



CITY OF FORT LAUDERDALE

**DRAFT
VIRTUAL MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
THURSDAY, SEPTEMBER 2, 2021 – 6:00 P.M.**

		Cumulative Attendance	
		May 2021 – April 2022	
Grant Henderson, Chair	P	4	0
Ed Strobel, Vice Chair	P	4	0
Deirdre Boling-Lewis	P	3	1
Robyn Chiarelli	P	2	2
Bob Denison	A	2	1
Barry Flanigan	P	3	1
Richard Graves	A	1	3
James Harrison	P	4	0
Rose Ann Lovell	P	3	1
Kitty McGowan (arr. 6:01)	P	3	1
Norbert McLaughlin	P	4	0
Ted Morley	P	3	1
Noelle Norvell	P	1	0
Christopher Rotella	P	4	0
Steve Witten	P	4	0

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
Jonathan Luscomb, Marine Facilities Supervisor
Sergeant Tom Capano, Fort Lauderdale Police Department
Officer Paul Kelly, Fort Lauderdale Police Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Henderson called the meeting to order at 6:00 p.m.

II. Approval of Minutes – July 1, 2021

Motion made by Mr. Morley, seconded by Mr. Witten, to approve. In a voice vote, the **motion** passed unanimously.

VII. Dock Waiver – 435 Bayshore Drive Unit 402 Slip #6 / Stephen Farrell

Susan Engle, representing the Applicant, showed a PowerPoint presentation on the Application, which requests a waiver of limitations to install a boat lift in an existing boat slip. The boat lift would extend beyond the 25 ft. limitation. The property is located on the Intracoastal Waterway, where the width of the water body is approximately 700 ft.

The existing mooring facility has come before the Board on multiple occasions to install the six boat slips. Two of the six slips have already received waivers from the Board. Slip #6 is the southernmost slip and one of the smallest at 40 ft. by 12 ft.

Plans submitted to regulatory agencies show an 8 ft. marginal dock located 48 ft. from the property line. The Applicant proposes to install a 24,000 lb. four-post boat lift at 40 ft. Two piles to secure the lift would be located beyond the 25 ft. limitation.

Because two boat lifts have already been approved for this facility, the Applicant submitted an application to the City's Development Review Committee (DRC) for Site Plan Level II review. The DRC and Staff reviewed the application on July 22, 2021, and approved the project as is. The Applicant is awaiting additional DRC comments before taking that application before the City Commission for approval.

Additional waivers have been approved to the east and south of the subject area in addition to the two boat lifts previously approved on the subject site. At the subject location, the boat lift does not exceed 30% of the waterway width, nor would it impede navigation. Ms. Engle noted that boat lifts are necessary to provide safe mooring, as there is significant boat traffic in the area. The request is consistent with the two previous approvals for boat lifts at the site. The lift would be located within the sovereign submerged land lease area. The Applicant has received the appropriate permits from Broward County and DEP and is awaiting approval from the Army Corps of Engineers.

Chair Henderson requested clarification of the width of the lift. Ms. Engle replied that the slip width is very narrow at 12 ft., and the lift will be custom-made to fit within this distance.

Mr. Harrison noted that there is a letter of opposition by one entity and a letter of approval from another, and requested clarification of whether these entities are within the same building. Ms. Engle explained that after outreach to neighbors from the north, the Applicant met with these neighbors and addressed some of their concerns. During this time, the neighbors to the south, Surf Club, did not respond to outreach from the Applicant. The Applicant reached out to the Surf Club to ensure they received notice of tonight's meeting. Ms. Engle advised that there may be confusion among these neighbors regarding the specific location of slip #6.

Mr. Harrison commented that the Surf Club's concern appeared to be for garbage accumulation, which he did not believe would be an issue with additional pilings and a

boat lift. He also pointed out that the boat would be permitted to be docked at slip #6 as long as it is in the water, and that raising it on a lift would remove it from rough conditions and limit pollution from paint.

Mr. Cuba stated that per the City's Unified Land Development Regulations (ULDR), notice must be provided to all properties within 300 ft. of the subject location. This meant notice was sent to 330 addresses in the area. He has heard from one property in response and distributed the individual's email to the Board members accordingly.

