

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 15, 2024

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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 the Working Hours at 247 Worth Avenue

Date: May 6, 2024

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council consider a request for a modification of work hours for the proposed two-story addition and renovation for 247 Worth Avenue. If approved, staff recommends that it be conditioned upon the May 3, 2024, letter from Attorney Maura Ziska, which summarizes the request, along with the attached detailed schedule of construction work and estimated completion date.

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 to modify the work hours throughout the day. The code requires all Worth Avenue construction work to start on May 1 and to stop on October 31 of each year, with construction allowed from 8:00 am to 8:00 pm, Monday through Saturday. The applicant is requesting to modify the work hours from 6:00 am to 6:00 pm, Monday through Saturday, during the period from May 1 through October 31. The applicant has provided a proposed construction schedule and estimated completion date with their application.

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

Attachments – May 3, 2024 Letter from Maura Ziska, with Proposed Construction Schedule  
Letter to Neighbors  
List of Neighbors Contacted

# KOCHMAN & ZISKA PLC

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Ronald S. Kochman\*  
Maura A. Ziska  
Alexander D. Kochman

\*Also admitted in New York

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

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

May 3, 2024

VIA EMAIL

[wbergman@townofpalmbeach.com](mailto:wbergman@townofpalmbeach.com)

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

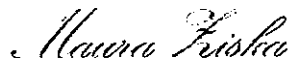
Re: Extension for construction time frame/247 Worth Avenue, Palm Beach, FL

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 247 Worth Avenue, Palm Beach, FL. Also enclosed is a construction schedule. We are requesting to allow work from 6:00 a.m. to 6:00 p.m., Monday through Saturday, from May 1, 2024 through October 31, 2024. Please note that there are currently no residents on the North side of the street. The goal is to mitigate the impact of construction noise and activity during the critical dinner service period of adjacent restaurants. This change in morning start time will provide a more pleasant and quiet environment for their patrons, without the backdrop of construction work during prime operating hours.

Please place this request on the May 15, 2024 Town Council agenda.

