

# TOWN OF PALM BEACH

Information for Town Council Meeting on: October 12, 2021

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To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

CC: Ben Alma, Police Department; James Murphy, Asst. Director of PZB

Re: Waiver of Town Code Section 42-199, For Extended Working Hours at 1960 S. Ocean Blvd.

Date: April 1, 2021

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council consider a request for an extension of the hours for planned construction work at 1960 S. Ocean Blvd. If approved, staff recommends that the approvals be conditioned upon the March 21, 2021 letter and attachment received from Martin Klein, in which he describes 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 the hours to complete renovations and additions at 1960 S. Ocean Blvd. The project involves interior and exterior renovations and additions not visible from the roadway. The applicant is requesting extended work hours for the balance of April and through March 1, 2022, that match the summer hours of 8:00 am to 6:00 pm, Monday through Friday. The applicant is also requesting extended Saturday hours throughout the entire project (beginning now and running through March 1, 2022) to start at 8:00 am and end at 6:00 pm, with all Saturday work to be of a quiet nature. Normal Saturday work hours are from 9:00 am until 5:00 pm.

This is a fairly isolated property, with only one adjacent neighbor to the north. The project is indicated on the CPM graph to be finished by the end of November, 2021, although the request before you asks for the extension until March 1, 2022.

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 an extension of the working hours under the Code. The applicant was asked to notify surrounding property owner(s) 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.
- Also, consideration should be given to shut down construction for the major holiday weeks that fall during this timeline – being Thanksgiving and Christmas, 2021.

Attachment – Letter, with CPM attachment, from Martin Klein, dated March 21, 2021

MARTIN I. KLEIN, P.C.

ATTORNEY AT LAW

1060 NORTH OCEAN BOULEVARD

PALM BEACH, FLORIDA 33480

TELEPHONE (407) 881-8000

FAX (407) 881-8080

21 March 2021

Mr. Wayne Bergman, Director  
Planning, Zoning and Building Department  
Town of Palm Beach  
360 South County Road  
Palm Beach, Florida 33480

Re: Mr. and Mrs. Stephen A. Wynn, 1960 S. Ocean Blvd., Extension of Construction Time Frame

Dear Wayne,

Kindly consider this letter as Mr. and Mrs. Wynn's request for an advancement/extension of the typical summer hours in connection with renovations to their home at 1960 South Ocean Blvd, Palm Beach, Florida. The request is primarily consistent with the Town's Published Summer Hours described as working Monday through Friday from 8:00 a.m. to 6:00 p.m. and to work on Saturdays from 8:00 a.m. to 6:00 p.m. with Saturday work being of a quiet nature.

Mr. and Mrs. Wynn have engaged Hedrick Brothers as their general contractor and Hedrick has an abundance of experience managing extended construction hours and respecting the tranquility of neighbors. Fortuitously, the Wynns have no neighbors to the South, their property being bordered by protected mangrove trees. They have one neighbor to the North, Earle and Carol Mack, and I believe the Macks will be out of Town for most of the summer. Nevertheless, we and Mr. and Mrs. Wynn will be in touch with the Macks and everyone involved in the project will respect their need for enjoyment of their property.

The reason for this request is due to unforeseen delays due to COVID-19. The requested advancement would begin with Town Council approval and the waiver would, respectfully, continue until March 1, 2022.

We kindly ask that you place this request on the April 14, 2021 Town Council agenda. We have attached a proposed construction timetable.

