

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2024

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 140 N. County Road – Bank of America

Date: January 30, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the interior renovation of the Bank of America, 140 N. County Road. Staff does not support the proposed work hours or days, as the request seeks evening, nighttime, and weekend work. If approved, staff recommends that it be conditioned upon the letter from Jeff “JB” Wolff, Senior Project Manager for Marand Builders, which summarizes his request.

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

GENERAL INFORMATION

The applicant is requesting to renovate the interior of the space at 140 N. County Road. The code (Chapter 42) requires all construction work to start no earlier than 8:00 am and stop no later than 5:00 pm, Monday through Friday, with no weekend work, during the Winter months; and during the Summer months, work only from 8:00 am to 6:00 pm, Monday through Friday, with Saturday work limited to interior quiet work from 9:00 am to 5:00 pm. The applicant is requesting work from 5:00 pm through 6:00 am Monday through Friday, and all-day Saturday and Sunday.

Ordinance 03-2018, adopted by the Town Council on February 13, 2018, and modified numerous times, list 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 observed town holidays, and the days before and after Thanksgiving, when all construction and lawn maintenance work, other than as excepted in [section 42-230](#), is prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Beginning on May 1 until the Monday preceding Thanksgiving, work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and town observed holidays, when all construction and lawn maintenance work is restricted or prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Construction work is permissible on Saturdays from May 1 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 and limited to indoor activity, with the exception of quiet lawn maintenance work and tree trimming); 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 restrictions 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 October 31, except Sundays and legal holidays, when all construction work is prohibited. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30 a.m. and are restricted from conducting any kind of site activity prior to 8:00 a.m. during the weekdays. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 8:30 a.m. and are restricted from conducting any kind of site activity prior to 9:00 a.m. on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.

(c) *Exceptions.*

(1) It shall be within the discretion of the town council when in its opinion the operation of any of the prohibited machinery or appliances mentioned in subsection [42-198\(a\)](#) shall not be overly offensive to the residents or inhabitants of the town in the vicinity of the equipment's operation to grant an exception to this section.

(2) The operation of equipment relating to essential services of the town and equipment operating during emergency conditions shall be exempted from subsection (a).

(3) At the discretion of the director of planning, zoning and building, or his representative, emergency work for nontown related essential services may be authorized at any time during the year.

(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, for multi-family properties, south of Sloan's Curve which are not located on Ibis Isle, that have an association board that approves of Saturday work hours, and a copy of a letter indicating the Saturday work hours have been approved by the association board is on record with the town.

(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."

Also, Mr. Wolff's letter indicates that the proposed work would not exceed 62 dB's when measured outside of the building. This would be compliant with the Area 2 regulations during the daytime, but any work approved in the evening or at night would be limited to 58 dB's. See Section 42-227 & 228 below:

Sec. 42-227. - Geographic sections.



The criteria listed in [section 42-226](#) shall be applicable to the following geographical areas of the town:

- (1) *Area 1.* From the northerly corporate limits southerly to Wells Road.
- (2) *Area 2.* From Wells Road southerly to Worth Avenue.
- (3) *Area 3.* From Worth Avenue southerly to Sloan's Curve.
- (4) *Area 4.* From Sloan's Curve southerly to the southerly corporate limits.

(Code 1982, § 12-47(b))

Sec. 42-228. - Nonvehicular noise.



In the use of a sound level meter, the following criteria shall be used for determining a violation of the town's ordinances relating to the maximum permissible emissions of noise levels emanating from other than motor vehicles, with the exception of lawn maintenance equipment.

EXPAND

Area (Geographic)	Maximum Level, dBA	
	Day	Night
1	61	55
2	64	58
3	61	55
4	61	55

"Night" as used hereinabove is defined as the hours between 7:00 p.m. and 9:00 a.m.

The applicant was asked to notify surrounding property owners of the request and of the date of this meeting, as required.

