

# TOWN OF PALM BEACH

Information for Town Council Meeting on: September 11, 2024

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: Waiver of Town Code Section 42-199, For the Working Hours at 415 Hibiscus Avenue

Date: August 28, 2024

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council consider a request for a modification of work hours for the residential alteration of the second and third floor at 415 Hibiscus Avenue. This is the space directly above the Tiffany & Co. retail store at the corner of Worth Avenue and Hibiscus Avenue. If approved, staff recommends that it be conditioned upon the August 13, 2024, letter from Attorney Maura Ziska, which summarizes the request, along with the attached detailed schedule of construction work and estimated completion date.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

## **GENERAL INFORMATION**

The applicant is requesting to work from 8:00 am to 6:00 pm, Monday through Saturday, from November 1 through December 31, 2024. The code requires all Worth Avenue construction work to start on May 1 and to stop on October 31 of each year, with construction allowed from 8:00 am to 8:00 pm, Monday through Saturday. The applicant has indicated that they will stop work during the Thanksgiving and Christmas holidays. The applicant has provided a proposed construction schedule and estimated completion date (December 31, 2024) with their application.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

*Sec. 42-199. - Hours for construction work.*

- (b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other*

construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) *Exceptions.*

- (5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant was asked to notify surrounding property owners of the request and of the date of this meeting, as required.

Attachments – August 13, 2024, Letter from Maura Ziska, with Proposed Construction Schedule  
Letter to Neighbors  
List of Neighbors Contacted

# KOCHMAN & ZISKA PLC

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Ronald S. Kochman\*  
Maura A. Ziska  
Alexander D. Kochman  
\*Also admitted in New York

Esperanté  
222 Lakeview Avenue, Suite 1500  
West Palm Beach, Florida 33401  
Telephone 561-802-8960  
Facsimile 561-802-8995

August 13, 2024

VIA EMAIL

[wbergman@townofpalmbeach.com](mailto:wbergman@townofpalmbeach.com)

Mr. Wayne Bergman, Building Official  
Town of Palm Beach  
360 S County Road  
Palm Beach, FL 33480

Re: Extension for construction timeframe /415 Hibiscus Avenue, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 415 Hibiscus Avenue, Palm Beach, Florida. Also enclosed is a construction schedule. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street.

We are requesting to allow work from 8:00 a.m. to 6:00 p.m., Monday Through Saturday, from October 1, 2024 through December 31, 2024. We would discontinue work during peak holiday times which includes November 27-28, 2024 and December 24-25. The construction will be interior work only, thereby maintaining the pleasant and quiet environment for local business patrons, without the backdrop of construction. The reason for the request for an extension is due to the following:

1. Terrazzo Floor Installation: The installation of the terrazzo floor is a critical phase that necessitates the suspension of all other work. This process will require approximately three (3) weeks, during which no other construction activities can take place.
2. High Gloss Ceiling Installation: Similar to the terrazzo floor, the installation of the high gloss ceiling also requires a dedicated timeframe of three weeks where no other work can be conducted.
3. Long Lead Times for Wine Room and Bar Cabinets: There is a significant lead time for the delivery of the wine room and bar cabinets. Considering the sequencing of these installations, we are projecting that the completion time frame will extend to the end of December.

While these tasks are being completed, the remaining work will be relatively quiet and less disruptive. We believe that extending the schedule will ensure that all work is performed to the highest standards without compromising the overall quality of the project.

We appreciate your understanding and support regarding this matter. Please let us know if you require any additional information or if there are any further steps we need to take.

Please place this request on the September 11, 2024 Town Council agenda.