Respectfully,



Martin I. Klein



## 1960 South Ocean Preliminary Project Schedule 3.16.21

ID	Task Name	Duration	Start	Finish	Predecessor	Text1	Baseline Estimated Start	Baseline Estimated Finish	Qtr 1, 2021	Feb	Mar	Qtr 2, 2021	Apr	May	Jun	Qtr 3, 2021	Jul	Aug	Sep	Qtr 4, 2021	Oct	Nov	Dec	Qtr 1, 2022	Jan	Feb	Mar
1	Project Duration	204.5 days	Mon 2/15/21	Fri 11/26/21		Project Duration	Mon 2/15/21	Mon 11/29/21																			
2	Plan Development and Preconstruction	73.5 days	Mon 2/15/21	Thu 5/27/21		Plan Development and Preconstruction	Mon 2/15/21	Thu 5/27/21																			
28	HB Preconstruction Operations	56.5 days	Tue 3/9/21	Wed 5/26/21		HB Preconstruction Operations	Mon 2/22/21	Wed 5/26/21																			
41	Demolition	12 days	Thu 4/8/21	Mon 4/26/21		Demolition	Mon 4/12/21	Tue 4/27/21																			
42	Demolition of the Living Room	10 days	Thu 4/8/21	Thu 4/22/21	40	Demolition of the Living Room	Mon 4/12/21	Fri 4/23/21																			
43	Demolition of the Hallway Exterior Wall	3 days	Thu 4/8/21	Tue 4/13/21	40	Demolition of the Hallway Exterior Wall	Mon 4/12/21	Wed 4/14/21																			
44	Demo Second Floor Deck	3 days	Thu 4/8/21	Tue 4/13/21	40	Demo Second Floor Deck	Mon 4/12/21	Wed 4/14/21																			
45	Temporary Structure to Climate Control the Exposed Area of the House	10 days	Thu 4/8/21	Thu 4/22/21	40	Temporary Structure to Climate Control the Exposed Area of the House	Mon 4/12/21	Fri 4/23/21																			
46	Temporary Work Space Logistics	2 days	Thu 4/22/21	Mon 4/26/21	45	Temporary Work Space Logistics	Mon 4/26/21	Tue 4/27/21																			
47	Sitework	123 days	Mon 4/5/21	Thu 9/23/21		Sitework	Wed 4/7/21	Fri 9/24/21																			
48	Cut New Entry on Ocean for Construction Parking	1 day	Mon 4/5/21	Tue 4/6/21	39	Cut New Entry on Ocean for Construction Parking	Wed 4/7/21	Wed 4/7/21																			
49	Install Construction Fencing and Silt Fence	1 day	Tue 4/6/21	Wed 4/7/21	48	Install Construction Fencing and Silt Fence	Thu 4/8/21	Thu 4/8/21																			
50	Remove Landscape that does not conform	3 days	Wed 4/7/21	Mon 4/12/21	49	Remove Landscape that does not conform	Fri 4/9/21	Tue 4/13/21																			
51	Use this Space for Parking	4 mons	Mon 4/12/21	Mon 8/2/21	50	Use this Space for Parking	Wed 4/14/21	Tue 8/3/21																			
52	Excavate at New Foundation East of Office	3 days	Thu 4/22/21	Tue 4/27/21	42	Excavate at New Foundation East of Office	Mon 4/26/21	Wed 4/28/21																			
53	Excavation for the New Living Room Foundation	4 days	Thu 4/22/21	Wed 4/28/21	42	Excavation for the New Living Room Foundation	Mon 4/26/21	Thu 4/29/21																			
54	Site Drainage	10 days	Mon 8/2/21	Mon 8/16/21	51,33	Site Drainage	Wed 8/4/21	Tue 8/17/21																			
55	Cut for Driveway	2 days	Mon 8/16/21	Wed 8/18/21	54	Cut for Driveway	Wed 8/18/21	Thu 8/19/21																			
56	Form and Pour Concrete at Driveway	8 days	Wed 8/18/21	Mon 8/30/21	55	Form and Pour Concrete at Driveway	Fri 8/20/21	Tue 8/31/21																			
57	Install Driveway	10 days	Mon 8/30/21	Mon 9/13/21	56	Install Driveway	Wed 9/1/21	Tue 9/14/21																			
58	Finish Site Drainage	3 days	Mon 9/13/21	Thu 9/16/21	57	Finish Site Drainage	Wed 9/15/21	Fri 9/17/21																			
59	Landscaping	5 days	Thu 9/16/21	Thu 9/23/21	58	Landscaping	Mon 9/20/21	Fri 9/24/21																			
60	Shellwork	20 days	Thu 4/22/21	Thu 5/20/21		Shellwork	Mon 4/26/21	Fri 5/21/21																			
61	Form the Foundation East of the Office	6 days	Tue 4/27/21	Wed 5/5/21	52	Form the Foundation East of the Office	Thu 4/29/21	Thu 5/6/21																			
62	Pour the Foundation East of the Office	1 day	Wed 5/5/21	Thu 5/6/21	61	Pour the Foundation East of the Office	Fri 5/7/21	Fri 5/7/21																			
63	Stemwall East of the Office	2 days	Thu 5/6/21	Mon 5/10/21	62	Stemwall East of the Office	Mon 5/10/21	Tue 5/11/21																			
64	Install Conduit at the Stairs East of the Office	2 days	Mon 5/10/21	Wed 5/12/21	63	Install Conduit at the Stairs East of the Office	Wed 5/12/21	Thu 5/13/21																			
65	Form the Stairs East of the Office	5 days	Wed 5/12/21	Wed 5/19/21	64	Form the Stairs East of the Office	Fri 5/14/21	Thu 5/20/21																			
66	Pour the Stairs East of the Office	1 day	Wed 5/19/21	Thu 5/20/21	65	Pour the Stairs East of the Office	Fri 5/21/21	Fri 5/21/21																			
67	Form Slab at New Elevation at the Office and Conference Room	8 days	Thu 4/22/21	Tue 5/4/21	42	Form Slab at New Elevation at the Office and Conference Room	Mon 4/26/21	Wed 5/5/21																			
68	Install Conduit at the Floor of the Office and the Conference Room	2 days	Tue 5/4/21	Thu 5/6/21	67	Install Conduit at the Floor of the Office and the Conference Room	Thu 5/6/21	Fri 5/7/21																			
69	Pour New Slab at the Office and Conference Room	1 day	Thu 5/6/21	Fri 5/7/21	68	Pour New Slab at the Office and Conference Room	Mon 5/10/21	Mon 5/10/21																			
70	Doors and Windows at Office and Conference Room	10 days	Thu 5/20/21	Thu 6/3/21		Doors and Windows at Office and Conference Room	Mon 5/24/21	Fri 6/4/21																			