Attachments – Letter (undated) and Schedule from Jeff “JB” Wolff, Marand Builders



Rec'd 1/29/24

Wayne Bergman
Director/Building Official
Town of Palm Beach
360 S County Rd.
Palm Beach, FL 33480

Re: Bank of America
140 N County Rd.
Palm Beach, FL 33480

Dear Mr. Bergman,

I hope this message finds you well. Marand Builders has been contracted to complete the upcoming interior renovation to the Bank of America retail branch located at 140 N. County rd. in the Town of Palm Beach. Since the existing branch needs to stay open during standard business hours to accommodate the township on the island, we have identified a critical need to request permission for work to be conducted outside of standard working hours as prescribed by the document "Working Hours for Construction" by the Town of Palm Beach. After assessing the project timeline, and the bank's standard hours, we are asking the Town of Palm Beach to allow work to commence after the bank closes and terminate work each morning before the bank reopens. Since the bank hours are 9am to 4pm Monday through Friday, construction could commence at 5pm and end at 6 am Monday through Friday and utilize the weekends full time. This would allow our team to accelerate the original duration from 33 weeks to 29 weeks to ensure timely completion without compromising quality or safety standards.

The proposed after-hours work would be conducted in strict accordance with local regulations and noise ordinances. We understand the importance of minimizing disruptions to residents and the community in the surrounding areas and are committed to implementing appropriate measures to assure neighboring properties are not affected visually and audibly by our work:

- All renovations to the bank will be interior work.
- Work vehicles will not be seen by passersby- arrangements have been made for vehicles to remain parked in the adjacent closed parking garage located at 220 Sunrise Ave when on site.
- All work to be within the building envelope shall be no louder than 90 decibels with an average decrease of 28 decibels transmitted from interior to exterior with windows closed that equates to ~62 decibels or less outside. Note: ~62 decibels are equivalent to a conversation or a dishwasher.
- The nearest residence is approximately 200' away from the property.

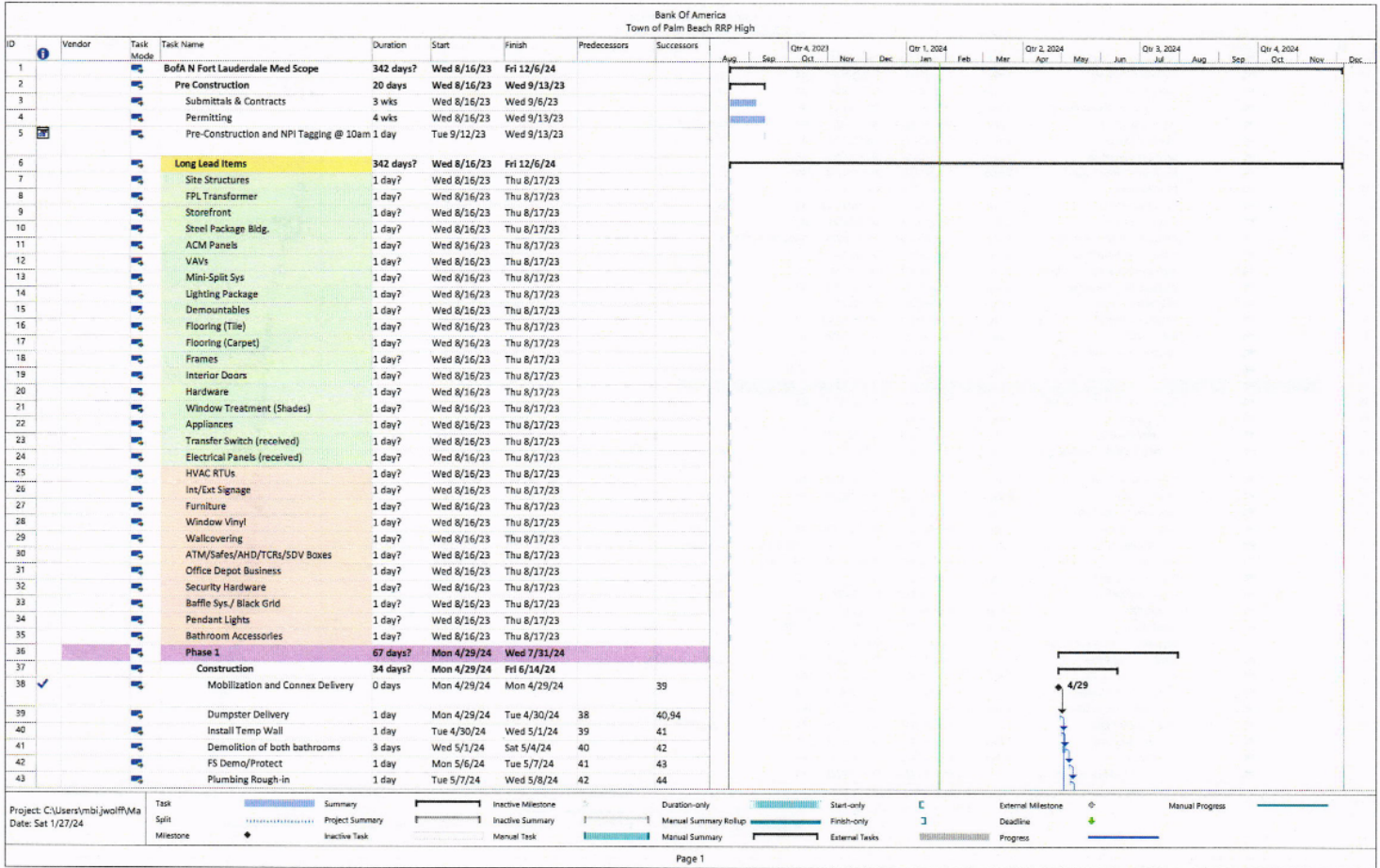
Regarding our abutting tenant, I have spoken with Amy Dittami, the landlords representative, Tremont LLC, about our request for afterhours work. I explained that once a Town council meeting has been arranged, I will be sending a letter to her regarding the request and timing when the Town meeting will occur and will provide that same letter to the Town Council Staff to ensure conveyance of the information required.

