



TOWN OF HIGHLAND BEACH PLANNING BOARD REGULAR MEETING MINUTES

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

**Date: February 09, 2023
Time: 9:30 AM**

1. CALL TO ORDER

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

2. ROLL CALL

Member Brian DeMoss
Member David Powell
Member Jason Chudnofsky
Member Roger Brown
Member Harry Adwar
Vice Chairperson Mendelson
Chairperson Eric Goldenberg
Town Attorney Leonard Rubin
Administrative Support Specialist Ganelle Thompson

ADDITIONAL STAFF PRESENT

Town Planner Ingrid Allen

3. PLEDGE OF ALLEGIANCE

The Board Members led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

MOTION: Adwar/Demoss- Moved to approve the agenda as presented, which passed unanimously 7 to 0.

5. SWEARING IN OF THE PUBLIC

Ms. Thompson swore in those giving testimony.

6. PUBLIC COMMENT

There were no public comments.

7. APPROVAL OF MINUTES

A. January 12, 2023

MOTION: Adwar/Mendelson - Moved to approve the January 12, 2023 Minutes, which passed unanimously 7 to 0.

8. UNFINISHED BUSINESS

There was no unfinished business.

9. NEW BUSINESS

A. Development Application No. 22-0016 / Nancy F. Politzer

Application By Akbar Mondal Nunez, Boat Lifts & Docks Of South Florida, for a special exception approval to install a 10,000-pound capacity boat lift in slip no. 22 for a property located at 4018 South Ocean Boulevard.

Chairperson Goldenberg read the title of Item 9.A. and asked the Board members if they had any ex parte communications to disclose.

David Powell stated that he has discussed this case with the applicant and that he is a member of the HOA Board that approved the installation of the boat lift.

Chairperson Goldenberg opened the public hearing and called 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 property with the existing dock, survey, and dock details. She advised that the applicant received authorization from the Florida Department of Environmental Protection (FDEP) and the US Army Corps of Engineers (ACOE) for the proposed dock. Staff is recommending approval to install a 10,000-pound capacity boat lift in slip no. 22 for a property located at 4018 South Ocean Boulevard. The applicant will be required to obtain a building permit from the Town of Highland Beach Building Department. Pursuant to Section 30-21(g) of the Town Code, the commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

The public hearing was closed followed by a motion.

MOTION: Adwar/Powell - Moved to approve (Development Order No. 22-0016). Based upon roll call: Member Adwar (Yes), Member Powell (Yes), Member DeMoss (Yes), Member Brown (Yes), Member Chudnofsky (Yes), Vice Chairperson Mendelson (Yes), and Chairperson Goldenberg (Yes). The motion passed on a 7 to 0 vote.

B. Discussion on zoning district density review

Chairperson Goldenberg read the title of Item 9.B. into the record.

Town Planner Allen explained that at the October 18, 2022, Town Commission meeting, the Commission considered an introduction to a zoning district density review initiative. She noted that the attached October 18, 2022, Commission memorandum provides an introductory review and analysis of this initiative. The consensus from the Commission was to have the Planning Board consider what approaches to take in processing and analyzing this initiative. She further explained the density calculation.

She went on to explain the Code of Ordinance Pursuant to Section 30-105(a) of the Town Code, and explained the inconsistencies such as: if a lawful structure exists that could not be built in the zoning district within which it is located by reason of changes or restrictions to minimum lot area, maximum lot coverage, building height, required yards and setbacks, location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the provisions listed below:

She advised the board to consider their options on how they want to discuss this topic.

She mentioned Section 30-43(d)(4) e. of the Town Code states the following: A change in the zoning classification of land shall not be considered which involves less than forty thousand (40,000) square feet of land area and two hundred (200) feet of street frontage. This limitation shall not apply to a request to extend the boundary of an existing zoning district, or unless otherwise provided for herein.

She mentioned that the Town Commission wanted the Board to consider the following as it pertained to the proposed zoning district density:

- The need for sufficient residential input.
- Retaining the current character of the Town.
- Ensuring that it does not lose the value of the property (i.e., if a property currently has 3 units, the property owner should be able to rebuild those 3 units).
- Consider the Town not as a “whole” but as zones, districts, or neighborhoods (i.e., the needs of Russell Drive may be different from those of Bel Air Drive).
- Consider there is currently no incentive to replace existing structures.
- Consider the “lot coverage” requirement for Single-family zoning districts.

The Board wanted more public input. They want to advertise and hold a public hearing where members of the community can provide their opinions and they

want to find a balance on how to present this to the public. They proposed structuring the meetings in a way that pulls input from the public and holds another.

Ms. Thompson swore in Mark Rothenberg.

Mr. Rothenberg provided comments about the zoning density restrictions and his intent on rebuilding the current structure and retaining the same number of units that is currently there.

The Board mentioned holding two of the meetings that would discuss the proposed zoning district density, one in March and another in April, and possibly holding a meeting in the evening for public participation. The Board also asked for Town Planner Allen to look into available night-time meeting dates starting from March 13, 2023.

MOTION: Mendelson/Demoss- Moved that the planning board shall conduct two Planning Board meetings with a public hearing component to discuss possible revisions to the code, including but not limited to changes in the zoning district density and changing grandfathered nonconforming uses. The planning board meetings will be held at the regularly scheduled April 13, 2023 planning board and a special planning board evening meeting to be determined in March 2023. Staff will prepare a notice inviting the public as soon as the March evening meeting is scheduled. The motion passed unanimously 7 to 0.

10. ANNOUNCEMENTS

Chairperson Goldenberg read the announcements into the record as follows:

February 14, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
February 20, 2023		Town Hall closed in observance of Presidents Day
February 21, 2023	1:30 P.M.	Town Commission Meeting
March 09, 2023	9:30 A.M.	Planning Board Regular Meeting

11. ADJOURNMENT

The meeting adjourned at 10:40 A.M.

MOTION: Adwar/ Demoss - Moved to adjourn the meeting, which passed unanimously 7 to 0.

APPROVED on March 09, 2023, Planning Board Regular Meeting.

Eric Goldenberg, Chairperson

ATTEST:

Transcribed by: Ganelle Thompson

Lindsay Winters,
Administrative Support Specialist

Date

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