

TOWN OF PALM BEACH

Building and Zoning Department

MINUTES

BUILDING BOARD OF ADJUSTMENTS AND APPEALS
2:00 p.m., FRIDAY, NOVEMBER 9, 1990
AT THE TOWN HALL, PLANNING, ZONING & BUILDING DEPARTMENT
CONFERENCE ROOM, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 2:03 p.m. by
Acting Chairman, Ames Bennett.

II. Roll Call:

PRESENT: Ames Bennett, Member and Acting Chairman
John Nora, Member
Jeffrey W. Smith, Member

STAFF PRESENT: John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning &
Building
Harry P. Ackerman, Chief Building Inspector
R. Tim Wright, Chief Electrical Inspector
Craig Olsen, Fire Marshal's Office
Cynthia M. Delp, Recording Secretary

OTHERS PRESENT: Alexander Powell, B.K. Polo of Florida

III. Approval of the Minutes of the November 1, 1990 Meeting

MOTION TO APPROVE THE MINUTES AS MAILED BY MR. SMITH.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

IV. Items for Discussion

Item 1: Requested by: B.K. Polo/Polo Ralph Lauren
Regarding: 150 Worth Avenue
Subject: Appeal of National Electrical Code
Section 90-6 and 410-4 (Fixtures must
be certified by a testing laboratory and
listed for the location installed.)

Mr. Powell, representing B.K. Polo, addressed the Board regarding the wall sconces and overhead light which are being questioned today. He explained that these fixtures had been installed eleven years ago by the previous tenant, and were approved by the Town at that time. Also, the fixtures had been re-wired in this country, after their arrival from Europe. As B.K. Polo now prepares to open in this tenant space, and is performing modifications to the storefront, said fixtures were temporarily removed. When it was time to re-hang the fixtures, they were informed by Mr. Tim Wright, Chief Electrical Inspector, that these fixtures could not be hung, as they were not "listed" or approved for the location. Mr. Powell stated that these fixtures have never had a "UL" sticker, because they are antique fixtures from Europe. B.K. Polo has suggested that an independent electrical engineer approve the sconces. A "listing", as is desired by Mr. Wright, would cost approximately \$ 3,500 to \$ 4,000, definitely not cost effective, in the opinion of the tenant. Currently, there are holes (from the sconces) in the exterior walls, and unattractive "bug" lights taking the place of the aforesaid fixtures.

Mr. Wright stated that he could not answer for these fixtures being permitted to be hung eleven years ago, but guessed that this allowance may have been an oversight. Electrical codes from eleven years ago would have clearly negated the installation of these fixtures, just as the current Electrical Code does. He maintained that a "UL" rating, or an approval from another recognized testing laboratory, is essential for these fixtures to ensure the safety of the public, as these fixtures are susceptible to rainwater and are hung low, within reach of passers-by. The fixtures are hung in both wet (susceptible to direct rainfall) and damp (susceptible to indirect water) locations. These fixtures are European, and European wiring is exactly opposite of that which is done in the United States.

These fixtures are not designed for their locations, "wet" and/or "damp", and because of this, the potential for problems, the worst being electrocution, is a real possibility. The plans for this tenant renovation, when approved by the Town, stated that the contractor had to comply with Article 90-6 of the

National Electrical Code, which would prevent the installation of these fixtures. Therefore, the Town should not assume responsibility for the installation of these fixtures. Mr. Wright firmly stated, "These fixtures are unsafe."

Mr. Bennett stated that in the Town, many European light fixtures have been re-wired and used in homes. Mr. Wright replied that this is true, but these fixtures are not subject to rainwater, and are usually not accessible to the touch. In this case, these fixtures are readily accessible, and the Esplanade area is well-traveled, thereby increasing the probability of a threatening situation.

Mr. Smith stated that he can sympathize with the tenant in that these lovely fixtures were in place when the space was leased, and that now, because he has chosen to renovate the storefront, he is unable to re-install the same fixtures as were there previously. On the other hand, however, Mr. Smith felt that the applicant could take other measures to make these fixtures safer than they are now.

After discussion as to how the fixtures could be made safer, Mr. Wright stated that the best idea he has heard at this meeting is to change the fixtures to low voltage fixtures.

MOTION BY MR. SMITH TO APPROVE THE FIXTURES WITH THE PROVISIO THAT THEY BE RE-WIRED TO BE LOW VOLTAGE FIXTURES WITH A "LISTED" AND APPROVED TRANSFORMER.

MOTION SECONDED BY MR. NORA.

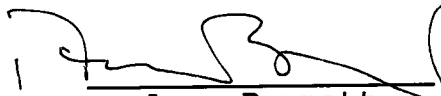
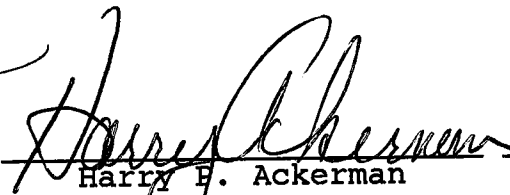
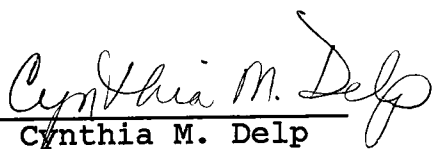
MOTION CARRIED UNANIMOUSLY.

V. Adjournment:

MOTION TO ADJOURN BY MR. SMITH AT 2:27 P.M.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

		
Ames Bennett Acting Chairman	Harry E. Ackerman Chief Building Inspector	Cynthia M. Delp Recording Secretary