



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

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

Date: January 13, 2022  
Time: 9:30 AM

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### 1. CALL TO ORDER

Chairperson Goldenberg called the meeting to order at 9:32 AM.

### 2. ROLL CALL

Member David Powell  
Member Harry Adwar  
Member Roger Brown  
Member Brian DeMoss  
Member David Axelrod  
Chairperson Eric Goldenberg  
Town Attorney Leonard Rubin (virtually)  
Town Clerk Lanelda Gaskins

#### ABSENT:

Vice Chairperson Mendelson

### 3. PLEDGE OF ALLEGIANCE

The Board Members led the Pledge of Allegiance.

### 4. APPROVAL OF THE AGENDA

**MOTION:** Adwar/Axelrod - Moved to approve the agenda as presented, which passed unanimously 6 to 0.

### 5. SWEARING IN OF THE PUBLIC

Town Clerk Gaskins swore in those giving testimony.

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

There were no comments from the public.

## **7. APPROVAL OF MINUTES**

A. December 09, 2021

**MOTION:** Adwar/Powell - Moved to approve December 09, 2021 Minutes, which passed unanimously 6 to 0.

## **8. UNFINISHED BUSINESS**

A. **Development Application No. 21-0011 / Highlands Place Condominium Association, Inc.**

**Application by B&M Marine Construction, Inc. for a special exception approval to install a 721 square foot dock and a 126 linear foot seawall and cap for the property located at 2901 South Ocean Boulevard.**

Chairperson Goldenberg read the title of Item 8.A. and asked the Board members if they had any ex parte communications to disclose? The Board members had no ex parte communications.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present her recommendations regarding the application.

Town Planner Allen presented this item at the December 09, 2021, Planning Board meeting. She indicated that the Board made a motion to continue the item to the January 13, 2022 meeting so that the Board could hear from the applicant, Highlands Place Condominium Association, Inc., as to why the applicant was not extending the proposed seawall to the edge of the north property line. The applicant's authorized agent, David Nutter, indicated that the current seawall was "ready to fail" seawall and that the Applicant's request was to stay within the same footprint of the existing seawall.

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs of the site plans, the property, the survey, and the proposed wood dock and seawall cap. She mentioned that after the December 09, 2021, Planning Board meeting, staff received correspondence from Ms. Heather Rubin, Property Manager of Highlands Place Condominium Associations, Inc., highlighting the Condominium Association's intention. Ms. Allen referred to Town Code, Section 6-130, maintenance provision of the Town's code of ordinances, and read the following: Sec. 6-130. Maintenance. All seawalls, bulkheads, and retaining walls now existing or hereafter erected, constructed, or built shall be maintained and kept in good repair by the owner.

After the presentation, there was dialogue about the seawall return, the rock bed minimizing erosion on the return side, the seawall request reviewed by the Town's engineer (CAP Government), and the provision of the Town's code related to riprap.

The applicant's authorized agent, David Nutter of B&M Marine Construction, Inc, commented about adding additional rocks. He indicated that the rocks could be done but not under the current permits with the Florida Department of Environmental Protection (DEP) and the Army Corps of Engineers without going back to them because the property was on the Intracoastal. Additionally, there were discussions about the height.

Ms. Heather Rubin, Property Manager of Highlands Place Condominium Associations, Inc., and the Board members discussed the rock bed and applicant's future plans regarding the seawall area. Additionally, there were discussions about the Highlands Place Condominium Association, Inc. reserves and their plans to conduct a reserves study.

Chairperson Goldenberg asked the Board members if they had any questions. Hearing no further comments, Chairperson Goldenberg closed the public hearing and asked for a motion.

**MOTION:** Axelrod/DeMoss - Moved to Development Application No. 21-0011 as presented. The motion passed on a 5 to 0 vote based upon roll call.

## **9. NEW BUSINESS**

A. None.

Chairperson Goldenberg asked Town Planner Allen to address the concerns about the barge dredging in the Intracoastal between Toscano and Regency Highlands Condominiums. Town Planner Allen mentioned that she spoke with the building official about this matter. Palm Beach County and the Florida Department of Environmental Protection (DEP) are working together.

## **10. ANNOUNCEMENTS**

Chairperson Goldenberg announced that Mr. David Axelrod's last meeting with the Planning Board was today. He thanked Mr. Axelrod for the work that he has done on the Planning Board.

Mr. Axelrod thanked Town Planning Allen, Town Attorney Rubin, and the Board members.

Chairperson Goldenberg read the announcements as follows:

January 17, 2022 - Town Hall Closed in observance of Martin Luther King, Jr. Holiday

January 18, 2022 - 1:30 P.M Town Commission Meeting

January 27, 2022 - 2:00 P.M. Financial Advisory Board Regular Meeting

February 10, 2022 - 9:30 A.M. Planning Board Meeting

**11. ADJOURNMENT**

Chairperson Goldenberg called for a motion to adjourn the meeting at 9:45 A.M.

**MOTION:** Adwar/Axelrod - Moved to adjourn the meeting.

**APPROVED** at the March 10, 2022, Planning Board Regular Meeting

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Eric Goldenberg, Chairperson

**ATTEST:**

Transcribed by: Lanelda Gaskins

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Lanelda Gaskins, MMC  
Town Clerk

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Date