

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 259 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 259 Worth Avenue (Tiffany & Co. Palm Beach). If approved, staff recommends that the approval is conditioned upon the September 3, 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 259 Worth Avenue. The project involves interior and exterior work, converting the second floor to a single residential dwelling unit and adding a small third floor for the dwelling unit. 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 beginning 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 3, 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 3, 2020

VIA EMAIL

wbergman@townofpalmbeach.com

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

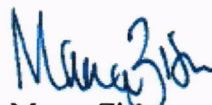
Re: Extension for construction time frame /259 Worth Avenue, Palm Beach, FL

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 259 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 beginning 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

Activity ID	Activity Name	Orig Dur	Act Dur	Rem Dur	Start	Finish	WBS Path	WBS Name	RESP	2020												2021																		
										May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec											
Preconstruction		70d	77d	0d	24-Jan-20	13-May-20				13-May-20 A, Preconstruction																														
RESI-1000	Pricing Drawings Issued	0d	0d	0d	24-Jan-20	24-Jan-20	4.2.1.1	Document Development	ARCH																															
RESI-1010	Final Bid Pricing	14d	14d	0d	24-Jan-20	12-Feb-20	4.2.1.2	Estimating/Contracting	CM																															
RESI-1020	95% Permit/CD Drawings Development	25d	25d	0d	24-Jan-20	28-Feb-20	4.2.1.1	Document Development	ARCH																															
RESI-1030	Submit Final Bid Pricing	0d	0d	0d		12-Feb-20	4.2.1.2	Estimating/Contracting	CM																															
RESI-1040	95% Permit/CD Drawings Issued	0d	0d	0d	28-Feb-20		4.2.1.1	Document Development	ARCH																															
RESI-1050	Budget Development Per CD Drawings	5d	5d	0d	28-Feb-20	05-Mar-20	4.2.1.2	Estimating/Contracting	CM																															
RESI-1060	Revised Bid Pricing	14d	14d	0d	28-Feb-20	18-Mar-20	4.2.1.2	Estimating/Contracting	CM																															
RESI-1070	Apply for Master Building Permit	0d	2d	0d	02-Mar-20	04-Mar-20	4.2.1.3	Permitting	CM																															
RESI-1080	AHJ Review and Approve Master Building Permit	35d	40d	0d	05-Mar-20	30-Apr-20	4.2.1.3	Permitting	AHJ																															
RESI-1110	Submit Revised Bid Pricing	0d	0d	0d		18-Mar-20	4.2.1.2	Estimating/Contracting	CM																															
RESI-1120	Client Review	18d	19d	0d	19-Mar-20	14-Apr-20	4.2.1.2	Estimating/Contracting	OWN																															
RESI-1130	Client Release/Budget Approval Per CD Drawings	0d	0d	0d	14-Apr-20		4.2.1.2	Estimating/Contracting	OWN																															
RESI-1200	Subcontractor Buyout	13d	13d	0d	15-Apr-20	01-May-20	4.2.1.2	Estimating/Contracting	CM																															
RESI-1240	Receive Master Building Permit	0d	0d	0d		01-May-20	4.2.1.3	Permitting	AHJ																															
RESI-4110	Right of Way Permit Review and Approve	0d	7d	0d	04-May-20	13-May-20	4.2.1.3	Permitting	AHJ																															
Procurement		112d	85d	37d	08-Apr-20	02-Oct-20				02-Oct-20, Procurement																														
RESI-1210	Subcontractor Buyout - Electrical & Lighting Fixtures	15d	33d	0d	08-Apr-20	28-May-20	3.2.4.1.11	(265000) Lighting	CM																															
RESI-1140	Subcontractor Buyout - Glass & Glazing	10d	15d	0d	11-May-20	02-Jun-20	3.2.4.1.4	(088000) Glass & Glazing	CM																															
RESI-4580	Subcontractor Buyout - HVAC	15d	5d	0d	12-May-20	19-May-20	3.2.4.1.1	(230000) HVAC	CM																															
RESI-4620	HVAC Shop Drawings Submittals	7d	3d	0d	20-May-20	28-May-20	3.2.4.1.1	(230000) HVAC	ELEC																															
