



## TOWN OF HIGHLAND BEACH PLANNING BOARD REGULAR MEETING MINUTES

Town Hall / Commission Chambers  
3614 South Ocean Boulevard  
Highland Beach, Florida 33487

Date: March 11, 2021  
Time: 9:30 AM

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### 1. CALL TO ORDER

Chairperson Axelrod called the meeting to order at 9:30 A.M.

### 2. PRESENT UPON ROLL CALL

Member Roger Brown (virtually)  
Member Ilyne Mendelson (virtually)  
Member Brian DeMoss  
Member Harry Adwar  
Vice Chairperson Eric Goldenberg  
Chairperson David Axelrod  
Town Attorney Leonard Rubin (virtually)  
Deputy Town Clerk Beverly Wright

### ADDITIONAL STAFF PRESENT

Town Planner Ingrid Allen

### 3. PLEDGE OF ALLEGIANCE

The Board members led the Pledge of Allegiance.

### 4. APPROVAL OF THE AGENDA

Chairperson Axelrod asked if there were any additions or deletions to the agenda? Hearing none, he called for a motion to accept the agenda as presented, which resulted as follows:

**MOTION:** Adwar/ Goldenberg - Moved to accept the agenda.

**The motion passed on a 6 to 0 vote**

**5. SWEARING IN OF THE PUBLIC**

Chairperson Axelrod asked those giving testimony to stand, so they can be sworn in. Deputy Town Clerk Beverly Wright swore in those giving testimonies.

**6. PUBLIC COMMENT** *(limited to five (5) minutes per speaker)*

There were no public comments for this item.

**7. APPROVAL OF MINUTES**

A. February 11, 2021

Chairperson Axelrod asked the Board members if there were any corrections to the minutes of February 11, 2021? Hearing none, he asked for a motion to approve the minutes, which resulted as follows:

**MOTION:** Goldenberg/Adwar - Moved to approve the February 11, 2021 Minutes as presented.

**The motion passed on a 6 to 0 vote**

**8. UNFINISHED BUSINESS:**

A. None.

**9. NEW BUSINESS:**

A. Development Order Application No. 20-0012/Michael & Judith Rothberg

Application by B&M Marine Construction, Inc. for a Special Exception approval to install a four (4) post 24,000-pound capacity boat lift, a 7,000-pound capacity personal watercraft boat lift, and two (2) mooring pile clusters for the property located at 3833 South Ocean Boulevard.

Chairperson Axelrod read Item 9A into record and asked the Board members if they had any Ex Parte communications to disclose? There were none, so he opened the public hearing and called for Town Planner Allen to present her recommendations regarding the application.

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs of the site plans, of the parcel, of the lifts and of the pilings. She advised that the Town Commission had given approval of a Unity of Title on October 3, 2019, about the applicant's approval from Florida Department of Environmental Protection (FDEP) and the U.S. Army Corp of Engineers. According to town records, there were dock permits that were approved in 1998 and in 2001; therefore, a Special Exception

approval is not required for the dock replacement because it is within the same footprint configuration and dimensions of the previously permitted dock. The applicant's request is consistent with the town code Special Exception criteria, where applicable, and includes consistency with the town's Comprehensive Plan and the Code of Ordinances.

Town Planner Allen advised that typically, the Planning Board would have final authority on Accessory Marine Facilities approval; however, given that the lot is non-contiguous and divided by street (state road A1A), the town code reads that the Town Commission is the final authority. Therefore, the Board will be providing an advisory recommendation to the Town Commission. Additionally, staff is recommending approval of the Special Exception request subject to the following conditions: Final approval by the Town Commission; prior to initiation of construction, the applicant will be required to obtain a building permit from the Town of Highland Beach's Building Department and pursuant to section 30-21(g) Commencement of Construction shall be initiated within two years following the date of approval by the Town Commission; and completion of all conditions and conditions of approval shall occur within two years following the date of approval by the Town Commission.