Respectfully,



Maura Ziska

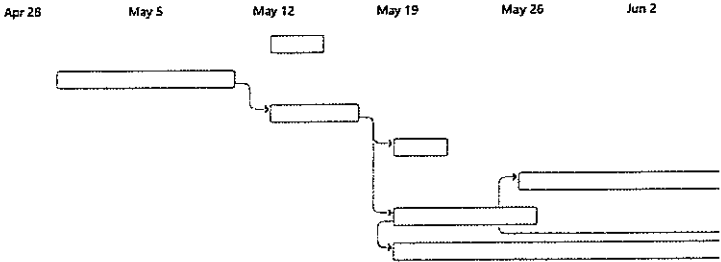
/maz

Enclosures

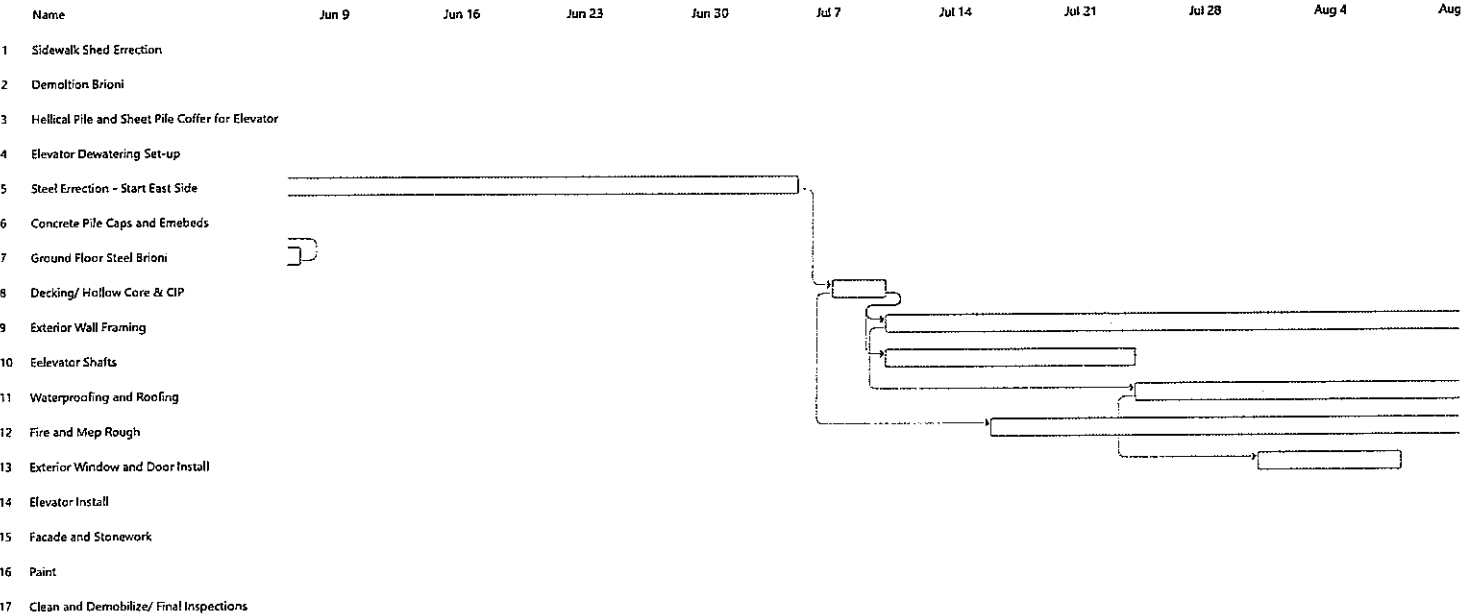
cc: Client

ART DECO SUPERSTRUCTURE - LANDLORD SHELL BASE BUILDING

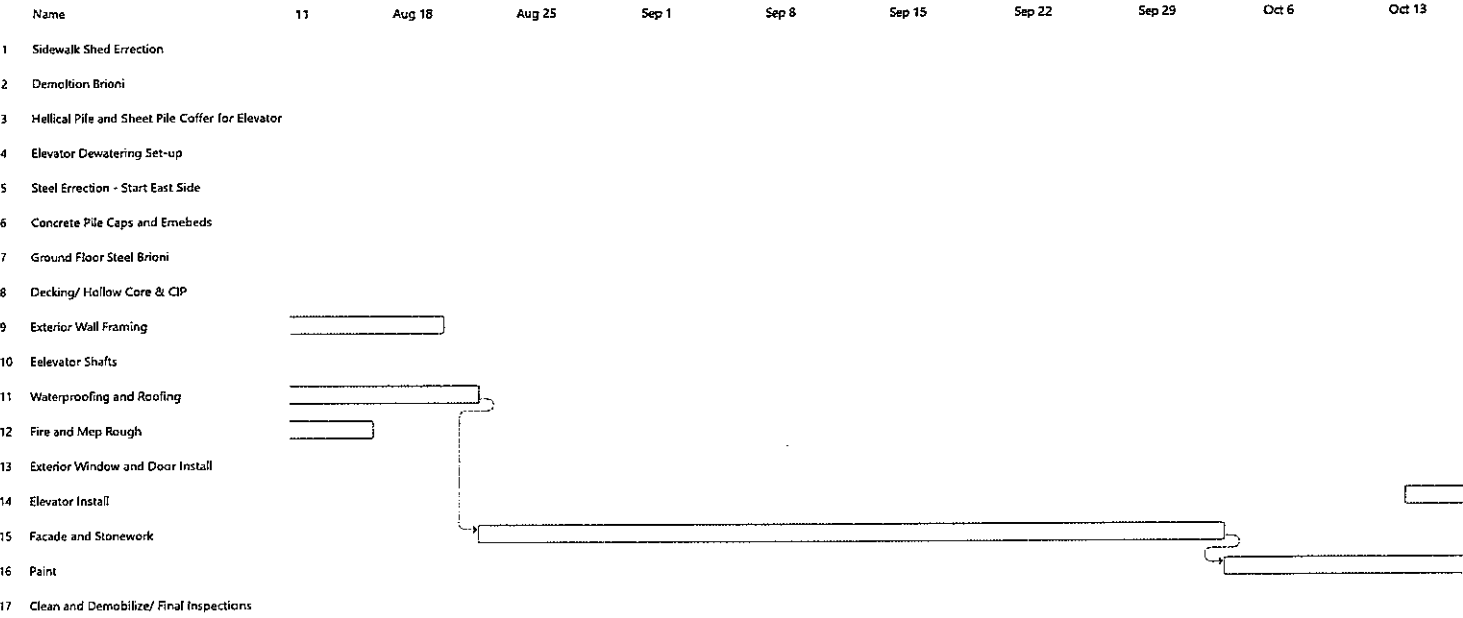
Name	Assigned to	Start	Finish	% Complete	Apr 21
1 Sidewalk Shed Erection		5/13/2024	5/15/2024	0	
2 Demolition Brioni		5/1/2024	5/10/2024	0	
3 Hellical Pile and Sheet Pile Coffe for Elevator		5/13/2024	5/17/2024	0	
4 Elevator Dewatering Set-up		5/20/2024	5/22/2024	0	
5 Steel Erection - Start East Side		5/27/2024	7/5/2024	0	
6 Concrete Pile Caps and Emebeds		5/20/2024	5/27/2024	0	
7 Ground Floor Steel Brioni		5/20/2024	6/7/2024	0	
8 Decking/ Hollow Core & CIP		7/8/2024	7/10/2024	0	
9 Exterior Wall Framing		7/11/2024	8/20/2024	0	
10 Eelevator Shafts		7/11/2024	7/24/2024	0	
11 Waterproofing and Roofing		7/25/2024	8/22/2024	0	
12 Fire and Mep Rough		7/17/2024	8/16/2024	0	
13 Exterior Window and Door Install		8/1/2024	8/8/2024	0	
14 Elevator Install		10/14/2024	10/25/2024	0	
15 Facade and Stonework		8/23/2024	10/3/2024	0	
16 Paint		10/4/2024	10/24/2024	0	
17 Clean and Demobilize/ Final Inspections		10/24/2024	10/31/2024	0	



