



## TOWN OF HIGHLAND BEACH TOWN PLANNING BOARD REGULAR MEETING MINUTES

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

Date: May 13, 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  
Member Ilyne Mendelson  
Member Brian DeMoss  
Vice Chairperson Eric Goldenberg  
Chairperson David Axelrod  
Town Attorney Leonard Rubin  
Deputy Town Clerk Beverly Wright

### ABSENT

Member Harry Adwar

### ADDITIONAL STAFF PRESENT

Town Planner Ingrid Allen

### 3. PLEDGE OF ALLEGIANCE

The Board members led the Pledge of Allegiance.

### 4. APPROVAL OF THE AGENDA

There were no additions or deletions to the agenda.

### 5. SWEARING IN OF THE PUBLIC

Chairperson Axelrod asked those giving testimony to raise their right hands, so they can be sworn in. Deputy Town Clerk Wright swore in those giving testimony.

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

There were no public comments for this item.

## 7. APPROVAL OF MINUTES

A. March 11, 2021

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

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

**The motion passed on a 5 to 0 vote.**

## 8. UNFINISHED BUSINESS:

A. None.

Although there was no unfinished business listed on the agenda, Chairperson Axelrod announced that Member Harry Adwar had been approved to serve as a Planning Board member for an additional three years. He also asked Town Attorney Rubin for an update on 1006 Grand Court.

Town Attorney Rubin advised that the Board was aware that there was an appeal filed because of their denial of the 7-foot pilings; there was one attorney client session before the Town Commission to discuss a potential settlement and another one scheduled before the next council meeting. If the Town Commission decides to move forward, it will be an agenda item. He commented that he did not want to go into the terms; the terms will be discussed at the Town Commission meeting.

## 9. NEW BUSINESS:

### A. Development Order Application No. 20-0001/Karen & Allan Goldstein

Application No. 20-0001 by William R. Thomas, Unlimited Permit Services Inc., for a Special Exception Approval to install a 17,000-pound capacity boat lift for the property located at 4408 Intracoastal Drive.

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 property, of the existing dock, of the two boat lifts that will remain and of the proposed location of the new 17,000-pound capacity elevator boat lift. She advised that the applicant has approval from the Florida Department of Environmental Protection (FDEP); however, because of a change to the initial approval of a 10,000-pound capacity lift, it required a separate permit or authorization from the US Army Corp of Engineers (USACE). During the development review process, the applicant was made aware of the inconsistency and has since

provided additional correspondence from USACE indicating the change to the boat lift capacity. She advised that the water elevations can be documented on the applicant's self-certification, which is provided after the project is complete. She read 30-68 (g)(6)(2) of the town's Code, Excessive Marine Facilities, into record and advised that the applicant is in compliance with the Code. She gave the definition of a boat lift and stated that the applicant is consistent with the Zoning Code, the special exception criteria, and the town's Comprehensive Plan. She advised that staff is recommending approval based on the standard conditions of approval that prior to initiation of construction, the applicant will be required to obtain a building permit from the town's Building Department and pursuant to section 30-21(g) of the town Code, commencement of construction shall be initiated within two years following the date of approval by the Planning Board. She commented that the applicant and the applicant's agent are in attendance at the meeting for questions.

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

There was discussion among the Board members and Town Planner Allen regarding if the public had been notified, about had there been any objections to the notice and about if there was anything in the Code that mention anything about the minimum or maximum number of boat crafts on a property. Deputy Town Clerk Wright advised that the Town Clerk's Office did not receive any public comments; however, there is a walk-in person to make a public comment. Town Planner Allen commented there is not a maximum number of boat lifts that a person can have on their property.

Chairperson Axelrod asked if the applicant desired to make a presentation?

William Thomas of Unlimited Permit Services advised that there is nothing more he would like to add other than Town Planner Allen is very thorough; they had met all the requirements; they have all their approvals; and he will answer any questions the Board might have.

Chairperson Axelrod asked if there were any questions of the applicant?

For the record, the Board members discussed the vessel's transiting the canal and that the applicant's dolphin piles are much wider than the elevator lift. Town Planner Allen advised that the town Code requires that any mooring facility which includes a boat lift needs to be located in a canal or waterway at least 80-feet in width and that typically she has the applicants provide as part of their plan set, a sheet that show the width of the canal depicting there is a 100-width measurement on the plan.

Chairperson Axelrod asked Mr. Arnold Elkind to come to the podium to give public comment, to provide his name, and the address where he is located and etc.

Mr. Arnold Elkind commented that he lives across the canal and is representing Loretta DeMar. He provided comment about seven town homes, specifically the last two townhouses on the east side. He used a visual illustration to depict the site where Mr. Goldstein's boat lift would be located, which he said obstructs the view to the intercoastal. He also provided comment about a loss of aerial view because of Mr. Goldstein's third story, his two granted jet ski lifts, and of the installing of a 20-foot structure wave wall that

looks like something that came out of Sanford and Son's garage, full of barnacles. He guesses it is stopping his boat from rocking. He said they were never sent proposals. He discussed a walkway built around the intercoastal that comes out into the canal, about seaweed coming in during high tides, and about floating bottles. He shared his remedy for the placements of the jet skis and boats as one that would not impede on people's views and stated how the value of their properties is mainly their view.

The Board members made comments that it is not within the purview of the Board to disagree with something from the past that might or might not have contributed to approval for a person to move something on their own property. There is nothing in the Code that allows the Board to vote on view obstruction. It is the applicant's property and if it meets all the Codes, as the Town Planner has indicated, how could the Board say to move it somewhere else because somebody else wants it moved?