Respectfully,

*Maura Ziska*

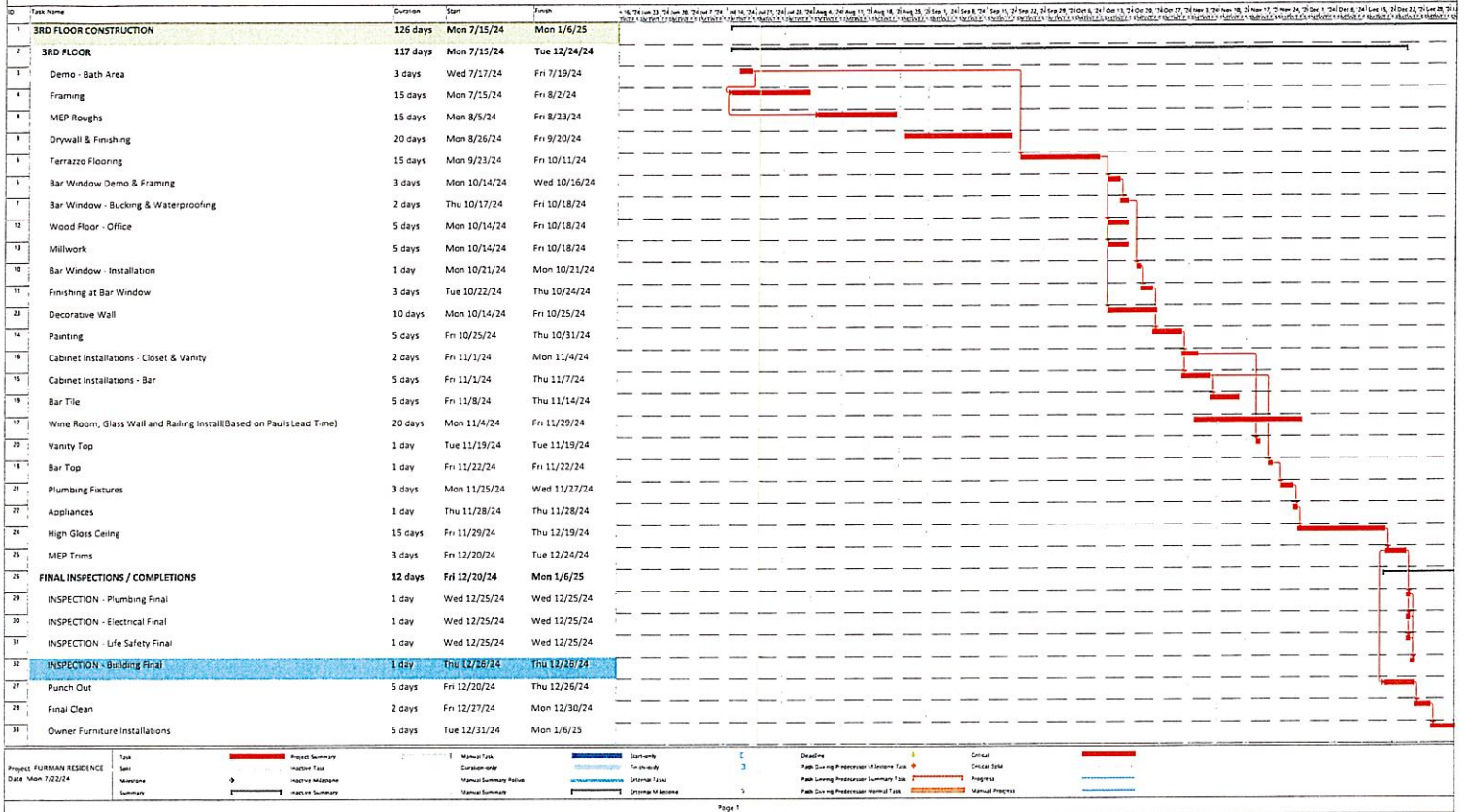
Maura Ziska

MAZ/jc  
Enclosures  
cc: Client



Shapiro Pertnoy  
COMPANIES

TAYLOR RESIDENCE  
415 Hibiscus Ave



# KOCHMAN & ZISKA PLC

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Ronald S. Kochman\*  
Maura A. Ziska  
Alexander D. Kochman  
\*Also admitted in New York

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222 Lakeview Avenue, Suite 1500  
West Palm Beach, Florida 33401  
Telephone 561-802-8960  
Facsimile 561-802-8995

August 13, 2024

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 415 Hibiscus Avenue, Palm Beach, Florida, to allow work from 8:00 a.m. to 6:00 p.m., Monday through Saturday, from October 1, 2024 to December 31, 2024. We would discontinue work during peak holiday times which includes November 27-28 and December 24-25. The construction will be interior work only.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled meeting on September 11, 2024. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,