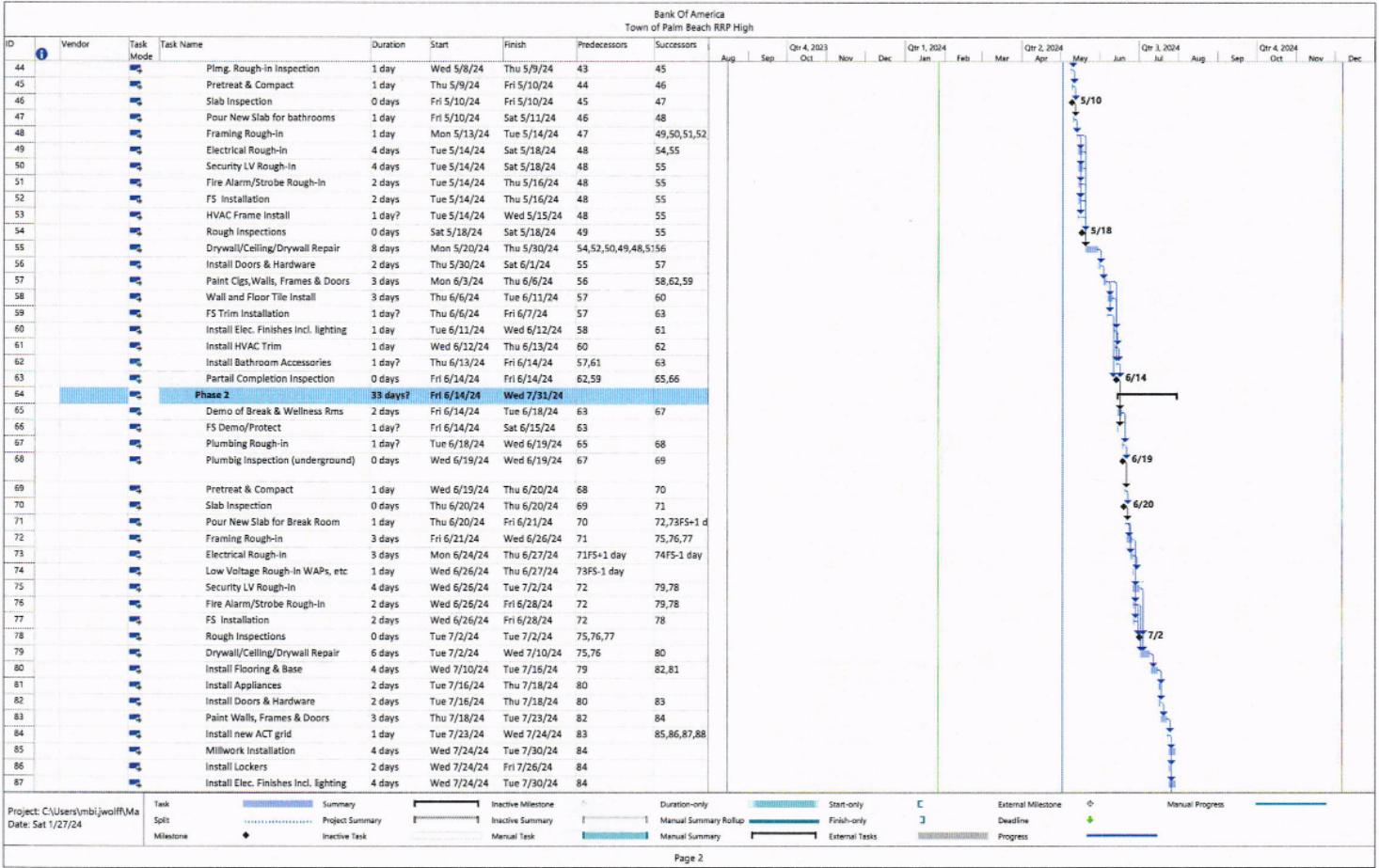


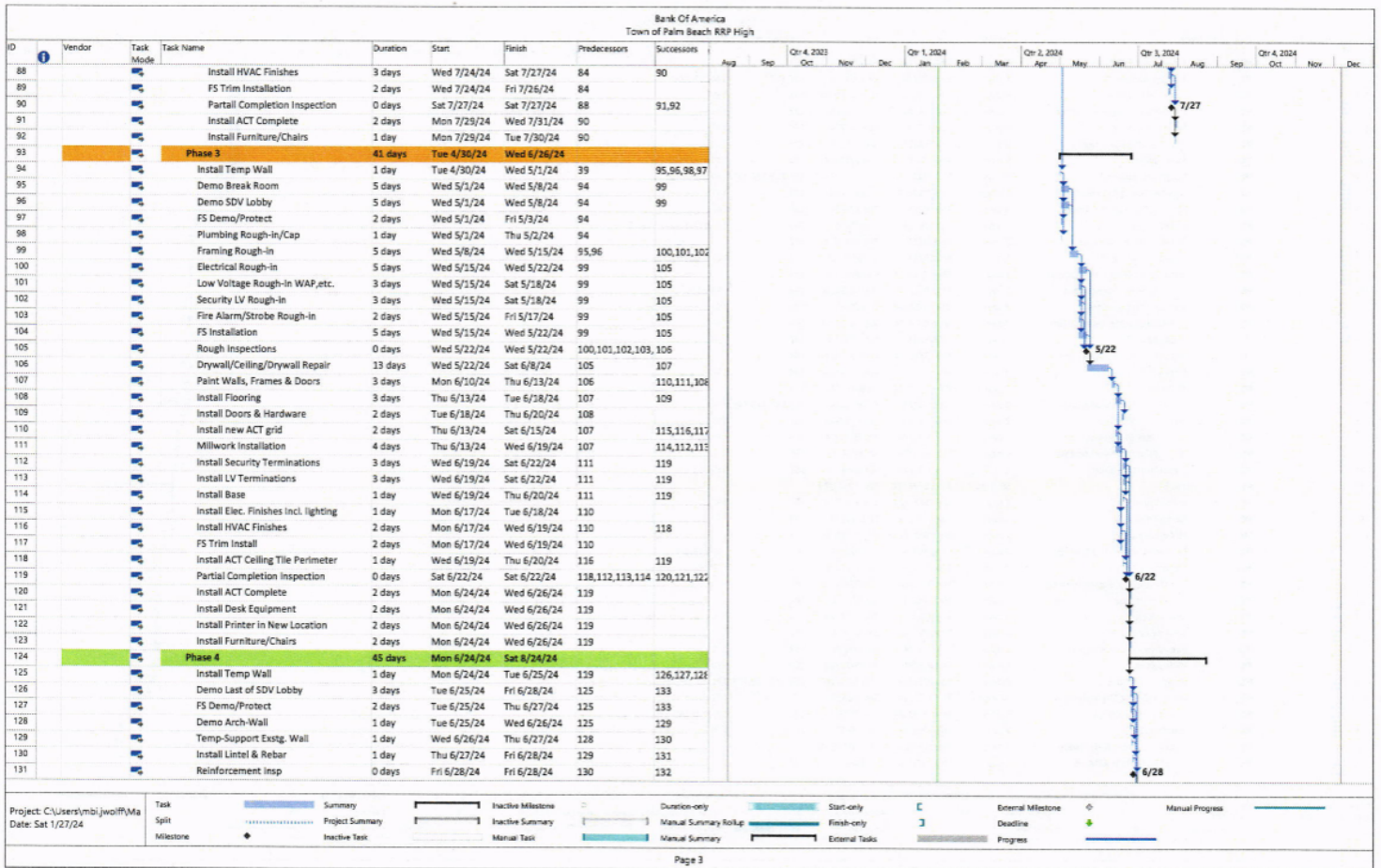
As requested, I have attached the 29 week project schedule for your review. The proposed commencement would be 4/29/2024 to 11/15/2024, substantial completion.