Chairperson Axelrod asked the applicants if they had any other comments?

Mr. Thomas commented that he had been to many meetings in other cities and exactly like what the Board said, you cannot really deny an applicant because of obstructing view; that is not part of the way things are approved or denied.

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:** Mendelson/Brown - Moved to approve Development Order Application No. 21-0001 with standard conditions as presented by Town Planner Ingrid Allen.

**The motion passed on a 5 to 0 vote.**

## **B. Proposed Ordinance - Scrivener's Errors and Obsolete Provisions**

An Ordinance of the Town of Highland Beach, Florida, Amending Chapter 30 "Zoning Code" of the Town Code of Ordinances in order to correct several scrivener's errors and to eliminate obsolete provisions pertaining to public notice and vertical datum; providing for severability and codification; and providing an effective date.

Chairperson Axelrod read Item 9B into record and called for Town Planner Allen to present the Ordinance.

Town Planner Allen provided information about several scrivener's errors within Chapter 30's Zoning Code, as well as some obsolete provisions pertaining to Public Notice and Vertical Data. She advised that the intent of this ordinance is to basically correct the inaccuracies, striving for clarity and efficiency in the Zoning Code. Correction of the overlooked errors are 300 feet to 500 feet that should have been changed on September 19, 2019, the title National Geographic to National Geodetic, some cross-references in the Code that are incorrect, and some renumbering that was not caught.

She referenced a PowerPoint slide of the proposed corrections, strikethrough errors and of outdated information.

Chairperson Axelrod asked if there were any other questions or comments from the Board. Hearing none, he asked for a motion to recommend approval.

**MOTION:** Goldenberg/DeMoss - Moved to approve recommended changes as presented by Town Planner Ingrid Allan.

**The motion passed on a 5 to 0 vote.**

**C. Proposed Ordinance - Regarding the Encroachment of Walkways and other Hard Surfaces**

An Ordinance of the Town of Highland Beach, Florida, Amending Section 30-66 "Other Requirements" of the Town Code of Ordinances to modify certain encroachment setbacks for properties abutting a waterway, canal or lake; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing an effective date.

Town Planner Allen referenced slide No. 8 of a PowerPoint and read Town Code 30-66 (c) (1) into record. She gave an overview of the proposed ordinance, provided information about a public comment made by Mr. Joshua Davidson at the December 01, 2020 and April 20, 2021 Town Commission meetings, suggesting that an exception be made to the provision in Code 30-66(c) (1) (a) to allow hard surfaces to extend to the seawall for properties that are abutting a waterway. In April, direction and a consensus from the Town Commission was to proceed and to provide some sort of ordinance to address the exception. On May 4, 2021, the proposed ordinance went before the Town Commission as an introductory item.

A question was raised about if the property line is the right-of-way line? Town Planner Allen advised that the Code does not define the right-of-way line, it defines the bulk headline. She read a definition into record and gave reference to Plat Book 17 of Palm Beach County records.

The Board members, Town Planner Allen and Building Official Jeff Remas discussed bulkhead lines, seawall cap, the use of porous material, abutting of the waterway, clearing up the language to allow people to access their docks to get to the seawall without having to walk through grass to make things easier and less restrictive, and equality to all.

Town Attorney Rubin commented that he thinks the 4-feet arose in the context of side setbacks, but the difference is when you are on the water, there is nobody immediately adjacent. When you are not on the water, generally there is somebody immediately adjacent, so it is more important to provide the porous buffer for drainage and other reasons.

The purpose of the change in the ordinance was summarized as an example of someone that has a pool and pool deck; the pool deck is a hard surface and that hard surface can continue into the dock as a hard surface, as long as there is proper drainage and exfiltration on the property and the water is not being poured into the waterway.

Chairperson Axelrod ask if there were any other questions or comments and asked for a motion to approve.

**MOTION:** Brown/Mendelson - Moved to approve the changes, as presented by Town Planner Ingrid Allan.

**The motion passed on a 5 to 0 vote.**

**10. ANNOUNCEMENTS:**

May 18, 2021 - 1:30 P.M. Town Commission Meeting

May 25, 2021 - 4:00 P.M. Town Commission Special Meeting

May 26, 2021 - 2:00 P.M. Charter Review Board Meeting

June 01, 2021 - 1:30 P.M. Town Commission Meeting

June 08, 2021 - 2:00 P.M. Code Enforcement Board Meeting

June 10, 2021 - 9:30 A.M. Planning Board Meeting

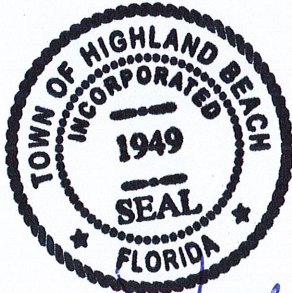
**11. ADJOURNMENT**

Chairperson Axelrod called for a motion to adjourn the meeting at 10:16 A.M.

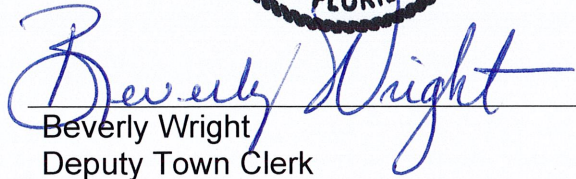
**MOTION:** Goldenberg/DeMoss – To adjourn the meeting.

**The motion passed on a 5 to 0 vote.**

**APPROVED** at the June 10, 2021, Planning Board Regular Meeting



**ATTEST:**

  
Beverly Wright  
Deputy Town Clerk

  
David Axelrod, Chairperson

Transcribed by: Beverly Wright

6/10/2021  
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/>.