RESI-4590	HVAC Equipment Submittals	4d	4d	0d	20-May-20	28-May-20	3.2.4.1.1	(230000) HVAC	ELEC																															
RESI-1160	Subcontractor Buyout - Interior Doors & Hardware	10d	29d	0d	28-May-20	07-Jul-20	3.2.4.1.3	(081000) - Doors, Frames and	CM																															
RESI-4630	HVAC Shop Drawings Review and Approval	10d	8d	0d	27-May-20	08-Jun-20	3.2.4.1.1	(230000) HVAC	ELEC																															
RESI-4600	HVAC Equipment Review and Approval	10d	23d	0d	27-May-20	28-Jun-20	3.2.4.1.1	(230000) HVAC	ELEC																															
RESI-1400	Lighting Fixtures Shop Drawings Submittals	10d	17d	0d	01-Jun-20	23-Jun-20	3.2.4.1.11	(265000) Lighting	ELEC																															
RESI-1310	Windows & Exterior Doors Shop Drawing Submittal	10d	11d	0d	02-Jun-20	17-Jun-20	3.2.4.1.4.5	(084100) Windows & Exterior	GLAZ																															
RESI-1330	Stairs & Railing Shop Drawing Submittal	10d	13d	0d	02-Jun-20	19-Jun-20	3.2.4.1.4.6	(084500) Custom Stairs	MISC																															
RESI-1290	Exterior Glass Submittal	10d	14d	0d	02-Jun-20	19-Jun-20	3.2.4.1.4.1	(088000) Exterior Glass	GLAZ																															
RESI-1490	Lighting Fixtures Shop Drawings Review and Approval - Rev 0 & 1	10d	15d	0d	04-Jun-20	25-Jun-20	3.2.4.1.11	(265000) Lighting	ELEC																															
RESI-1480	Windows & Exterior Doors Shop Drawings Review and Approval	5d	5d	0d	18-Jun-20	25-Jun-20	3.2.4.1.4.5	(084100) Windows & Exterior	GLAZ																															
RESI-1470	Exterior Glass Shop Drawings Review and Approval	5d	3d	0d	22-Jun-20	25-Jun-20	3.2.4.1.4.1	(088000) Exterior Glass	GLAZ																															
RESI-1500	Stairs & Railing Shop Drawing Review & Approval	10d	11d	0d	25-Jun-20	12-Jul-20	3.2.4.1.4.6	(084500) Custom Stairs	MISC																															
RESI-1590	Lighting Fixtures Fabrication and Shipping	40d	33d	7d	25-Jun-20	20-Aug-20	3.2.4.1.11	(265000) Lighting	ELEC																															
RESI-4610	HVAC Equipment Fabrication and Shipping	80d	13d	0d	29-Jun-20	17-Jul-20	3.2.4.1.1	(230000) HVAC	ELEC																															
RESI-6840	Sprinkler Submittals	5d	4d	0d	30-Jun-20	07-Jul-20	3.2.4.1.2	(210000) Fire Sprinkler	FP																															
RESI-1280	Interior Doors Shop Drawing Submittal	10d	5d	0d	07-Jul-20	14-Jul-20	3.2.4.1.3.1	(081000) Interior Doors	DOOR																															
RESI-1300	Door Hardware Shop Drawings Submittal	10d	5d	0d	07-Jul-20	14-Jul-20	3.2.4.1.3.2	(087000) Hardware	DOOR																															
RESI-6850	Sprinkler Submittals Review and Approval	5d	3d	0d	08-Jul-20	13-Jul-20	3.2.4.1.2	(210000) Fire Sprinkler	FP																															
RESI-1600	Stairs & Railing Fabrication & Shipping	20d	22d	5d	13-Jul-20	18-Aug-20	3.2.4.1.4.6	(084500) Custom Stairs	MISC																															
RESI-6860	Sprinkler Engineering & Permitting	20d	22d	3d	13-Jul-20	14-Aug-20	3.2.4.1.2	(210000) Fire Sprinkler	FP																															
RESI-1430	Interior Doors Shop Drawing Review and Approval	10d	4d	0d	14-Jul-20	20-Jul-20	3.2.4.1.3.1	(081000) Interior Doors	DOOR																															
RESI-1440	Door Hardware Shop Drawings Review and Approval	10d	4d	0d	14-Jul-20	20-Jul-20	3.2.4.1.3.2	(087000) Hardware	DOOR																															
RESI-6810	Flood Barrier Submittals	5d	18d	3d	17-Jul-20	14-Aug-20	3.2.4.1.5	(083100) Flood Barriers	GLAZ																															
RESI-1580	Exterior Glass Fabrication and Shipping	50d	18d	32d	17-Jul-20	25-Sep-20	3.2.4.1.4.1	(088000) Exterior Glass	GLAZ																															
RESI-1560	Windows & Exterior Doors Fabrication and Shipping	50d	18d	37d	17-Jul-20	02-Oct-20	3.2.4.1.4.5	(084100) Windows & Exterior	GLAZ																															
Prof: 200182 Page: 1 of 3		Start: 24-Jan-20 Finish: 04-Dec-20 Data Date: 12-Aug-20 Run Date: 12-Aug-20				Actual Work Remaining Work Critical Remaining Work				Milestone Summary				Tiffany & Co. Palm Beach Phase II Project - Residential Project Schedule - Full - Data Date: 12-Aug-20 Residential Only												SHAWMUT														

