's building and its soffits during storms, and carrying bugs and termites. Buyers may argue to the town that this home and its grand soffits are too close to the lot line, and thus the entire house should not be saved.

We as sellers (Martha a Florida RE Broker, Steve a lawyer) are obligated to reveal to buyers about the problems of the 131 Seaview tree plans and its potential impact.

ARCOM's approval of mass trees at our structure cannot be blamed totally on ARCOM. The issues were not revealed at the ARCOM 131 Seaview meeting by the landscape planner (listen to the Town ARCOM meeting, 131 Seaview online). Nobody pointed out at the 131 Seaview ARCOM hearing, the extreme proximity of our soffits just at the property line, just where planned giant trees and hedges are to be. Nor did ARCOM ask about it.

If the simple Town code was passed as described in number 1 above, it would cause ARCOM to ask additional questions: *how close is that neighbor's structure or soffits to the applicant's proposed tall trees? Have you spoken to the neighbor about this?*

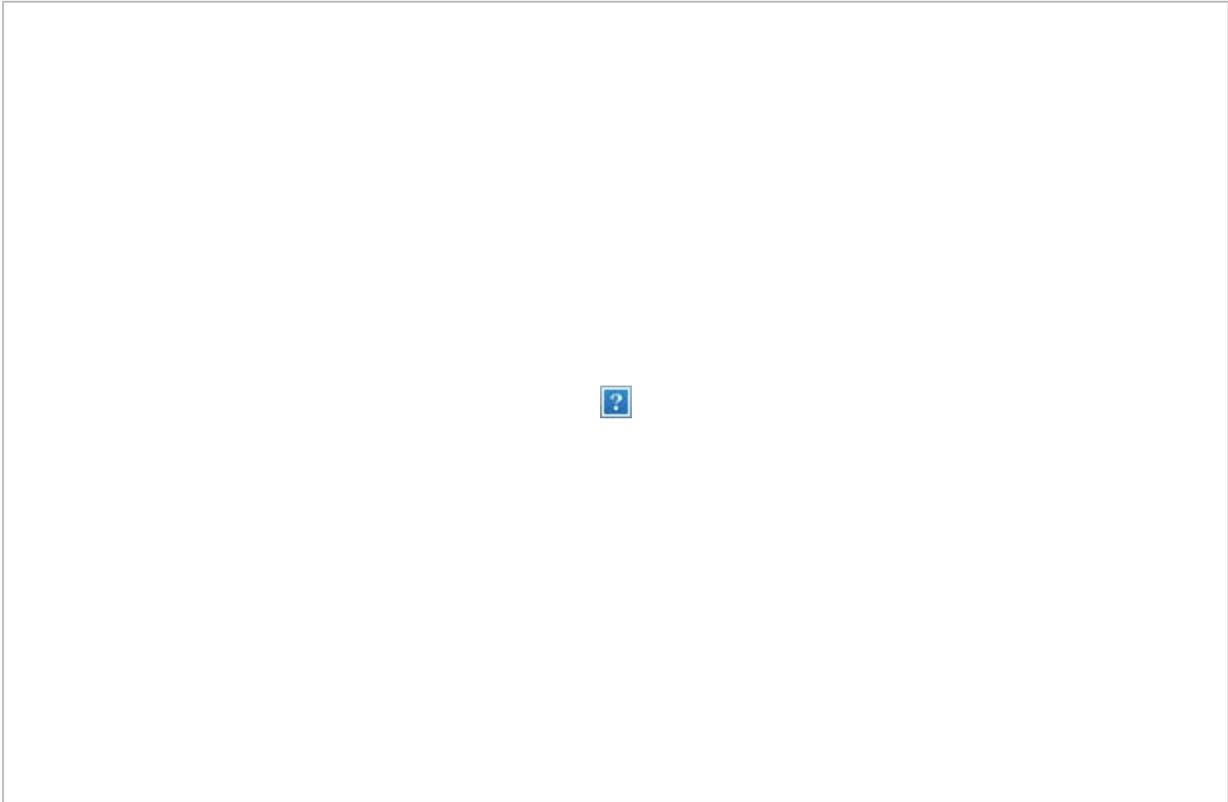
Respectfully, your neighbors,
Martha and Steven Jeffrey Greenwald

K Churney or Council Clerk: Please re-copy Council, Mayor and all concerned, and please place a copy in backup for **both** "*Arcom's request to consider demolitions*" on **October 14** (at IX "C") and also the **October 13** (at X "C") "*Consideration for ORS Study of*

Vegetation Height Limitations.” Thank you.

Attachments: Photo **below** of 128 Seaspray, showing the nice garage apartment setback that brightens up the entire Ocean block. That interesting garage apartment building is now at risk from the 131 Seaview landscape huge tree and hedge plans to be at its soffits. In the link below also the **Shiny Sheet article about 128 Seaspray Ave with interesting photos:**

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Shiny Sheet article about 128 Seaspray with interesting photos, click the blue link below:

<https://www.palmbeachdailynews.com/photogallery/LK/20190711/NEWS/711009995/PH/1>

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.