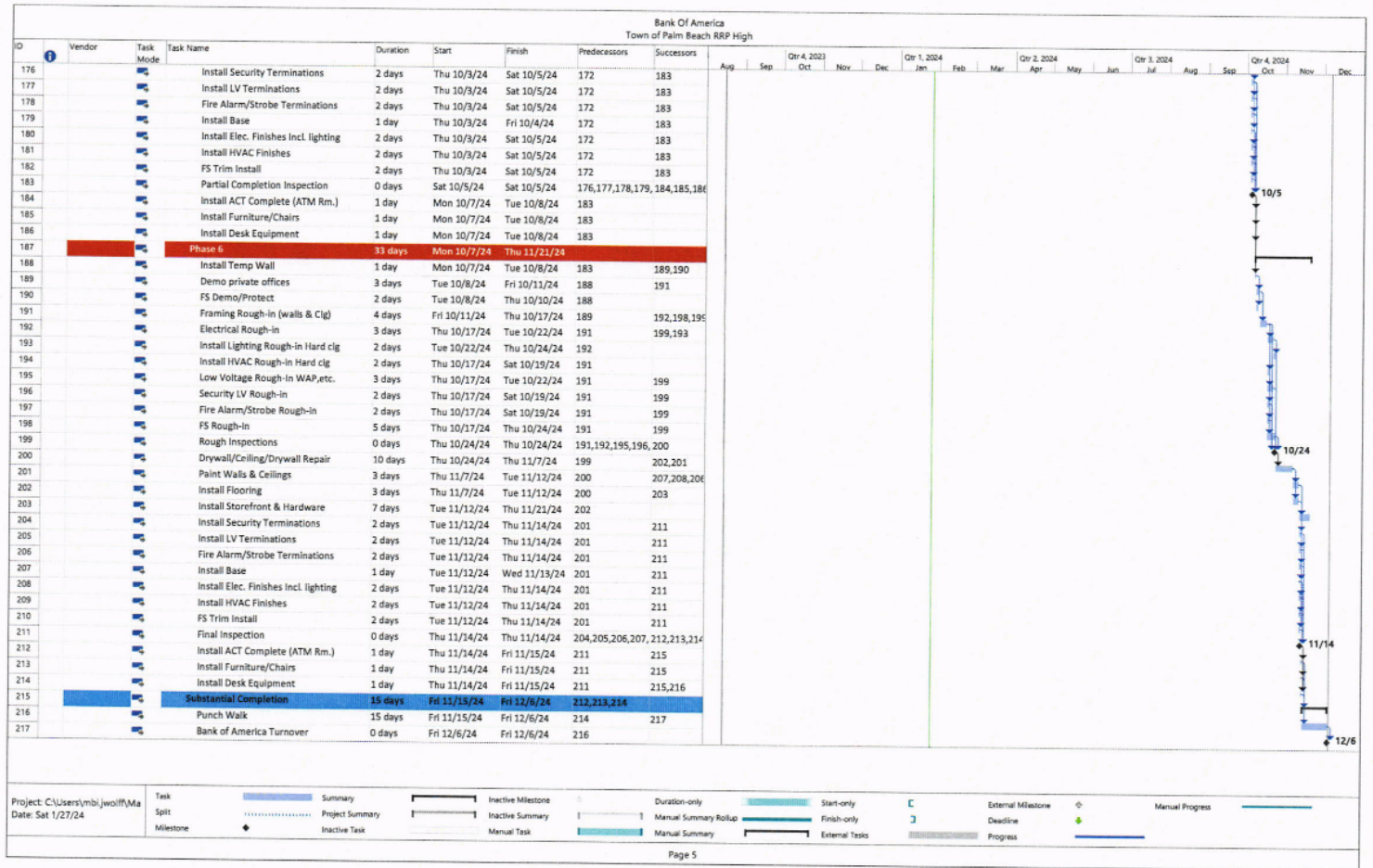
My team and I look forward to the opportunity to address any inquiries you or the council members may have regarding this matter. Your consideration of our request is greatly appreciated, we remain fully accessible to engage in further discussions or address any additional concerns that may arise. We appreciate your attention to this important issue.

