

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

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



Re: Waiver of Town Code Section 42-199, For Extended Working Hours at 247 Worth Avenue

Date: October 30, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the days for construction work that is beginning at 247 Worth Avenue (Le Bilboquet Restaurant). If approved, staff recommends that it is conditioned upon the October 30, 2019 letter and attachments (attached) from Maura Ziska, Esq., in which she describes the details of the request.

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 an extension of time to complete renovations at the new Le Bilboquet Restaurant, 247 Worth Avenue. The applicant is requesting work hours throughout the prohibited winter season from November through April. The restaurant renovation will be accessed by the contractors only from the Apollo Parking Lot and no construction will be visible from Worth Avenue, or from the small Via leading back to the building. The applicant is requesting this relief through April 30, 2020.

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 is requesting an extension of these working days to complete the restaurant renovation. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

Staff recommends the Town Council consider the construction hour extension, as requested.

Attachment – Letter, with attachments, from Maura Ziska, Esq., dated October 30, 2019

WRB

cc: Ben Alma, Police Department

October 30, 2019

RE: 247 Worth Avenue, Palm Beach

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 247 Worth Avenue, to allow work to continue during normal seasonal hours from November 18, 2019 through May 29, 2020. Work will be discontinued during peak holiday times which include November 25-29, 2019; December 23-27, 2019, and December 30, 2019-January 3, 2020. Please see the attached letter from Batten Construction outlining these times, parking proposal, green wall to isolate the work, and a map outlining the plan.

This matter will be presented to the Town Council at the regularly-scheduled meeting on November 13, 2019. 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



October 30, 2019

RE: 247 Worth Avenue Buildout

We propose to install a green wall at the end of the hallway leading to the building at 247 Worth Avenue. We believe this should isolate the work from Worth Avenue proper. We would also like to offer the utilization of the Apollo Parking lot as the only access to the site. That way we will also not need or request a parking permit for Worth Avenue proper. We would like our working hours to be normal seasonal hours and overtime if you would allow. We will endeavor to make as many saw cuts inside the building as we can to mitigate the noise.

Our schedule would be as follows:

November 13th -15th : Town Approvals
November 18th – 22nd : Continue Demolition
November 25th – 29th : No Work
December 2nd – 20th : Continue Demolition
December 23rd – 27th : No Work
December 30th – January 3rd : No Work
January 6th – 31st : Framing & Start Rough MEP
February 3rd – 28th : MEP Rough, Windows & Screw Walls
March 2nd – 31st : Stucco Patching, Start Drywall, Tile & Pavers
April 1st – 30th : Painting & MEP Trim
May 1st – 29th : Finishes, Punch & Finals

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