

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 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 264/270 S. County Rd. – AND – Request to Maintain the Existing Scaffolding

Date: October 27, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the hours for construction work that is underway at 264/270 S. County Rd. (Carriage House Club). Also requested is permission to leave in place the existing perimeter scaffolding. If approved, staff recommends that the approvals be conditioned upon the October 21, 2020 letter and attachments from Maura Ziska, Esq., in which she describes the details of the two requests, along with Pat Marshall's letter of October 19, 2020, explaining the scaffolding.

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

GENERAL INFORMATION

First Request - The applicant is requesting an extension of the hours to complete renovations at 264/270 S. County Rd. The project involves interior and exterior renovations. The applicant is requesting work hours throughout the prohibited winter season (which begins on November 1 and runs through the end of April) of 8:00 am to 6:00 pm, Monday through Friday, and 8:00 am to 6:00 pm on Saturdays, quiet inside work only. The request is basically to continue with the summer work hours right through the winter season for work performed Monday through Friday, and then start at 8:00 am on Saturdays (not at 9:00 am as the code requires). Beginning May 1, 2021, their request will meet code for Monday through Friday work, but the Saturday work is requested to start an hour early.

The project is indicated on the CPM graph to be finished by mid-October, 2021.

Second Request – The applicant is requesting permission to maintain the perimeter scaffolding currently placed around the buildings – for the winter season. The scaffolding is explained in Pat Marshall's letter of October 19, 2020. The scaffolding provides protected and illuminated

walkways around the east and north side of the buildings. This safe walkway eliminates the need to re-route pedestrian traffic in the area.

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.*

(4) Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on the Monday preceding Thanksgiving and ending on April 30.

(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 both an extension of the working hours and requesting the ability to maintain the existing scaffolding around the buildings. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

For reference, the conditions attached by the Town Council for similar requests regarding work hours and days are:

- Saturday interior work only.
- The PZB Director has the authority to shut down work if problems or complaints arise.
- 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 21, 2020
Letter, with aerial picture, from Pat Marshall, dated October 19, 2020

cc: Ben Alma, Police Department

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

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

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

October 21, 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 /264 and 270 South County Road, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for continual construction by the owners of 264 and 270 South County Road, Palm Beach, Florida. The requested time schedule is to continue working Monday through Friday 8:00 a.m. – 6:00 p.m. and Saturdays 8:00 a.m. – 6:00 p.m. quiet inside work only.

Also, being requested is approval to maintain the existing perimeter scaffolding. The current scaffolding provides a protected lighted public walkway so there is no rerouting of pedestrians walking on the sidewalk along the East and North side of the site.

The reason for the request for the extended hours is due to unforeseen delays due to COVID-19. The requested waiver would continue until the end of season on May 1, 2021. 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 November 13, 2020 Town Council agenda.

Respectfully,

Maura Ziska

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

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

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

October 21, 2020

RE: 264 and 270 South County Road, Palm Beach

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 264 and 270 South County Road, to allow work to continue during normal seasonal hours from November 1, 2020 through May 1, 2021 to be 8:00 a.m. – 6:00 p.m. and quiet interior work on Saturdays 8:00 a.m. – 6:00 p.m.