ART DECO SUPERSTRUCTURE - LANDLORD SHELL BASE BUILDING



ART DECO SUPERSTRUCTURE - LANDLORD SHELL BASE BUILDING



ART DECO SUPERSTRUCTURE - LANDLORD SHELL BASE BUILDING

Name	Oct 20	Oct 27	Nov 3	Nov 10	Nov 17	Nov 24	Dec 1	Dec 8
1 Sidewalk Shed Erection								
2 Demolition Brioni								
3 Hellical Pile and Sheet Pile Coffier for Elevator								
4 Elevator Dewatering Set-up								
5 Steel Erection - Start East Side								
6 Concrete Pile Caps and Emebeds								
7 Ground Floor Steel Brioni								
8 Decking/ Hollow Core & CIP								
9 Exterior Wall Framing								
10 Eelevator Shafts								
11 Waterproofing and Roofing								
12 Fire and Mep Rough								
13 Exterior Window and Door Install								
14 Elevator Install								
15 Facade and Stonework								
16 Paint								
17 Clean and Demobilize/ Final Inspections								

May 3, 2024

RE: 247 Worth Avenue, Palm Beach

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of construction, is being requested by 247 Worth Avenue, to allow work from 6:00 a.m. to 6:00 p.m., Monday through Saturday, from May 1, 2024 through October 31, 2024. Please note that there are currently no residents on the North side of the street. The goal is to mitigate the impact of construction noise and activity during the critical dinner service period of adjacent restaurants. This change in morning start time will provide a more pleasant and quiet environment for their patrons, without the backdrop of construction work during prime operating hours.

This matter will be presented to the Town Council at the regularly-scheduled meeting on May 15, 2024. 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,

A handwritten signature in cursive script that reads "Maura Ziska".

Maura Ziska



## Surrounding Property Owners Noticed

50-43-43-23-05-015-0010

PERUVIAN AVENUE CORP  
380 COLUMBIA DR. STE 111  
WEST PALM BEACH, FL 33409 1977

50-43-43-23-05-015-0440

237-243 WORTH AVENUE LTD PART.  
C/O GREENSTONE REALTY ADV.  
21981 WAINWAY LN.  
MIDDLEBURG, VA 20117 3147

50-43-43-23-05-018-0050

PALM V ASSOC LTD  
C/O LOVE REALTY  
P.O. BOX 28  
WHITE PLAINS, NY 10605 0028

50-43-43-27-69-000-0010

LOVE III LLC  
P.O. BOX 28  
WHITE PLAINS, NY 10605 0028

50-43-43-27-69-000-0020

E&R III LLC  
250 WORTH AVE.  
PALM BEACH, FL 33480 4663

50-43-43-27-69-000-0030

SMS COMPANY  
P.O. BOX 28  
WHITE PLAINS, NY 10605 0028

50-43-43-27-69-000-0040

LUCILLE HANDELSMAN TRUST  
7 LOVE LN.  
HARRISON, NY 10528 1218

50-43-43-27-88-000-0010

259 WORTH AVENUE LLC  
MILLBANK TOWER  
21 – 24 MILLBANK LONDON  
SW1P4QP GREAT BRITAIN & NRTHRN  
IRELAND

TOWN OF PALM BEACH

P.O. BOX 2029  
PALM BEACH, FL 33480 2029