

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 14, 2020

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 Extended Working Hours at 210 Worth Avenue

Date: September 23, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the days for construction work that is underway at 210 Worth Avenue (Faidra Hanna). If approved, staff recommends that the approval is conditioned upon the September 11, 2020 letter and attachments 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 210 Worth Avenue. The project involves interior and storefront work. The applicant is requesting work hours throughout the prohibited winter season, which begins on November 1, through the beginning of January, 2021. The proposed completion date is the end of December, 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 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. For reference, the conditions attached by the Town Council for similar requests are:

- Saturday interior work only.
- The PZB Director has the authority to shut down work if problems or complaints arise.
- All contractor parking and deliveries of materials to be made from the side streets or from the Apollo or similar parking lots, not from Worth Avenue.
- Valet parking takes precedence over contractor parking in the Apollo parking lot, meaning if they ask the contractor to leave, the request must be followed.
- The contractor will take off the week of Thanksgiving (11/21 – 11/29) and during the Christmas / New Year holidays (12/19 – 1/3/21).
- Staff also requests that the contractor stop work on Hanukkah, Friday, 12/11.

Attachment – Letter, with attachments, from Maura Ziska, Esq., dated September 11, 2020

WRB

cc: Ben Alma, Police Department

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

September 11, 2020

VIA EMAIL

wbergman@townofpalmbeach.com

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

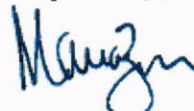
Re: Extension for construction time frame /210 Worth Avenue, Palm Beach, FL

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 210 Worth Avenue, Palm Beach, Florida. Also enclosed is a construction schedule from Batten Construction. The reason for the delay and request for an extension is due to unforeseen events due to COVID-19. The new completion date would be the middle of December 2020. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the October 14, 2020 Town Council agenda.

Respectfully,



Maura Ziska

MZ/jc
Enclosures
cc: Client

FAIDRA HANNA

Act ID	Description	Orig Dur	Early Start	Early Finish	%	31	07	14	21	28	05	12	19	26	02	09	16	23	30	07	14	21	28	04
1000	Framing	9d	16SEP20 *	28SEP20	0																			
1010	MEP Rough In	15d	25SEP20 *	15OCT20	0																			
1020	Insulation	1d	16OCT20 *	16OCT20	0																			
1030	Drywall	12d	19OCT20	03NOV20	0																			
1040	Stone Flooring	10d	19OCT20 *	30OCT20	0																			
1090	Storefront	2d	26OCT20 *	27OCT20	0																			
1050	Wood Trim & Doors	4d	05NOV20 *	10NOV20	0																			
1060	Painting	10d	10NOV20 *	24NOV20	0																			
1070	MEP Trim & Fixtures	8d	23NOV20 *	04DEC20	0																			
1080	Inspections & Punch List	7d	07DEC20	15DEC20	0																			

Start date 08SEP20
 Finish date 15DEC20
 Data date 08SEP20
 Run date 08SEP20
 Page number 1A



- Early bar
- Progress bar
- Critical bar
- Summary bar
- Start milestone point
- Finish milestone point

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September 11, 2020

RE: 210 Worth Avenue, Palm Beach

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 210 Worth Avenue, to allow work to continue during normal seasonal hours from November 1, 2020 through December 15, 2020. We would discontinue work during peak holiday times which includes November 26-29, 2020.

This matter will be presented to the Town Council at the regularly-scheduled meeting on October 14, 2020. 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