*Maura Ziska*

Maura Ziska

MZ/jc

**415 HIBISCUS AVE. – SURROUNDING PROPERTY OWNERS NOTICED**

1. HOLBROOK REAL ESTATE LLC  
980 S. OCEAN BLVD.  
PALM BEACH, FL 33480-4909  
PCN: 50-43-43-23-05-015-0480 (247 WORTH AVE.)
2. PERUVIAN AVENUE CORP  
380 COLUMBIA DR., SUITE 111  
WEST PALM BEACH, FL 33409-1977  
PCN: 50-43-43-23-05-015-0010 (405 HIBISCUS AVE.)
3. CHANEL INC.  
C/O DIRECTOR OF TAX DEPT.  
876 CENTENNIAL AVE.  
PISCATAWAY, NJ 08854-3917  
PCN: 50-43-43-23-05-014-0242 (301 WORTH AVE.)
4. POWER LOVE ASSOC.  
C/O LOVE REALTY  
P.O. BOX 28  
WHITE PLAINS, NY 10605-0028  
PCN: 50-43-43-23-05-018-0010 (256 WORTH AVE.)
5. LOVE III LLC  
P.O. BOX 28  
WHITE PLAINS, NY 10605-0028  
PCN: 50-43-43-27-69-000-0010 (250 WORTH AVE. UNIT 1)
6. E&R III LLC  
250 WORTH AVE.  
PALM BEACH, FL 33480-4663  
PCN: 50-43-43-27-69-000-0020 (250 WORTH AVE. UNIT 2)
7. SMS COMPANY  
P.O. BOX 28  
WHITE PLAINS, NY  
PCN: 50-43-43-27-69-000-0030 (250 WORTH AVE. UNIT 3)
8. STEVEN L. HANDELSMAN TRUST; SANDY HEASLIP TRUST; MARSHA STOCKER TRUST; UNDER THE LUCILLE HANDELSMAN TRUST  
7 LOVE LN.  
HARRISON, NY 10528-1218  
PCN: 50-43-43-27-69-000-0040 (250 WORTH AVE. UNIT 4)



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 S County Rd  
Palm Beach, FL 33480-6735

Permit No.: **RALT-24-00192**

Issue Date: 7/8/2024

Expiration Date: 11/08/2025

Schedule inspections online at  
[townofpalmbeach.com](http://townofpalmbeach.com)

**P  
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Contractor: **PDC Development Corp.**  
Address: 3222-C Commerce Place Suite C Suite  
C  
West Palm Beach, FL 33407  
Phone: Business: 15617935852

Project Address: **415 Hibiscus Ave  
Palm Beach, FL 33480**

Qualifier: PDC Development Corp

PCN: 50434327880000020

Construction Valuation: \$1,754,674.12

Owner's Name: TW APARTMENT LLC  
Owner's Address: TW APARTMENT LLC

415 HIBISCUS AVE  
PALM BEACH, FL 33480

Permit Type: **Residential Alteration**

Permit Description: \*\*\*\*\* PRIVATE PROVIDER \*\*\*\*\* Build out of interior space

**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.**

The issuance of this permit is conditioned upon compliance with any approvals granted by the Town Council, Landmarks Preservation Commission, and/or Architectural Commission. Any misrepresentation of facts pertaining to required permit information and/or the required design professional's plans shall be considered prima-facie evidence and be cause for permit revocation.

**PERMIT FEES:**

(BCAIF) Bldg Code Administrator & Inspector 30/90	149.24
(BCAIF) Bldg Code Administrator & Inspector 70/90	348.22
Permit Fee 30%	11,054.45
(HMWNR) Dept. of Business & Professional 30/90	99.49
(HMWNR) Dept. of Business & Professional 70/10	25.80

**PERMIT FEES:**

Permit Fee 70%	25,793.71
Technology Fee	755.39
(HMWNR) Dept. of Business & Professional 30/10	11.06
(BCAIF) Bldg Code Administrator & Inspector 30/10	16.58
(BCAIF) Bldg Code Administrator & Inspector 70/10	38.69
(HMWNR) Dept. of Business & Professional 70/90	232.14

**Total Fees: \$38,524.77**

**CONDITIONS**

Low Frequency Sounders  
Fire Alarm and Fire Sprinkler

KOCHMAN & ZISKA PLC  
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CHANEL INC.  
C/O DIRECTOR OF TAX DEPT.  
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