

April 4, 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 (“Property”)**

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. Tatoes and Victor Moore

114 Ocean View Road: Edith F. Cary

Dear Members of the Town Council and Architectural Review Commission:

We had an opportunity to meet with Steven Kirsch who is one of the principals of the owner of the Property and Josh McAlees a principal of Seagate Capital Construction, which is acting as general contractor for the project. We believe it was a productive meeting. We have agreed to waive our objections to the proposed tunnel and variance based on the following representations and warranties from Mr. Kirsch and Mr. McAlees:

1. The tunnel would be constructed using the hydraulic “Giken” system. We were told this is a “state of the art” vibration and noise free construction method for installing the pilings and there would not be any vibration or noise impact to any of our properties.
2. The Property owner would be responsible for any damage occurring to our homes or property as a result of the construction of the tunnel.
3. There is no need for 24-hour construction by using the Giken system. Additionally, if for some reason after hours construction were required for a maximum of a 2-week period, there would be quiet hours between 10:00 PM and 6:00 AM.
4. The variance request related to the ocean side parcel would be reduced such that there would be a minimum of 30” between Mrs. Cary’s ocean front parcel property line and the side of the new tunnel. The original variance request was that the tunnel be 12” from Mrs. Cary’s property line. Additionally, there would be more screening added so that the tunnel was not visible.

5. The construction workers vehicles would be kept off site (and off street) and that there would be after hour security provided to protect the neighbors and street during tunnel construction.

If the minimum representations per the above are required by the Town Council to move forward with the tunnel project, we waive our prior objection.

Respectfully submitted.

Edith Cary

Jennifer Dattels

Stephen Dattels

Victor Moore

Heidi Niblack

John Niblack

John J. Tatooles