

# **COMMENT SHEETS RECEIVED**

From: thomas.stevens  
To: Ingrid.Allen  
Subject: AMF Comment sheet submittal  
Date: Wednesday, December 14, 2022 2:59:50 PM

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AMF Comment Sheet

NAME: Thomas Stevens      ADDRESS: 2358 South Ocean Blvd. Highland Beach, Florida      EMAIL: Thomasjstevens@hotmail.com

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1) Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.

I have no objection to this change.

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2) Exempt personal watercraft (PWC) lifts from the requirement that "in no case shall the lift be higher than the superstructure of the boat when lifted" or remove requirement.

No action required. leave the code as is.

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3) Maximum seawall cap width of 3 feet: maximum 8-foot width for seawall cap plus dock.

I have no objection to this change.

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4) Encroachment of AMF's and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line)

I respectfully object to any rule allowing a property owner to build any pier, seawall or structure beyond the 8 feet allowed for the seawall cap plus dock. As a waterfront property owner I am well aware the sides of the intercoastal waterway are used by Manatees as a throughfare during their migration north and south. They travel close to the seawalls to avoid being struck by boats. Any encroachment of man made structures will force the manatees to travel further out into the intercoastal where they will be in danger of serious injury or death from boat strikes. The manatees are struggling from a loss of critical habitat caused by human encroachment. I hope our town leaders would prioritize the needs of a struggling species over the whims and desires of some waterfront property owners to build needless structures out into our waterways.

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5) 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width: however, setback cannot be less than 5 feet.

I am against any change shortening the side setbacks from 25 feet. The setbacks as they are now ensure privacy, maintain unimpeded views, and maintain a quality of life that waterfront property owners want.

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6) Require a ladder for every 50 feet of dock.

I respectfully object to the addition to the code requiring a ladder every 50 feet for waterfront properties for the following reasons;

Reason 1: this rule will not grant or convey any waterfront property owner a right to install a ladder on their property that they don't already have. Any property owner who wants or feels they need a ladder can have one. There is no rule stopping them from installing a ladder.

Reason 2) It will take away a property owners right to determine if they want a ladder or not. The Town has left the decision up to the waterfront property owner for decades, I see no reason to change it.

Reason 3) The ladder requirement would be a solution to a problem that does not exist. I don't see an epidemic of deaths from falls off docks where the death was the directly attributed to the lack of a ladder present.

Reason 4) Other local municipalities of similar size and demographics (ie. Gulfstream and Manalapan) do not require a seawall ladder.

Reason 5) The presence of a ladder will increase a property owners risk of being burglarized by criminals using a boat. The ladder will facilitate easier access to the property via a ladder. My home owners insurance company does not require me to have a ladder, but does require me to have a security alarm system. Why is this? It's because my insurance company knows there is a high probability of my home being burglarized and a very very low probability of someone dying from a fall into the water.

For these reasons I urge the Town of Highland Beach to drop any addition to the code mandating a ladder be required on waterfront properties. Although a well meaning proposal the facts do not support the town mandating this requirement. Allow the waterfront property owners to continue to decide for themselves as they have throughout the towns existence.

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7) Maximum seawall height.

Maximum seawall height should be the height of Base Flood Elevation.

The question in regards to giving property owners the ability to replace there seawall by building 3 feet in front of the existing wall should be allowed. It should only be allowed to be done once. A one time exemption only. This should prevent someone gaming the system and repeatedly replacing there seawall so they build further and further out into the water.

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Additional Comments:

I regards to the question of where should the town determine seawall placement? Where the existing seawall is located now should be the determinate of all future seawall location placement. If you give Property owners the right to extend out to there underwater property lines you will end up with chaotic, and uneven seawalls projecting out haphazardly throughout the Town.



# COMMENT SHEET

NAME Paul Gregory Babi

ADDRESS 1092 Bel Lido Drive  
Highland Beach, FL 33487

EMAIL ADDRESS gregbabi@comcast.net

1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.

*I support the proposed change. Open to revisions as well, up to even 9 feet.  
The goal is to stop boats lifted to extreme elevations*

2. Exempt personal watercraft (PWC) lifts from the requirement that "in no case shall the lift be higher than the superstructure of the boat when lifted" OR remove requirement.

*I support the proposed change*

3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.

*I support the proposed change*

4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).

*I support the proposed change*

5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.

*I support the proposed change*

6. Require a ladder for every 50 feet of dock.

*I support the proposed change, 1 ladder every 100 feet is ok as well*

7. Maximum seawall height.

*Defers to Jenkins (maine Expt), Base Flood Elevation or even BFE + 3 feet.*

Additional Comments:

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If you prefer, you can email your comment sheet to [iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)  
THANK YOU FOR YOUR INPUT...