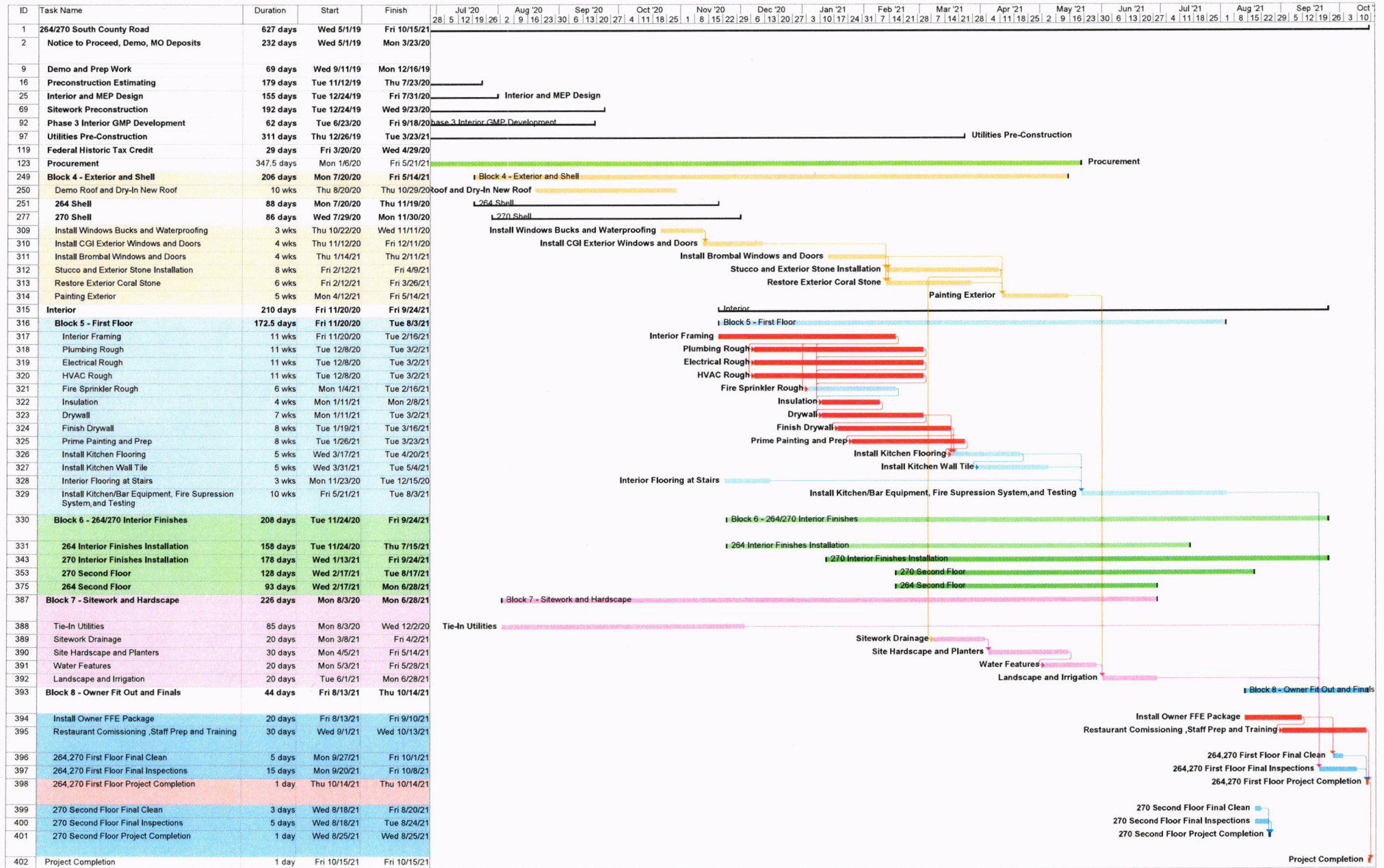
This matter will be presented to the Town Council at the regularly-scheduled meeting on November 13, 2020. Any concerns regarding this matter should be expressed at this meeting.

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

Respectfully,

Maura Ziska

Carriage House 264/270 South County Road



Monday, October 19, 2020

Town of Palm Beach
Department of Planning, Zoning and Building
360 South County Road
Palm Beach, FL 33408

Attention; Wayne Bergman, Acting Director

Reference; Extension of Off Season Construction Restrictions – Carriage House

Good day;

Due to numerous, mostly COVID related, production and material delays Hedrick Brothers is requesting that we be allowed to leave the existing perimeter scaffolding in place and maintain the off-season construction working hours through the season.

The current scaffolding provides a protected lighted public walkway so there no rerouting of pedestrians walking on the east and north construction site perimeters.

The area of construction activity at both 264 and 270 South County is not less than 120 feet away from the nearest occupied residence (see the aerial included). The majority of work at the site is being done within the two buildings or within the common courtyard. New window, doors, exterior trim, cleaning and painting are the tasks affecting the perimeter of the site.

As always every effort will be made to minimize any impact to the residents.

Please let us know the best next step for this request to be considered by Town Council and any other needs you deem appropriate.

Best regards,



Pat Marshall
Project Manager
Hedrick Brothers Construction

