



CYPRESS CREEK PROPERTY OWNERS' ASSOCIATION

c/o AKAM Management

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May 22, 2025

The Agency Clerk of the Department
Office of the General Counsel
3900 Commonwealth Boulevard; Mail Station 35
Tallahassee, Florida 32399-3000

Re: Requested Extension of Time to File a Petition for Brownfield Site ID # BF502501001 pursuant to Rule 62-110.106(4), F.A.C

The Cypress Creek Property Owners' Association (CCPOA) Board of Directors requests an extension of the deadline to file a petition for an administrative hearing pertaining to Brownfield Site ID # BF502501001. We believe that Toll Brothers and its representatives may have acted in bad faith through insufficient outreach to the CCPOA Board and failing to ensure that those most-impacted and concerned property owners were represented on the Community Advisory Committee mandated as part of the Brownfield process.

In an October 18, 2024, email to Toll's legal representative Michael Goldstein, the CCPOA Board asked that the committee have a balance of property owners on the committee and to include those who will be most impacted by the Brownfield site. Mr. Goldstein replied, "We agree with your point. It is imperative to have a balance of members that reflect the diverse concerns throughout the community. We'll start outreach for advisory committee members after the first designation hearing."

Not only did that promised outreach not occur, but the Board first learned about the final listing of committee members as well as the opportunity to request a hearing after independently reviewing FDEP files this week, including the Brownfield Agreement executed on May 5, 2025. This so-called "Community" Advisory Committee named in that document is composed solely of Toll's public supporters—none of whom live adjacent to the affected Brownfield area as shown in **Exhibit A**. These individuals, who also have a close personal relationship with the owners of the golf course, do not represent the CCPOA Board or the concerns of the 160 homeowners living directly next to the Brownfield site. There is no doubt that Toll knows the committee doesn't honor the intended purpose of the statutorily required advisory committee. The apparent lack of concern for having fair and balanced community representation is disappointing.

It should be noted that we write this letter on the heels of discovering Toll-sanctioned contractors drilling and placing a contamination monitoring well in the middle of one of our CCPOA-owned private roads, without notifying the Board and without the legal authority to do so per our governing documents.

If Toll Brothers doesn't do what's right on even the simplest things – like establishing a balanced advisory committee or notifying the CCPOA about testing on our private roads – why should we expect them to do what's right on the things that have more consequential outcomes – like protecting Cypress Creek families from dangerous toxins during remediation and after? The developer says publicly that it will be transparent and work closely with Cypress Creek. Their actions behind the scenes often do not reflect this.

Therefore, the CCPOA Board of Directors, hereby requests immediate placement of three Board-appointed representatives on the Brownfield Advisory committee. We also request an extension of the deadline to consider the opportunity to petition for a Brownfield Site administrative hearing pursuant to Rule 62-110.106(4), F.A.C.

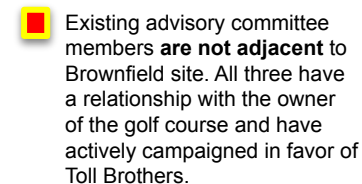
We appreciate your time and consideration of this important matter to our community.

Sincerely,

Julie Nicholas
CCPOA Board Secretary
secretary@cypresscreekpoa.org
Homeowner: 4275 Fox Trace

cc:

Michael R. Goldstein, Esq., Toll Brothers' Attorney
Scott E. Backman, Toll Brothers' Attorney
Lindsay Hillstrom Parsons, Toll Brothers
Palm Beach County Board of County Commissioners
Robert B. Burr, Esq., Attorney for the Association



CCPOA Board Members are directly adjacent to the Brownfield site and have advocated for protecting Cypress Creek from toxins. No Board members or other concerned parties are on the committee.

There are more than 160 golf course facing / Brownfield adjacent homes. None are represented by the committee members.

In an email with Toll representatives in October 2024, the CCPOA Board requested that the committee include community members who live on the golf course, as they will be most impacted. Yet, no such effort was made by Toll to ensure a fair balance of representatives.