Chairperson Axelrod asked the Board members if they had any questions of Town Planner Allen?

Discussion among the Board members, Town Planner Allen and Town Attorney Rubin occurred regarding the following:

Consistency of maximum height for pilings; staff working with Vice Mayor Babij and the town's Marine Consultant ATM in looking at the existing Accessory Marine Facility provisions in the code; the board eventually seeing it; it going to the Town Commission for final approval on amending it; and the forthcoming recommendations about it, with no definitive date.

Conversation about the location and direction of the boat, which was determined to be the east/west on the north side of the dock.

The recommendation and criteria of a Special Exception, where applicable, and the past controversy of the property when the Unity of Title was negotiated; the town not being happy with the fact that the property was being split from the other property; the boat dock staying; the litigation of it all; a negotiated settlement; the stay of the Unity of Title, and a comment made about given the history, is it something the Board wanted to go forward with.

A comment was made regarding the Planning Board never approving pilings of more than 4-feet and in the past, have denied pilings of 6, 7 and 8 feet. Town Attorney Rubin was asked if the approval of the application would put the town in a situation because of what is happening in the courts at present (referencing a different development application). Town Attorney Rubin with validation from Town Planner Allen advised that approval of boat lift pilings greater than 4-feet had been granted. Each one needs to be considered

based on the facts and circumstances applicable to the particular property and that no, it does not put the town in a situation. It has no presidential value.

It was mentioned that everyone within 500 feet of the location, per code, was sent public notices and that there had not been any emails or phone calls received regarding the request.

Chairperson Axelrod asked the board if they had any other questions of Town Planner Allen? Hearing none, he asked Mr. Michael Rothberg to present his presentation.

Mr. Michael Rothberg of 3833 South Ocean Boulevard gave a statement regarding the purpose of replacing the dock and advised that a large vessel would not be moored at the location. He said the location is a wake zone.

There was dialogue among the Board members and Mr. Rothberg regarding a 21 or 27-foot runabout, and about some of Mr. Rothberg's neighbors being concerned that larger vessels were going to be coming up and moored at the location even on a temporary basis, and about plans to build on or to sell the property (for complete audio, please visit [www.highlandbeach.us](http://www.highlandbeach.us)).

Chairperson Axelrod asked if there were any other questions from the Board. Hearing none, he closed the public hearing and asked for a motion to approve, a motion to approve with conditions or a motion to deny the request.

**MOTION:** Goldenberg/Adwar – Move to approve subject to staff's conditions and the additional condition regarding the prohibiting of a large boat being moored.

**Upon roll call, the motion passed on a 6 to 0 vote**

**10. ANNOUNCEMENTS:**

March 11, 2021 - 12:00 P.M. Town Commission Special Meeting/Swearing-In Ceremony of Newly Elected Officials

March 16, 2021 - 1:30 P.M. Town Commission Meeting

March 22, 2021 - 2:00 P.M. Financial Advisory Board Special Meeting

April 06, 2021 - 1:30 P.M. Town Commission Meeting

April 08, 2021 - 9:30 A.M. Planning Board Meeting

11. ADJOURNMENT

Chairperson Axelrod called for a motion to adjourn the meeting at 10:00 A.M.

**MOTION:** Adwar/Goldenberg – To adjourn the meeting.

**The motion passed on a 6 to 0 vote.**

**APPROVED** at the May 13, 2021, Planning Board Regular Meeting



**ATTEST:**

A blue ink signature of David Axelrod, consisting of stylized initials and a surname, written over a horizontal line.

David Axelrod, Chairperson

Transcribed by: Beverly Wright

A blue ink signature of Beverly Wright, written in a cursive style, positioned above a horizontal line.

Beverly Wright  
Deputy Town Clerk

05/13/2021  
Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of the meeting. Verbatim audio/video of this meeting can be found on the town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.