



**CYPRESS CREEK PROPERTY OWNERS' ASSOCIATION**

c/o AKAM Management

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Aaron Hallyburton, President  
Cameron Hoffman, Vice President  
Julie Nicholas, Secretary  
Don Neubaum, Treasurer

Jennifer Epstein, Director  
Thomas Gulla, Director  
Christine Chavers, Director

**June 26, 2025**

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

**Re: Petition for administrative hearing pertaining to Brownfield Site ID #  
BF502501001 (PRFBSR Toll Brothers, Inc.)**

The Cypress Creek Property Owners' Association respectfully submits the following petition for consideration by the Office of the General Counsel and the Florida Department of Environmental Protection. This petition contains the requested information pursuant to §120.569(2), F.S., and Rule 28-106.201, F.A.C.

***1. The name, address, any email address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the PRFBSR's name and address; the Department's Brownfield Area and Brownfield Site Identification Numbers; and the name and address of the Brownfield Site; the name and address of each agency affected:***

**Petitioners:**

**Cypress Creek Property Owners'  
Association (CCPOA)**  
c/o AKAM Management  
12765 Forest Hill Blvd., Ste. 1320  
Wellington, Florida 33414  
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**Aaron Hallyburton, CCPOA President**  
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*Petitioners continued ...*

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**Julie Nicholas, CCPOA Secretary**

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**Christine Chavers, CCPOA Director**

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**Petitioner's representative:**

**Robert B. Burr, Esq.**

Rossin & Burr, PLLC  
1665 Palm Beach Lakes Blvd, Suite 101  
West Palm Beach, FL 33401  
rbb@rossinburrllaw.com  
561-655-8994

*Please note: Burr advises the CCPOA on general POA matters and did not assist in the preparation of these materials.*

**PRFBSR:**

**Lindsay Parsons**

Toll Brothers, Inc.  
951 Broken Sound Parkway NW  
Suite 180, Boca Raton, FL 334487  
lparsons@tollbrothers.com  
561-999-1877

**Michael R. Goldstein, Esq.**

Goldstein Environmental Law Firm, P.A.  
2100 Ponce de Leon Boulevard, Suite 710  
Coral Gables, FL 33134  
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305-777-1682

**Brownfield Site Id #BF502501001**

Former Cypress Creek Golf Course  
9302 and 9400 South Military Trail  
Palm Beach County, FL 33436  
FDEP Site ID Number: ERIC\_10930

**Affected agencies include:**

**State of Florida Department of  
Environmental Protection**  
3900 Commonwealth Blvd, MS 659  
Tallahassee, FL 32399-3000  
850-245-2010

**Board of County Commissioners  
Palm Beach County (PBC BCC)**  
301 N. Olive Avenue  
West Palm Beach, FL 33401  
561-355-2202

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***2. A statement of when and how each petitioner received notice of the Department's action or proposed action:***

Petitioners did not receive notice of the Brownfield Site Rehabilitation Agreement (BSRA) that was posted on the Florida Department of Environmental Protection website May 5, 2025.

***3. An explanation of how each petitioner's substantial interests will be affected by the Department's action or proposed action:***

Petitioners are homeowners and Board members of the Cypress Creek Property Owners' Association (CCPOA), which represents the interests of more than 400 property owners within the Cypress Creek neighborhood. This 60-year-old community borders the PRFBSR's proposed redevelopment project and Brownfield site on three sides, with several residential streets and homes extending deep into the proposed area. As it stands today, approval of the Brownfield Site Rehabilitation Agreement (BSRA) with Toll Brothers threatens the substantial financial, legal, and property interests of Petitioners in several direct and material ways:

- **Devaluation of property:** If contamination is discovered within Cypress Creek, property owners would be legally obligated to disclose this information to future buyers. This disclosure, required under Florida law, may lead to a substantial decrease in property values, and there is no financial protection in the BSRA to shield residents from this economic harm.
- **Legal and regulatory risk:** The BSRA provides no recourse or indemnification for Cypress Creek if testing reveals contamination, but Toll Brothers claims it stems from historical agricultural use. In such a case, no remediation would occur, leaving Cypress Creek with a contaminant burden that was not previously documented – and cannot be undone or ignored.
- **Irreversible damage to deed restrictions:** The discovery of contamination, whether remediated or not, may trigger deed restriction or limits on the allowable use of personal properties within Cypress Creek. There is no assurance in the BSRA that such restrictions will be preserved or compensated.

- **Asymmetrical risk:** Toll Brothers is granted substantial financial and legal protections under the BSRA, including eligibility for tax credits and liability relief, while Cypress Creek faces long-term costs and reputational damage without compensation or safeguards.
- **Quality of life impacts:** Cypress Creek will be directly harmed by years of environmental cleanup and construction. This will not only disrupt residents' quality of life during this time period, but it could also make it harder to sell homes – or force people to sell at a loss. Just being next to a designated Brownfield site brings a stigma and uncertainty that can drive down property values and affect long-term livability, even if contamination isn't physically on our lots.
- **Health and safety impacts:** While standard remediation protocols may be outlined in publicly available documents, critical details appear to be missing—particularly those relevant to the adjacent Cypress Creek neighborhood. These include how and when the PRFBSR will clear the land, where contaminated soil stockpiles will be stored, and – most importantly – how the developer will prevent toxic runoff into Cypress Creek during remediation. According to South Florida Water Management District permitting, Cypress Creek's drainage system is intrinsically linked to the Brownfield property, with the PRFBSR site serving as the neighborhood's primary drainage basin. Remediation and drainage work must therefore be carefully coordinated to prevent stormwater from flowing into Cypress Creek's neighboring properties during site work.