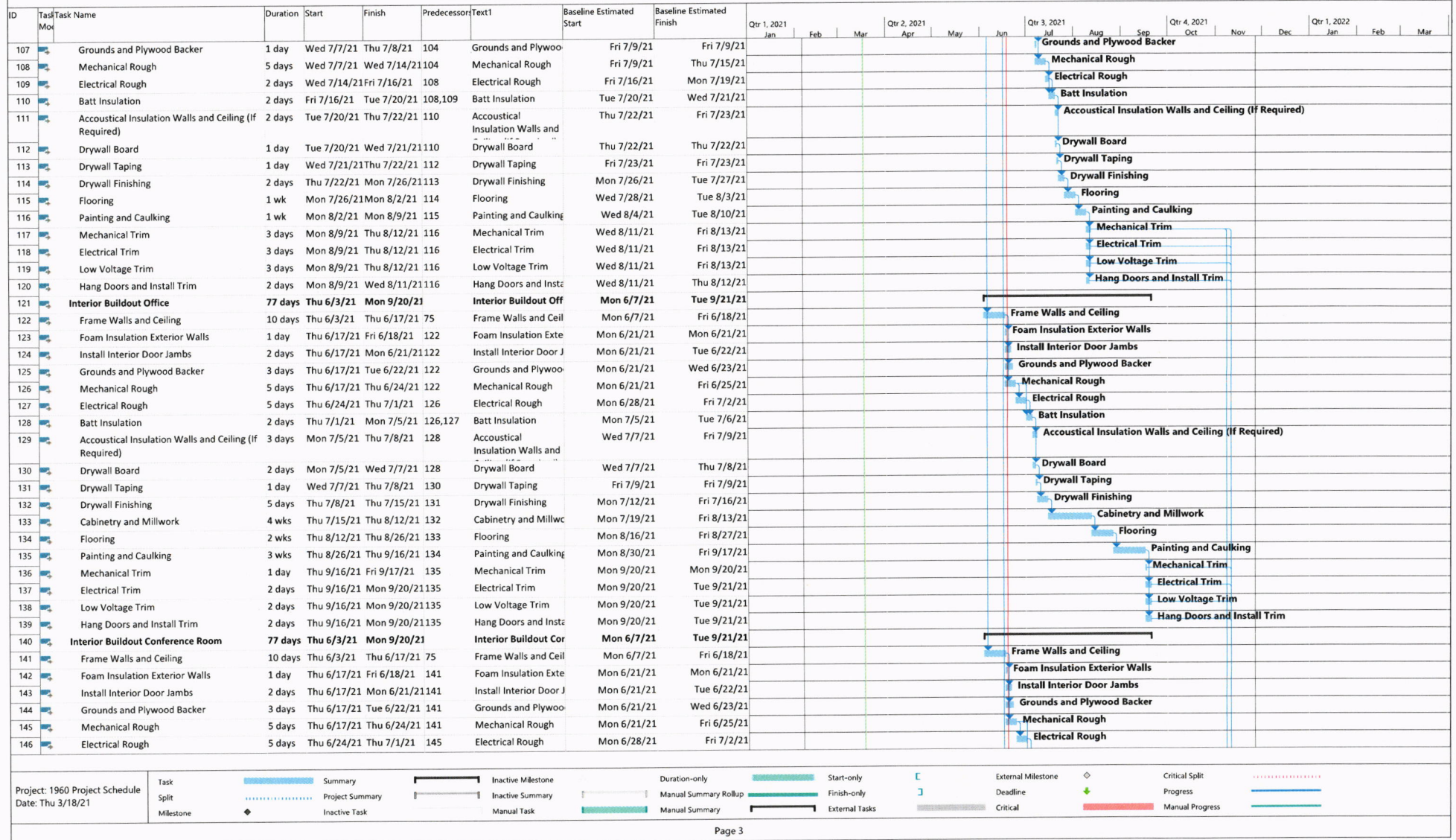
Project: 1960 Project Schedule  
Date: Thu 3/18/21

