

March 3, 2022,

To:

The Members of the Town Council of the Town of Palm Beach

The Members of the Architectural Review Commission of the Town of Palm Beach

RE: Zoning Case Number ZON – 22-024
1540 S. Ocean Boulevard/Ocean View Road

From the Residents of Ocean View Road

127 Ocean View Road: John and Heidi Niblack

128 Ocean View Road/11 Lagomar Road: Jennifer and Stephen Dattels

122 Ocean View Road: John J. Tatooles and Victor Moore

114 Ocean View Road: Edith Cary

Dear Members of the Town Council and Architectural Review Commission:

The following is in response to the Dailey Janssen Architects letter dated March 3, 2022. We were very dismayed at the response, its condescending tone, and we continue to vehemently oppose this project.

1. Unless the owners of the subject parcel are granting permanent rights to access this new tunnel to everyone on the block, the tunnel only benefits the ultimate owner of the spec house. No residents are being protected. There is no hardship required for a variance. Almost all of the owners of major homes from Widner's Curve to Sloan's Curve walk across the street to their private beach parcels. There is no community benefit, only a private benefit to a developer. In fact, current residents are being put at a disadvantage.
2. The variances with respect to the beach parcel have a material negative impact on Mrs. Cary's beach parcel. The proposed tunnel will be 1 foot away from her beach parcel lot line. There will be a new concrete wall that will house the tunnel 1 foot from her lot line that did not exist. In addition, construction workers will definitely be on her property during the construction.
3. The construction vibration and noise issues are material. When the tunnel at 1520 S. Ocean was constructed, which is further way from our homes and on a much larger beach

parcel, the pounding and vibration was insufferable for weeks on end. The vibration specifications do not take into account the negative impact on the neighbouring properties. They also do not take into account the damage that occurs to adjacent properties when walls and counter tops crack, pictures fall off walls, roofs separate, etc. Frankly, we were not informed enough at that time to object, and mistakenly believed the construction would not occur at night or have a negative impact to our properties. The community risk is heightened with this type of construction on the ocean during hurricane season.

4. 24-hour construction will have a material and detrimental impact to the neighbours on our block and the other adjacent homes. Several of us live here year round (despite the misstatements on the Janssen letter). One cannot live in their adjacent homes with the proposed 24-hour construction due to the pounding, noise, and vibration that occurs during this construction, let alone the limited access to our streets and trucks using all parking and blocking our small dead end street. We are effectively evicted from our homes during that period.

Are the owner, developer and contractor going to indemnify all of us from the damage to our properties and inconvenience that will occur during construction? We are going to hold them fully accountable.

Respectfully submitted.

Edith F. Cary

Jennifer Dattels

Stephen Dattels

Victor Moore

Heidi Niblack

John Niblack

John J. Tatoes