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

P

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

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

10 MEP Rough In 11a (255EP20 * 150CT20 0 IMEP Rough In 20 Insulation 11a (255EP20 * 150CT20 0 Itsulation 20 Drywall 12a (150CT20 * 300CT20 * 0) 0 Itsulation 40 Stone Flooring 10a (150CT20 * 300CT20 * 0) 0 Itsulation 60 Storefront 22 (250CT20 * 270CT20 * 0) 0 Itsulation 50 Wood Trim & Doors 44 (5NOV20 * 10NOV20 * 0) Itsulation Itsulation 70 MEP Trim & Fatures 84 (23NOV20 * 0) Itsulation Itsulation 70 MEP Trim & Fatures 84 (23NOV20 * 0) Itsulation Itsulation 80 Inspections & Punch List 7d (07DEC20 * 15DEC20 * 0) Itsulation Itsulation 80 Inspections & Punch List 7d (07DEC20 * 15DEC20 * 0) Itsulation Itsulation 81 130CC20 15DEC20 * 0 Itsulation Itsulation 82 Inspections & Punch List 7d (07DEC20 * 15DEC20 * 0) Itsulation 83 130EC20 Itsulation Itsulation Itsulation 84 130EC20 <					FAIDRA HANNA	
100 MEP Rough In 154 255EP20 * 150CT20 0 Imadiation 114 166CT20 * 150CT20 0 Imadiation Imadiation 114 166CT20 * 150CT20 0 Imadiation Imadiation Imadiation 114 166CT20 * 150CT20 * 0 0 Imadiation Imadiation Imadiation 114 166CT20 * 150CT20 * 0 0 Imadiation Imadiation Imadiation 114 166CT20 * 150CT20 * 0 0 Imadiation Imadiation Imadiation 114 166CT20 * 300CT20 * 0 Imadiation Imad	Act ID	Description	Orig E Dur	arly Early Start Finish	%	2020 2 EP OCT NOV DEC J 4 21 28 05 12 19 28 02 09 16 23 30 07 14 21 28
20 Insulation 11 ISOCT20 100 Unsulation 38 Drywell 12d ISOCT20 300/20 0 ISocrafic Drywell 40 Stone Flooring 100 ISOCT20 300/20 0 ISocrafic Drywell 90 Storefront 22 260/CT20 270/CT20 0 ISocrafic Drywell ISocrafic Drywell 90 Storefront 22 260/CT20 120/CY20 0 ISocrafic Drywell ISocrafic Drywell 90 Storefront 22 260/CT20 120/CY20 0 ISocrafic Drywell ISocrafic	000		9d 16S	EP20* 28SEP20	0	
30 Dywall 122 190CT20 300CT20 0 Dywall 40 Store Flooring 106 190CT20 300CT20 0 Store Flooring 50 Store Flooring 122 20CT20 20CT20 0 Elementaria 60 Wood Trim & Doors 40 05NOV20 10NV20 0 Elementaria 60 Paining 106 100/V20 24.80CV20 0 Elementaria 70 MEP Trim & Flatures 80 23NOV20 440EC20 0 Elementaria 80 Inspections & Punch List 7d 07DEC20 15DEC20 0 Elementaria 80 Inspections & Punch List 7d 07DEC20 15DEC20 0 Elementaria 81 35EEP20 Elementaria Elementaria Elementaria Elementaria 83 130EC20 Elementaria Elementaria Elementaria Elementaria 84 130EC20 Elementaria Elementaria Statemaria Statemaria Statemaria 9 Statemaria A Statemaria <td>010</td> <td>MEP Rough In</td> <td></td> <td></td> <td>1</td> <td></td>	010	MEP Rough In			1	
40 Stone Flooring 100 190 CT20 300CT20 0 90 Storefront 29 280CT20 270CT20 0 90 Storefront 29 280CT20 270CT20 0 90 Painting 106 10NV20 10NV20 0 Image: Storefront 80 Mood Trim & Doors 40 (BNV20 10NV20 0 Image: Storefront 80 Inspections & Flooring 106 10NV20 10NV20 0 Image: Storefront 80 Inspections & Punch List 7d 07DEC20 15DEC20 0 Image: Storefront 80 Inspections & Punch List 7d 07DEC20 15DEC20 0 Image: Storefront 80 Inspections & Punch List 7d 07DEC20 15DEC20 0 Image: Storefront 80 Inspections & Punch List 7d 07DEC20 15DEC20 Image: Storefront 80 Inspections 15DEC20 Image: Storefront Image: Storefront Image: Storefront 80 Inspections 15DEC20 Image: Storefront <td< td=""><td>020</td><td>Insulation</td><td>1</td><td></td><td>0</td><td></td></td<>	020	Insulation	1		0	
90 Storefront 23 280CT20 270CT20 0 90 Wood Trim & Doors 4d 05NOV20 0 90 MEP Trim & Fixtures 8d 23NOV20 0 70 MEP Trim & Fixtures 8d 23NOV20 10DEC20 0 100 Inspections & Punch List 7d 07DEC20 15DEC20 0	030	Drywall	- n man a la la la companya de la compan	a server a server to a sold server as a server as		
B0 Wood Trim & Doors 4a 95NOV20* 10NOV20* 0 Image: Constraint of the second o	040	Stone Flooring	the second second		1 - 1 1	
R60 Painting 100; 10NOV20 * 24NOV20 0 70 MEP Trim & Fixtures 8d 23NOV20 * 04DEC20 0 80 inspections & Punch List 7d 07DEC20 15DEC20 0	090	a second s				
MEP Tim & Fixtures 84 23NOV20 * 04DEC20 0 MEP Tim & Fixture 80 Inspections & Punch List 7d 07DEC20 15DEC20 0	050	Wood Trim & Doors	4d 05N	A REAL PROPERTY AND A REAL PROPERTY A REAL PROPERTY AND A REAL PROPERTY A REAL PROPERTY AND A REAL PROPERTY A REAL PROPERTY AND A REAL PROPERTY A REAL		
B0 Inspections & Punch List 7d 07DEC20 15DEC20 0 Inspections A 7d 07DEC20 15DEC20 0	060	Painting	10d 10N		0	•
tart date 08SEP20 nish date 15DEC20 ata date 08SEP20 ut date 08SEP20 age number 1A	D70	MEP Trim & Fixtures				
nish date 15DEC20 ata date 08SEP20 un date 08SEP20 age number 1A Progress bar Critical bar 	080	Inspections & Punch List	7d 07D	EC20 15DEC20	0	Inspections &
nish date 15DEC20 ata date 08SEP20 un date 08SEP20 age number 1A Progress bar Critical bar 						
nish date 15DEC20 ata date 08SEP20 un date 08SEP20 age number 1A Progress bar Critical bar 						
nish date 15DEC20 ata date 08SEP20 un date 08SEP20 age number 1A Progress bar Critical bar 						
Start miestone p						
© Primavera Systems, Inc.	tart date inish date ata date un date age number	15DEC20 08SEP20 08SEP20			Bellion	Progress bar Critical bar Summary bar

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

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,