Task	Summary	Inactive Milestone	Duration-only	Start-only	External Milestone	Critical Split
Split	Project Summary	Inactive Summary	Manual Summary Rollup	Finish-only	Deadline	Progress
Milestone	Inactive Task	Manual Task	Manual Summary	External Tasks	Critical	Manual Progress

1960 South Ocean																							
Preliminary Project Schedule 3.16.21																							
ID	Task Name	Duration	Start	Finish	Predecessor	Text1	Baseline Estimated Start	Baseline Estimated Finish	Qtr 1, 2021			Qtr 2, 2021			Qtr 3, 2021			Qtr 4, 2021			Qtr 1, 2022		
									Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
71	Remove DOORS at Office and Conference Room	2 days	Thu 5/20/21	Mon 5/24/21	66,69	Remove DOORS at Office and	Mon 5/24/21	Tue 5/25/21															
72	Build Temporary Climate Control	2 days	Mon 5/24/21	Wed 5/26/21	71	Build Temporary Clir	Wed 5/26/21	Thu 5/27/21															
73	Install Bucks and Waterproofing	2 days	Wed 5/26/21	Fri 5/28/21	72	Install Bucks and Wat	Fri 5/28/21	Mon 5/31/21															
74	Install Doors	3 days	Fri 5/28/21	Wed 6/2/21	73	Install Doors	Tue 6/1/21	Thu 6/3/21															
75	Watertest the Doors	1 day	Wed 6/2/21	Thu 6/3/21	74	Watertest the Doors	Fri 6/4/21	Thu 6/4/21															
76	Doors and Windows at Living Room	64 days	Tue 4/13/21	Mon 7/12/21		Doors and Windows	Thu 4/15/21	Tue 7/13/21															
77	Remove DOORS at Hallway	2 days	Tue 4/13/21	Thu 4/15/21	43	Remove DOORS at H.	Thu 4/15/21	Fri 4/16/21															
78	Build Temporary Climate Control	2 days	Thu 4/15/21	Mon 4/19/21	77	Build Temporary Clir	Mon 4/19/21	Thu 4/20/21															
79	Install Bucks and Waterproofing at NEW DOORS	2 days	Mon 4/19/21	Wed 4/21/21	78	Install Bucks and Waterproofing at	Wed 4/21/21	Thu 4/22/21															
80	Install Doors	3 days	Wed 4/21/21	Mon 4/26/21	79	Install Doors	Fri 4/23/21	Tue 4/27/21															
81	Watertest the Doors	1 day	Mon 4/26/21	Tue 4/27/21	80	Watertest the Doors	Wed 4/28/21	Wed 4/28/21															
82	Piling Work and Form the Foundation for the New Living Room	10 days	Wed 4/28/21	Wed 5/12/21	53	Piling Work and Form the	Fri 4/30/21	Thu 5/13/21															
83	Pour the Foundation for the New Living Room	1 day	Wed 5/12/21	Thu 5/13/21	82	Pour the Foundation for the New Living	Fri 5/14/21	Fri 5/14/21															
84	Stemwall at the New Living Room	2 days	Thu 5/13/21	Mon 5/17/21	83	Stemwall at the New	Mon 5/17/21	Tue 5/18/21															
85	Install Conduit at the New Living Room	2 days	Mon 5/17/21	Wed 5/19/21	84	Install Conduit at the	Wed 5/19/21	Thu 5/20/21															
86	Form Slab at the New Living Room	8 days	Mon 5/17/21	Thu 5/27/21	84	Form Slab at the New	Wed 5/19/21	Fri 5/28/21															
87	Prep for Floor Boxes at the Living Room	1 day	Thu 5/27/21	Fri 5/28/21	86	Prep for Floor Boxes	Mon 5/31/21	Mon 5/31/21															
88	Install Structural Steel Embeds at the Living Room	2 days	Thu 5/27/21	Mon 5/31/21	86	Install Structural Steel Embeds at the	Mon 5/31/21	Tue 6/1/21															
89	Pour the Slab at the New Living Room	1 day	Mon 5/31/21	Tue 6/1/21	86,87,88	Pour the Slab at the l	Wed 6/2/21	Wed 6/2/21															
90	Install the Structural Steel at the Living Room	2 days	Tue 6/1/21	Thu 6/3/21	89	Install the Structural Steel at the Living	Thu 6/3/21	Fri 6/4/21															
91	Masonry Exterior Walls	2 days	Tue 6/1/21	Thu 6/3/21	89	Masonry Exterior Wa	Thu 6/3/21	Fri 6/4/21															