[illegible]

Activity ID	Activity Name	Org	Dur	Ac	Rem	Start	Finish	WBS Path	WBS Name	RESP	2020	2021																				
											Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov					
RES-2040	Floor Drains at High Roof	1d	0d	1d	1d	03-Sep-20	03-Sep-20	2.3.3.4.1	Rough Construction	PLMB																						
RES-1800	Reinforced Steel Column Near Gutter C/S - Concrete Core	2d	0d	2d	03-Sep-20	04-Sep-20	2.3.3.1	STR																								
RES-1800	Pour Slab on Grade	2d	0d	2d	03-Sep-20	04-Sep-20	2.3.3.1	CONC																								
RES-1700	Install Structural Steel Beams and Ledges at 2nd Floor - Concrete C	3d	0d	3d	05-Sep-20	08-Sep-20	2.3.3.1	STR																								
RES-1720	Install Main Stairs (1st to 2nd Floor)	3d	0d	3d	06-Sep-20	11-Sep-20	2.3.3.1	MSC																								
RES-1710	Entry Riser Enclosure	10d	0d	10d	08-Sep-20	22-Sep-20	2.3.3.1	GLAZ																								
RES-1740	Install Structural Wood at 2nd Floor - Concrete Core	5d	0d	5d	09-Sep-20	12-Sep-20	2.3.3.1	CARR																								
RES-1745	Install Plywood 1st Layer Sheathing & Drywall at 2nd Floor - BQ4 - C	5d	0d	5d	10-Sep-20	14-Sep-20	2.3.3.2	CARR																								
RES-2510	Temp Dry in Complete - 2nd Floor (Using 2nd Curb and PA WP Mem	5d	0d	5d	14-Sep-20	21-Sep-20	2.3.3.2	DW																								
RES-2050	Reinforce 1st Floor BQ4 to Temp Conditions (Wall, Ceiling and Floor)	20d	0d	20d	14-Sep-20	12-Oct-20	2.3.3.2	CONC																								
RES-1760	Pour Concrete Slab for Elevator Lvl	5d	0d	5d	16-Sep-20	23-Sep-20	2.3.3.1	CONC																								
RES-2050	Install High Roof & Elevator Roofing and Waterproofing	5d	0d	5d	23-Sep-20	30-Sep-20	2.3.3.1	ROOF																								
RES-2050	Reinforce Trench's Bathroom	10d	0d	10d	24-Sep-20	04-Oct-20	2.3.3.2	DW																								
RES-2050	New Steel Column and Beams 2nd to 3rd Floor - Concrete Core	5d	0d	5d	28-Sep-20	05-Oct-20	2.3.3.1	STR																								
RES-2050	Structural Wood Framing 3rd Floor - Concrete Core	5d	0d	5d	05-Oct-20	16-Oct-20	2.3.3.1	CARR																								
RES-2050	Structural Steel Columns and Members 3rd Floor to Roof - Concrete	5d	0d	5d	16-Oct-20	23-Oct-20	2.3.3.1	STR																								
RES-2020	3rd Floor Wall Framing	5d	0d	5d	23-Oct-20	30-Oct-20	2.3.3.1	CRPT																								
RES-1800	Install 3rd Floor Roofing and Waterproofing	12d	0d	12d	23-Oct-20	10-Nov-20	2.3.4.1	ROOF																								
RES-1840	Install Equipment Curb and Stairs on 3rd Floor	3d	0d	3d	03-Nov-20	06-Nov-20	2.3.4.1	HVAC																								
RES-2000	Install HVAC Equipment	3d	0d	3d	10-Nov-20	13-Nov-20	2.3.4.1	HVAC																								
Finishes																																
RES-1700	Install Exterior Staircase Balgaps (TV Hubs/Work)	2d	0d	2d	14-Sep-20	16-Sep-20	2.1.2.3	MSC																								
RES-1700	Demolition/Masonry Opening 2nd Floor Walls and Windows	5d	0d	5d	16-Sep-20	23-Sep-20	2.1.2.3	MSN																								
RES-1820	Hang, Tape and Finish Drywall for Walls and Ceilings	10d	0d	10d	22-Sep-20	06-Oct-20	2.1.2.3	DW																								