# COMMENT SHEET

David Willens

NAME

2362 South Ocean Blvd

ADDRESS

dwillens65@gmail.com

EMAIL ADDRESS

**1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.**

I support the proposed change.

**2. Exempt personal watercraft (PWC) lifts from the requirement that "in no case shall the lift be higher than the superstructure of the boat when lifted" OR remove requirement.**

I support the proposed change.

**3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.**

I support the proposed change.

**4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).**

I support the proposed change, except that for properties located directly on the Intracoastal waterway, such encroachment distance should be allowed to a greater extent if and as approved and permitted by the Federal Army Corps of Engineers.

**5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.**

I emphatically support the proposed change. The foremost reason residents buy navigable waterfront properties is marine access/usage, including boating at their home. The current SFR code 25' setback is grossly inconsistent with and much more restrictive than every other local town: ex. Deerfield Beach-5 ft; Gulfstream-5 ft; Boca Raton and Delray-10ft. The code makes absolutely no sense when a SFR with 70' frontage can have a 40' dock vs a SFR with 80' only permits a 30' dock?

**6. Require a ladder for every 50 feet of dock.**

I think one ladder for every 100 feet of water frontage is sufficient and makes better sense conceptually and from a safety perspective to measure by water frontage rather than dock length.

**7. Maximum seawall height.**

I would propose to allow seawalls up to a maximum height equal to the then current base flood elevation.

**Additional Comments:**

~~The dock set back issue is the big issue in my opinion. I live directly on the intracoastal and my property frontage is 80 ft. limiting me to a 30 ft dock. The IC is extremely busy and there are no wake restrictions. Accordingly, without a longer dock and associated "T" dock incorporating a water break design, it is impracticable to dock a boat at my home or even board or access a boat at most times due to boat traffic. A longer dock and water break (as the code amendment is proposed I would be entitled to a 64' dock) would allow a reasonable size vessel to dock within the protected area including to utilize a lift during busy IC use benefitting from reduced wave action at the lift. In fact, I have already obtained Army Corps of Engineers and DEP approval for same but the town Code prohibits my construction permit. This grossly unreasonably restrictive code therefore deprives me of the right to use my property for boating that any reasonable person would expect and materially reduces the value of my property.~~

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**THANK YOU FOR YOUR INPUT...**



# COMMENT SHEET

Marthin De Beer

4307 Intracoastal Dr, Highland Beach

mfdebeer@mac.com

NAME

ADDRESS

EMAIL ADDRESS

**1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.**

I support this revision. Based on storm surge on the west coast, you may want to consider raising this further to 9 or 10 feet

**2. Exempt personal watercraft (PWC) lifts from the requirement that "in no case shall the lift be higher than the superstructure of the boat when lifted" OR remove requirement.**

I support this revision.

**3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.**

I support this revision.

- 4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).**

I support this revision

- 5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.**

I support this as long as this revision ONLY apply to AMFs and dock extending out from the seawall. As long as this setback does NOT apply to docked vessels, I am supportive. Please ensure this does not modify the current case where vessels can extend to the property line.

- 6. Require a ladder for every 50 feet of dock.**

I support this

- 7. Maximum seawall height.**

**Additional Comments:**

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THANK YOU FOR YOUR INPUT...

**From:** Richard Greenwald  
**To:** Ingrid Allen  
**Cc:** Jeff Remas; Marshall Labadie  
**Subject:** Marine structures  
**Date:** Thursday, December 15, 2022 12:57:54 PM

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Some first thoughts (subject to profound evolution) after public meeting Tuesday.  
Information presented changed some of my ideas held going in to the meeting.  
I think the Town was wise to elicit comments and discussion prior to enacting policy.

Easy ones:

1. Each dock, irrespective of length, should have a ladder. This is a life safety requirement.
2. Sea walls must meet new code, heights when reconstructed.
3. New, permanent lifts need to be high enough to get boats out of the water whether that is 7 or 7 1/2 feet.
4. The 25 foot or 25% (whichever is less) measured from the bulkhead (preferred over seawall?) is reasonable. The 8 foot total combined seawall and dock is reasonable. Continuing to artificially enlarge property by extending seawalls over the water is not reasonable.
5. Personal water craft such as jet skis, seadoos or even canoes, kayaks, paddle boards can have (should be encouraged to have) much lower profile lifts.