It should be noted that the targeted property is not – and never was – a vacant industrial site with no viable use beyond cleanup and redevelopment. Rather, it was an active golf course until the owners chose to cease operations and sell to the highest bidder, foregoing the opportunity to preserve it as purposeful green space.

#### ***4. A statement of the disputed issues of material fact:***

Petitioners believe that several issues of material fact are in dispute, including:

- The BSRA does not ensure that offsite contamination – if originating from the former golf course or from the historical agricultural use of the property – will be fully remediated.
- Neither the Department nor Toll Brothers have established a transparent and objective method for determining if discovered contamination is from golf course use or historical agriculture. There is no published decision matrix, standard or independent review process.
- Toll Brothers has not complied with the intent of BSRA's requirement to form an advisory committee and engage adjacent property owners, including Petitioners, in accordance with §376.80(4), F.S. As previously reported to the Department, Toll Brothers appointed a four-person committee with only three individuals residing in Cypress Creek. Those individuals do not live in homes abutting the Brownfield site

and are universally known as strong supporters of Toll Brothers, representing only a small and unbalanced segment of the broader community. In its May 30, 2025, response to Cypress Creek's request for an extension, Toll Brothers asserted that it has no legal obligation to appoint a committee with balanced representation. We believe this position is disingenuous and undermines both the spirit and intent of the statutory requirement for meaningful public participation.

Also, it should be noted that the CCPOA Board members would have been the already-established entity provided for in the statute, with the most direct ability to share information with residents and/or represent the entire community, including those most impacted by this designation. The applicant bypassed this option in favor of its supporters.

- The Department hasn't conducted an adequate review of the economic burden imposed on adjacent communities like Cypress Creek, which may bear long-term property damage without relief. The lack of enforceable protections for adjacent properties create a cloud over the community with potentially lasting financial, environmental, and quality-of-life consequences.
- The PRFBSR has not provided sufficient evidence that it will prevent toxin-laced stormwater from running off or backing up into Cypress Creek properties. The neighborhood's drainage system is directly linked to the golf course property as these two parcels were originally designed to be one entity.

#### ***5. A concise statement of the ultimate facts alleged:***

Petitioners allege the following:

- The BSRA fails to protect adjacent property owners from financial harm caused by the discovery of contamination on POA-owned property that is not remediated.
- The agreement creates an unbalanced framework where Toll Brothers enjoys protections, tax benefits, and liability waivers, while Cypress Creek could be left with documented contamination, disclosure obligations, and no cleanup.
- The BSRA lacks any language guaranteeing relief, compensation, or assistance to neighboring communities who suffer economic loss, reduced marketability, or use limitations due to the project's environmental impacts.
- The agreement does not clearly define the process for determining the source of any offsite contamination, which leaves Cypress Creek exposed to subjective, non-reviewable decisions made solely by the PRFBSR (Toll Brothers) and/or FDEP.

#### ***6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes:***

Petitioners assert that the BSRA, as approved, violates or undermines:

- §376.80(4), F.S. – Requires the establishment of a local advisory committee to ensure affected stakeholders have meaningful participation. No such process has included Cypress Creek as of the execution of this agreement.
- §376.81(1), F.S. – Establishes cleanup criteria intended to protect public health and the environment. By failing to ensure remediation of offsite contamination or define how the source of contamination will be fairly determined, the Department has failed to uphold this statutory duty.
- Rule 62-780.220, F.A.C. – Requires notice of offsite contamination. However, the Department has authorized an agreement that may lead to contamination being identified on Cypress Creek property without a plan or resources for corrective action.
- §120.569 and §120.57, F.S. – Guarantee due process for parties whose substantial interests are affected. Cypress Creek faces substantial and disproportionate risk without opportunity for a fair hearing or review process regarding classification of contamination or relief mechanisms.

***7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action:***

Petitioners respectfully request the Department take the following actions:

- Suspend the effectiveness of the BSRA pending a formal hearing and revision process.
- Amend the BSRA to include:
  - A binding process for objectively determining the source of any offsite contamination, involving third-party review or independent scientific analysis.
  - Financial protections for Cypress Creek, including:
    - A bond or other mechanism for safeguarding Cypress Creeks' property owners against potential financial losses, including cost reimbursement for any impact to private properties, common areas and infrastructure;
    - Compensation or mitigation measures for decreased property values;
    - Full indemnification for the CCPOA if the presence of contamination leads to conflict with deed restrictions or disclosure obligations.
  - Clear standards for Toll Brothers' obligation to remediate any contamination found on or offsite, unless definitively shown by independent evidence to be unrelated.
  - Robust provisions to address the intrinsically linked drainage between Cypress Creek and the proposed Brownfield site as well as protections to avoid dangerous runoff into the neighboring residential community.

- Require Toll Brothers to establish and engage an Advisory Committee that includes CCPOA members and residents that live abutting the golf course before any field activities are permitted.

On behalf of the CCPOA Board of Directors and 400+ Cypress Creek property owners, we appreciate your time and consideration of this important matter to our community.

Sincerely,

Julie Nicholas  
Board Secretary and property owner  
Cypress Creek Property Owners'  
Association

cc:

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