

350 Realty Corp.
PO Box 28, Gedney Station
White Plains, NY 10605

July 13, 2021

Dear Board Members:

I recently became aware of a situation involving one of my tenants located at 350 South County Road, Palm Beach, FL. I received a phone call from an Ian Zwerling, who resides at 214 Chilean Avenue, Palm Beach FL. Mr. Zwerling was concerned there was an odor problem emanating from the trash area that services the tenants at 350 South County Road. Mr. Zwerling indicated he believed the problem was being created by the Buccan Restaurant and asked if there was anything that I could do as the Landlord to correct the problem.

Mr. Zwerling also inquired if I could build a refrigerated area in the parking lot to store the refuse to eliminate the odors, he perceived were objectionable. I advised Mr. Zwerling that I would personally investigate the area of his concern to see if indeed there actually was a problem, and if there was, I would then attempt to alleviate the problem as best I could, by enforcing the terms and conditions of the Buccan Lease regarding refuse removal.

I further advised Mr. Zwerling that I believe in the good neighbor policy within reason and perhaps he should reach out to the restaurant himself and express his concerns and see if they could remedy the situation amongst themselves. If not, I would attempt to intercede if there was a reasonable solution. Mr. Zwerling also stated that he was contesting a petition filed by the restaurant regarding the expansion of their sandwich shop. It was not clear to me if this was a punitive measure against Buccan by Mr. Zwerling or if there was a legitimate issue with the sandwich shop on Australian Avenue.

I did personally visit the area of concern indicated by Mr. Zwerling. I did not find any objectionable odors on the two occasions that I visited the site. I also did not find any refuse, trash or grease of any kind on the ground or in the area that could be attributed to the restaurant. In fact, I have had over 75 restaurants in my portfolio, and I wish my other restaurant tenants would exhibit control over their trash areas as it is being handled at 350 South County Road. While there was no present indication of an ongoing problem, I have found in other instances that trash carting vehicles do contribute to odor problems. On occasion liquid drips from garbage trucks onto the

ground and roadways, which can be the culprit in causing objectionable odors, but unfortunately common in the industry.

I spoke to Mr. Zwerling after my inspection and advised him of my findings and observations. I also placed a call to the tenant to advise him of the situation and Mr. Zwerling's complaint, which he stated to me, that he was already aware of same. The tenant, Mr. Slatery, stated to me he was attempting to accommodate some of Mr. Zwerling's other requests (i.e.: screening, moving of a grease container, etc.), which I believe the town has already granted permission.

I did not find anything objectionable or out of order at the area in question. I wish the Town of Palm Beach to know, as a Landlord, it is in my best interest to keep the property in a clean and sanitary condition. If there ever was an issue it would be the tenant's obligation to correct same at its sole cost and expense.

I find no concernable issues currently. I believe the restaurant and the principals of same are and have been an asset to the Palm Beach community and constantly work hard to be good neighbors. The restaurant is in a commercial zone and with such designation does come certain differences as in residential locations (i.e.: dumpsters, traffic, noise, deliveries, commercial uses etc.) I would hope the Town of Palm Beach would recognize the separate issues between the Chilean Avenue matter and the Australian Avenue matter as separate and distinct.

As previously stated, I do not find a problem with the restaurant tenant located at 350 South County Road and do not believe any action is warranted on behalf of the Landlord or Town of Palm Beach at this time. I hope that the Town will grant the requested permission pursuant to the pending application.

Respectfully Submitted,



Steven Handelsman

President, 350 Realty Corp.

SH/dd

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