RES-1810	Exterior Stucco	5d	0d	5d	23-Sep-20	30-Sep-20	2.1.2.3	PAIN																								
RES-1830	Exterior Stucco at Toy Bunch Side	3d	0d	3d	24-Sep-20	28-Sep-20	2.1.2.3	PAIN																								
RES-1850	Awning Installation	2d	0d	2d	28-Sep-20	01-Oct-20	2.1.2.3	SPEC																								
RES-2110	Glazing 2nd Floor	5d	0d	5d	09-Oct-20	09-Oct-20	2.1.2.3	GLAZ																								
RES-1840	Install HMI Doors at 2nd Floor	3d	0d	3d	09-Oct-20	09-Oct-20	2.1.2.3	DOOR																								
RES-1870	Painting Doors, Walls and Ceilings	5d	0d	5d	09-Oct-20	16-Oct-20	2.1.2.3	PAIN																								
RES-2080	Install Door Hardware	3d	0d	3d	16-Oct-20	21-Oct-20	2.1.2.3	DOOR																								
RES-2090	Install Lighting Fixtures	5d	0d	5d	16-Oct-20	23-Oct-20	2.1.2.3	ELEC																								
RES-1820	Install 1st Floor Entry Flooding	5d	0d	5d	16-Oct-20	23-Oct-20	2.1.2.3	FLR																								
RES-1880	Install Fire Alarm System	10d	0d	10d	16-Oct-20	30-Oct-20	2.1.2.3	ELEC																								
RES-2070	Install Exterior HMI Doors and Hardware at 3rd Floor	2d	0d	2d	23-Oct-20	27-Oct-20	2.1.2.3	DOOR																								
RES-2120	Glazing 3rd Floor	5d	0d	5d	30-Oct-20	04-Nov-20	2.1.2.3	GLAZ																								
RES-2060	Exterior Stucco/Painting at 3rd Floor	10d	0d	10d	30-Oct-20	13-Nov-20	2.1.2.3	PAIN																								
RES-2100	Install Exterior Glass Railing	10d	0d	10d	10-Nov-20	24-Nov-20	2.1.2.3	GLAZ																								
Closure																																
RES-2150	Final MEP and Building Inspections for CC	5d	0d	5d	13-Nov-20	20-Nov-20	2.5.2.3	AHV																								
RES-2130	Pre-Walkthrough Cleaning	1d	0d	1d	24-Nov-20	25-Nov-20	2.5.2.3	CM																								
RES-2140	Create Punch List	1d	0d	1d	24-Nov-20	25-Nov-20	2.5.2.3	CM																								
RES-2160	Punch List Corrections	5d	0d	5d	25-Nov-20	03-Dec-20	2.5.2.3	CM																								
RES-2170	Final Clean	1d	0d	1d	03-Dec-20	04-Dec-20	2.5.2.3	CM																								
RES-2180	PROJECT COMPLETE / TURNOVER	0d	0d	0d	04-Dec-20	04-Dec-20	2.5.2.3	CM																								
PROJ: 200182											Start: 24-Jan-20											Tiffany & Co. Palm Beach Phase II Project - Residential										
Page: 3 of 3											Finish: 04-Dec-20											Project Schedule - Full - Data Date: 12-Aug-20										
											Run Date: 12-Aug-20											Residential Only										
											Actual Work											Milestone										
											Remaining Work											Summary										
											Critical Remaining Work																					
																						SUN 10/11/2021										

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*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
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Telephone: (561) 802-8960
Facsimile: (561) 802-8995

September 3, 2020

RE: 259 Worth Avenue, Palm Beach

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 259 Worth Avenue, to allow work to continue during normal seasonal hours from November 1, 2020 through December 4, 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