Best regards,
Jeff "JB" Wolff
Senior Project Manger
Jwolff@marandbuilders.com
954-295-0446











Code Enforcement Department & Planning, Zoning & Building Department
Town of Palm Beach
345 South County Road
Palm Beach, FL 33480
(561) 227-7080

Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
(561) 838-5431
www.townofpalmbeach.com

WORKING HOURS for CONSTRUCTION and LAWN MAINTENANCE

WORTH AVENUE HOURS - May 1 thru October 31 only

- **Monday thru Saturday** - Work allowed 8:00AM to 8:00PM ONLY.
- **Weekdays** - Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30AM and are restricted from conducting any kind of site activity prior to 8:00AM during weekdays.
- **Saturdays** - Workers are prohibited from arriving at construction and lawn maintenance sites prior to 8:30AM and are restricted from conducting any kind of site activity prior to 9:00AM on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.
- **Sundays and legal holidays** - **WORK NOT PERMITTED! ALL construction work is prohibited!**

SUMMER HOURS - May 1 until the Sunday preceding Thanksgiving

- **Monday thru Friday** - Work allowed 8:00AM to 6:00PM. Heavy equipment or other outdoor construction-related and lawn maintenance noise shall not be permitted before 9:00AM.
- **Weekdays** - Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30AM and are restricted from conducting any kind of site activity prior to 8:00AM during weekdays.
- **Saturdays** - 9:00AM to 5:00PM. Quiet interior work only & quiet lawn maintenance and tree trimming. Workers are prohibited from arriving at construction and lawn maintenance sites prior to **8:30AM** and are restricted from conducting any kind of site activity prior to 9:00AM on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.
- **Saturdays** - The following activities are **prohibited**:
 - Material deliveries
 - Concrete pours/Concrete sawing
 - Demolition/Razing of buildings (except non-mechanized cleanup)
 - The operation of any heavy equipment or machinery
- **Sundays and legal holidays and Town-observed holidays** - **WORK NOT PERMITTED! ALL construction work is prohibited!**

WINTER HOURS - Beginning the Monday preceding Thanksgiving thru April 30

- **Monday thru Friday** - 8:00AM to 5:00PM. With quiet interior work only from 8:00AM To 9:00AM. NO heavy equipment or other outdoor construction-related and lawn maintenance noise is permitted before 9:00AM. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30AM and are restricted from conducting any kind of site activity prior to 8:00AM during weekdays.
- **Saturdays, Sundays, legal holidays, and Town-observed holidays including the Friday immediately after Thanksgiving, ALL CONSTRUCTION WORK IS PROHIBITED!**
- **For multi-family properties, south of Sloan's Curve which are not located on Ibis Isle,** that have an association board that approves of **Saturday** work hours, and a copy of the letter indicating the Saturday work hours have been approved by the association board is on record with the Town. **Saturdays - QUIET INTERIOR WORK** between 9:00AM to 5:00PM.

LAWN MAINTENANCE Section 2. 42-230 Lawn Maintenance

- (a) Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 (as stated above) and all gas and electric powered lawn maintenance equipment, including leaf blowers, shall be subject to the same restrictions as heavy equipment as described in said section. **However, lawn maintenance equipment may be used on the Wednesday immediately preceding Thanksgiving and on the Friday immediately following Thanksgiving from 9:00 a.m. to 5:00 p.m. with quiet work only (no gas or electric powered lawn maintenance equipment or leaf blowers) from 1:00 p.m. to 5:00 p.m. on the Friday immediately following Thanksgiving.** **±±± ALL GAS-POWERED LEAF BLOWERS ARE PROHIBITED IN THE TOWN.**