## 1960 South Ocean Preliminary Project Schedule 3.16.21



## 1960 South Ocean Preliminary Project Schedule 3.16.21

ID	Task Name	Duration	Start	Finish	Predecessors	Text1	Baseline Estimated Start	Baseline Estimated Finish	Qtr 1, 2021	Qtr 2, 2021	Qtr 3, 2021	Qtr 4, 2021	Qtr 1, 2022
147	Batt Insulation	2 days	Thu 7/1/21	Mon 7/5/21	145,146	Batt Insulation	Mon 7/5/21	Tue 7/6/21					
148	Accoustical Insulation Walls and Ceiling (If Required)	3 days	Mon 7/5/21	Thu 7/8/21	147	Accoustical Insulation Walls and Ceiling	Wed 7/7/21	Fri 7/9/21					
149	Drywall Board	2 days	Mon 7/5/21	Wed 7/7/21	147	Drywall Board	Wed 7/7/21	Thu 7/8/21					
150	Drywall Taping	1 day	Wed 7/7/21	Thu 7/8/21	149	Drywall Taping	Fri 7/9/21	Fri 7/9/21					
151	Drywall Finishing	5 days	Thu 7/8/21	Thu 7/15/21	150	Drywall Finishing	Mon 7/12/21	Fri 7/16/21					
152	Cabinetry and Millwork	4 wks	Thu 7/15/21	Thu 8/12/21	151	Cabinetry and Millwork	Mon 7/19/21	Fri 8/13/21					
153	Flooring	2 wks	Thu 8/12/21	Thu 8/26/21	152	Flooring	Mon 8/16/21	Fri 8/27/21					
154	Painting and Caulking	3 wks	Thu 8/26/21	Thu 9/16/21	153	Painting and Caulking	Mon 8/30/21	Fri 9/17/21					
155	Mechanical Trim	1 day	Thu 9/16/21	Fri 9/17/21	154	Mechanical Trim	Mon 9/20/21	Mon 9/20/21					
156	Electrical Trim	2 days	Thu 9/16/21	Mon 9/20/21	154	Electrical Trim	Mon 9/20/21	Tue 9/21/21					
157	Low Voltage Trim	2 days	Thu 9/16/21	Mon 9/20/21	154	Low Voltage Trim	Mon 9/20/21	Tue 9/21/21					
158	Hang Doors and Install Trim	2 days	Thu 9/16/21	Mon 9/20/21	154	Hang Doors and Install Trim	Mon 9/20/21	Tue 9/21/21					
159	<b>Interior Buildout New Living Room</b>	<b>106 days</b>	<b>Wed 6/16/21</b>	<b>Thu 11/11/21</b>		<b>Interior Buildout New Living Room</b>	<b>Fri 6/18/21</b>	<b>Fri 11/12/21</b>					
160	Frame Walls and Ceiling	25 days	Wed 6/16/21	Wed 7/21/21	194,81	Frame Walls and Ceiling	Fri 6/18/21	Thu 7/22/21					
161	Foam Insulation Ceiling	1 day	Wed 7/7/21	Thu 7/8/21	160FS-10 d	Foam Insulation Ceiling	Fri 7/9/21	Fri 7/9/21					
162	Foam Insulation Exterior Walls	1 day	Wed 7/7/21	Thu 7/8/21	160FS-10 d	Foam Insulation Exterior Walls	Fri 7/9/21	Fri 7/9/21					
163	Install Interior Door Jambs	2 days	Wed 7/7/21	Fri 7/9/21	160FS-10 d	Install Interior Door Jambs	Fri 7/9/21	Mon 7/12/21					
164	Grounds and Plywood Backer	3 days	Wed 7/14/21	Mon 7/19/21	160FS-5 d	Grounds and Plywood Backer	Fri 7/16/21	Tue 7/20/21					