Harder ones:

1. The fact that “non-permanent” structures such as floating docks, floating lifts can not be regulated by the Town creates a big problem regarding establishing reasonable set backs. With improving technology, lower cost and lack of regulation the use of these items is likely to continue to increase. They have the potential to become increasing hazards and eyesores.

This knowledge has changed my thinking and I am feeling more restrictive regarding permanent structures. I now believe permitting for lifts will need to be configured to individual lots and in regard to neighbors lots. Otherwise conflict can be created.

Note: I find it hard to believe that the Town is powerless and has zero regulatory authority over these often large, imposing but “nonpermanent” structures. Can’t codes be approved based on “safety” or “impingement to forms of navigation e.g. neighbor’s ability to dock”? Would a legal opinion be helpful?

2. Some hypotheticals that occurred to me during the discussions:

A. An owner with 70 feet on the water requests a 50 foot dock. With 25 foot setbacks he could have a 20 foot dock. With 10 foot setbacks 50 feet is ok. At 10% it could be 56 feet long. Anyway, he applies for a 40 foot boat lift for his 45 foot boat. His neighbors on each side (worst case scenario and, I recognize, unlikely to occur) legally have plastic floating docks or lifts extending 15 feet into the water at their property lines. One has 2 jet skis, the other a kayak. No permits were required—maybe fill out a form.  
Can our boat owner access his permitted lift? Show me how.

B. A new owner buys that house that now comes with a 40 foot, 8 post lift. The new owner doesn’t have or want a boat. However his southern neighbor wants to install a similar lift for his new 45 foot boat. If granted, neither one may be able to access their lifts. How will that permit process work?

3. The longer setbacks may need to be maintained. PERHAPS LIFT SIZES CAN ONLY BE APPROVED IF THE LIFT CAN BE ACCESSED FROM WATER BEHIND THAT OWNER'S PROPERTY, NOT VIA THEIR NEIGHBORS AREA. But, that is quite restrictive for owners with limited frontage.

Play with the math for different lot sizes, setbacks, lifts and boats and see what you think.

4. I liked the "fit in the box" idea but it is seriously compromised by the use of unregulated impermanent structures. The 25 feet out also compromises neighbors' views if setbacks are reduced from the current standard for single family homes.

5. There needs to be setbacks. One wants owners to enjoy their property but not intrude on others. I like the current 25 foot setbacks and would vote for that while understanding a desire to decrease them. I could possibly be talked into 15 feet. If setbacks are decreased I would favor a "stepped" box to provide less obstructive views for neighbors. I am a big fan of setbacks and protecting neighbor's views but, in fairness, why does a home with more waterfront require bigger setbacks than a smaller lot? What is the rationale for that?

6. I think moored boats should have a setback (3-5 feet?) and not extend to the property line as is allowed currently. Theoretically, neighboring boats can now be "touching". This is a navigational safety issue. Even with whips and spring lines boats can shift position. Even with side thrusters and joy sticks many boaters are less than expert dockers, particularly on windy days.

7. For the Planning Board—they need better definitions of hardship. To me, "I need a variance so I can get a bigger boat" is not a hardship.

First thoughts. Very complicated. Need to think on it some more.

Happy Holidays.

Best to all,

Rick Greenwald  
Tranquility Drive (east side of south lake)

Sent from my iPad



# COMMENT SHEET

Jeffrey Kleiman

4321 Intracoastal Drive

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Jeffreyfl@gmail.com

NAME

ADDRESS

EMAIL ADDRESS

**1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.**

I support this

**2. Exempt personal watercraft (PWC) lifts from the requirement that "in no case shall the lift be higher than the superstructure of the boat when lifted" OR remove requirement.**

I support this

**3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.**

I support this

4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).

I support this

5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.

I support this

6. Require a ladder for every 50 feet of dock.

I support this

7. Maximum seawall height.

I would think that the seawall should be allowed to be as high as a new house ground floor is allowed to be.

**Additional Comments:**

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THANK YOU FOR YOUR INPUT...



# COMMENT SHEET

robert spahr

NAME

4225 Tranquility

ADDRESS

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EMAIL ADDRESS

**1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.**

suggest 8 ft

**2. Exempt personal watercraft (PWC) lifts from the requirement that "in no case shall the lift be higher than the superstructure of the boat when lifted" OR remove requirement.**

yes

**3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.**

yes

4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).

needs some work on wording

5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.

Yes

6. Require a ladder for every 50 feet of dock.

One ladder per lot/dock

7. Maximum seawall height.

i dont know

**Additional Comments:**

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THANK YOU FOR YOUR INPUT...