

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 129-2016

To: Mayor Martin Packer and Members of the Village Council  
From: Jorge M. Gonzalez, Village Manager   
Date: July 1, 2016  
Subject: Letter from Tony Imbesi Regarding Plat Waiver

The purpose of this Letter to the Council (LTC) is to transmit a letter I received from Tony Imbesi, regarding the application for a plat waiver that was on the June 2016 Council Meeting.

As you will recall, when the item was under consideration at your June 2016 meeting and after an appropriate quasi-judicial public hearing was held, a set of proposed conditions to the application was being considered and discussed. Ultimately, a consensus was not reached on these conditions and a motion to deny the application was passed.

Subsequent to the meeting, the applicant has submitted the attached letter, apparently in an effort to better explain their concerns over the conditions which were being discussed and potentially to offer an alternative set of conditions. It appears the applicant is interested in pursuing efforts towards a compromise on the conditions if it can be reached.

You should note, however, that at this time, there is no application under consideration. I am providing the attached letter for your review and information. Should you wish to discuss this matter with me further, please contact me directly. Should you wish to discuss this matter with other Council members, the appropriate step would be to instruct the Administration to place this letter on a Council Meeting agenda for discussion. Please advise if this is something you wish to do.

Please feel free to contact me if you need further information.

JMG

Dear Jorge,

I am writing you in an attempt to clear the air from the last town council meeting in regards to the waiver of plat resolution. I would like to keep you informed of our direction with the hopes of alternatively finding a path forward that is favorable to both the city and my family.

It seemed to me that the waiver of plat was going to be passed if we were willing to accept the additional conditions Councilman Groisman wanted to impose. Unfortunately two of the conditions are unacceptable to us, we feel he was overreaching.

1. The condition where the council would have to approve each of the site plans for the single family homes to be built is not necessary as it is not necessary for any other single family homes in the community. I believe Councilman Groisman was confusing the code of private recreational facilities with single family homes when he proposed this. In the zoning code it does say that "The development of any new Private Recreation Facility or alteration, addition or modification to an existing Private Recreation Facility may only be permitted in accordance with a site plan (including a landscaping plan) approved by the Village Council after a public hearing" The site plan approval only pertains to private recreational facilities in the PC district, not single family homes. We have no problem with following the typical process for having a home design approved by the Architectural Review Board and we request that we are treated just as all other single family homes are treated during the approval process.
2. The condition that Councilman Groisman wanted to impose that prevents us from putting an easement to the docks behind parcel 3 is also overreaching and we are not willing to accept this. That easement will be there to allow those docks to be accessed by the members of the Bal Harbour Yacht Club and it is not up to the council to decide what easements we give on our own property. The eventual buyer of parcel 3 will negotiate with us as to what docks he is to receive with his purchase but we must be able to have that easement there to enable us to negotiate and to have the option to keep those docks connected to the Bal Harbour Yacht Club if we so desire. Please bear in mind that although we are requesting an easement, that lots property line goes directly to the seawall for the entire width of the lot.
3. We do not have a problem with the additional analysis of Green Space in Bal Harbour as we know there is a large surplus and any fair analysis will find there is a surplus. However, it is most interesting and unusual that this council chose to embarrass and disrespect the professional report of their own city planner who has served Bal Harbour for many many years without a blemish on his record. Incidentally, I am sure the courts will find this interesting as well.
4. We do not have a problem granting a restrictive covenant guaranteeing we will not build residences on the east side of the marina and we will not compromise the character of the marina by filling in any part of it.

The conditions we are willing to accept benefit Bal Harbour in a positive way and we can live with them. As a matter of fact, everybody knows very well it was my father who proposed this accommodation. No one in our organization has ever planned to fill in the marina or move our seawall. Everything my family has done in Bal Harbour has benefitted and improved Bal Harbour. We now want to develop our land in

a way that is good for us and good for the city. Giving a restrictive covenant preventing building residences on the east side of the marina and a guarantee that the marina will never be filled in are huge concessions that we are willing to make to better the city. I hope you will evaluate the situation Jorge and advise the council it would be wise to have a re-vote at the July council meeting taking this letter into consideration. If the issue is brought forward again in July and passed with only the additional conditions of the greenspace analysis (#3) and the restrictive covenant (#4) we will dismiss the legal action that is now in progress.

Regards,  
Tony Imbesi

A handwritten signature in blue ink that reads "Tony Imbesi". The signature is written in a cursive style with a long, sweeping horizontal line above the first name.