165	Mechanical Rough	5 days	Wed 7/7/21	Wed 7/14/21	160FS-10 d	Mechanical Rough	Fri 7/9/21	Thu 7/15/21					
166	Electrical Rough	7 days	Wed 7/14/21	Fri 7/23/21	165	Electrical Rough	Fri 7/16/21	Mon 7/26/21					
167	Batt Insulation	2 days	Fri 7/23/21	Tue 7/27/21	165,166	Batt Insulation	Tue 7/27/21	Wed 7/28/21					
168	Accoustical Insulation Walls and Ceiling (If Required)	5 days	Tue 7/27/21	Tue 8/3/21	167	Accoustical Insulation Walls and Ceiling	Thu 7/29/21	Wed 8/4/21					
169	Drywall Board	5 days	Tue 7/27/21	Tue 8/3/21	167	Drywall Board	Thu 7/29/21	Wed 8/4/21					
170	Drywall Taping	2 days	Tue 8/3/21	Thu 8/5/21	169	Drywall Taping	Thu 8/5/21	Fri 8/6/21					
171	Drywall Finishing	10 days	Thu 8/5/21	Thu 8/19/21	170	Drywall Finishing	Mon 8/9/21	Fri 8/20/21					
172	Cabinetry and Millwork	6 wks	Thu 8/19/21	Thu 9/30/21	171	Cabinetry and Millwork	Mon 8/23/21	Fri 10/1/21					
173	Flooring	2 wks	Thu 9/30/21	Thu 10/14/21	172	Flooring	Mon 10/4/21	Fri 10/15/21					
174	Painting and Caulking	3 wks	Thu 10/14/21	Thu 11/4/21	173	Painting and Caulking	Mon 10/18/21	Fri 11/5/21					
175	Mechanical Trim	2 days	Thu 11/4/21	Mon 11/8/21	174	Mechanical Trim	Mon 11/8/21	Tue 11/9/21					
176	Electrical Trim	5 days	Thu 11/4/21	Thu 11/11/21	174	Electrical Trim	Mon 11/8/21	Fri 11/12/21					
177	Low Voltage Trim	3 days	Thu 11/4/21	Tue 11/9/21	174	Low Voltage Trim	Mon 11/8/21	Wed 11/10/21					
178	Hang Doors and Install Trim	3 days	Thu 11/4/21	Tue 11/9/21	174	Hang Doors and Install Trim	Mon 11/8/21	Wed 11/10/21					
179	<b>Closeout</b>	<b>14 days</b>	<b>Mon 11/8/21</b>	<b>Fri 11/26/21</b>		<b>Closeout</b>	<b>Wed 11/10/21</b>	<b>Mon 11/29/21</b>					
180	Testing	10 days	Thu 11/11/21	Thu 11/25/21	136,155,17	Testing	Mon 11/15/21	Fri 11/26/21					
181	Mechanical Final	1 day	Mon 11/8/21	Tue 11/9/21	136,155,17	Mechanical Final	Wed 11/10/21	Wed 11/10/21					
182	Electrical Final	1 day	Thu 11/11/21	Fri 11/12/21	137,156,17	Electrical Final	Mon 11/15/21	Mon 11/15/21					
183	Building Final	1 day	Fri 11/12/21	Mon 11/15/21	181,182	Building Final	Tue 11/16/21	Tue 11/16/21					
184	Cleanup	10 days	Fri 11/12/21	Fri 11/26/21	181,182	Cleanup	Tue 11/16/21	Mon 11/29/21					
185	Substantial Completion	1 day	Thu 11/25/21	Fri 11/26/21	180,183	Substantial Completion	Mon 11/29/21	Mon 11/29/21					

Project: 1960 Project Schedule  
Date: Thu 3/18/21

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Critical

Critical Split

Progress

Manual Progress