Mr. Flanigan asked if the DRC approved the application. Mr. Cuba explained that the DRC is part of a separate Site Plan Level II review and approval process for multiple boat lifts within a distance of 199 ft. or less. The DRC process is often simultaneous with the Board's review process. Ms. Engle reiterated that the Application was originally scheduled to come before the Board in July 2021, but was withdrawn for additional discussion with neighbors.

Mr. Morley requested clarification of the total length of the seawall at the subject location. Ms. Engle confirmed that the seawall is 200 ft. in length.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing.

Robert Amos, private citizen, advised that he is an owner at Bayshore Towers and the Surf Club and was present at the request of the Surf Club's board of directors. He reported that the board of directors has voted in opposition to the requested waiver. He recalled that in 2017, the Adagio property approached the Surf Club and Bayshore Towers to request approval for its docks, with the result that concessions were made by all parties. His understanding was that the Application proposes to extend the dock from 25 ft. to 40 ft. and does not refer to a boat lift.

Jim Potocki, member of the Surf Club, stated that it is the board of directors' impression that the boat would extend an additional 15 ft. into the waterway. This was their primary concern. Another issue is that the area may not consistently be a No Wake Zone, as this section of the Intracoastal Waterway is very busy with large boats as well as smaller vessels.

In 2017, the Surf Club and Bayshore Towers reached an agreement with the Adagio based upon principles of public safety, recreational use, and environmental stewardship. One amendment offered by the Adagio was that outer piers, including slip #6, were "cut back" as a public safety measure. Mr. Potocki felt that the Application would impede this buffer area, and suggested that the proposed boat lift could be placed in a different area, as there are more slips available.

Neil Fanelli, president of the Surf Club, asserted that when the Surf Club received documentation regarding the Application, it stated that the lift would be placed in the

middle of the pier. Further research determined that the subject slip is located on the end. The Surf Club objected to this, as the 2017 agreement was that slips #1 and #6 "would never be touched."

Steve Farrell, Applicant, stated that he was not attempting to extend the dock or the boat slip, but to place a lift within the four corners of the existing slip. He was not aware of or party to any agreement between neighboring properties and the developer. Other slips in the unit have already been sold. He emphasized that the property was not in a No Wake Zone. The boat that would be placed on the requested lift has not yet been purchased.

Mr. Amos stated that the notice he had received indicated a change in the length of the slip from 25 ft. to 40 ft. Ms. Engle clarified that the slip is 48 ft. from the seawall and 12 ft. wide. The slip's size is not changing; however, because the City has placed a limitation on how far into the waterway structures may be installed, the Application had included an illustration of where the 25 ft. mark is located within the Applicant's slip.

Mr. McLaughlin asked to see the Site Plan and the location of slips 1 through 6. Ms. Engle reiterated that slip #6 is 40 ft. by 12 ft. and located on the south side, which is closest to the Surf Club. Slips 2, 3, 4, and 5 are larger slips and slip 1 is located to the north. There is no request to increase the size of slip #6, and no boat is currently docked in that slip.

Ms. Engle noted that boat slip #6 will be roughly 8 ft. landward of slip #5, which places it closer to the dock. Mr. McLaughlin concluded that slip #6 did not seem to constitute a navigational hazard, as it is closer to the upland than some other slips to which the neighboring property owners had no objection. No mooring piles are planned beyond the boat lift.

As there were no other individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Witten, seconded by Ms. Lovell, to approve. In a voice vote, the **motion** passed unanimously. (Ms. Chiarelli was not present for the vote.)

VIII. Dock Permit – 1516 Ponce De Leon Drive / William & Ethel M. [REDACTED]

Mr. Chappell and Ms. Robbins, representing the Applicants, showed a PowerPoint presentation on the Application, which requests private use of public property. A new seawall has been constructed in the Vista Vista neighborhood, which meant residents had to remove their docks. The City is requesting that approval for the replacement of these docks come before the Board.

Ms. Robbins explained that the Applicants' property is located to the right of a public right-of-way. She showed photos of the new seawall in the subject area and aerial views