

# TOWN OF PALM BEACH

Building and Zoning Department

## MINUTES

BUILDING BOARD OF ADJUSTMENTS AND APPEALS  
2:00 p.m., WEDNESDAY, AUGUST 15, 1990  
CONFERENCE ROOM, 360 SOUTH COUNTY ROAD, PALM BEACH

I. Call to Order: The meeting was called to order at 2:00 p.m. by Ames Bennett, Acting Chairman.

II. Roll Call:

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

ALSO PRESENT: Robert L. Moore, Director of Planning,  
Zoning and Building  
Harry P. Ackerman, Chief Building Inspector  
John Wandell, Fire Marshal  
Enrico Plati, Villa Plati

RECORDING SECRETARY: Sandra G. Melvin

Let the record show that E. Ben Walton, Jr. was not in attendance.

III. Approval of Minutes of May 30, 1990 and June 20, 1990.

MOTION BY MR. SMITH TO APPROVE THE MINUTES.

MOTION SECONDED BY MR. NORA.

MOTION CARRIED UNANIMOUSLY.

IV. ITEM 1: Appeal of Town Of Palm Beach Swimming Pool Code  
Section 5-277 (b) (REQUIRING MAXIMUM WATER  
DEPTHS OF 3 FEET 6 INCHES AT THE SHALLOW END)  
Owner: A. Alfred Taubman  
Address: 1820 South Ocean Boulevard

Mr. Ackerman explained Swimming Pool Code. Mr. Bennett wondered if all swimming pools could have a shallow end and a deep end, or could they all be deep, or could they all be shallow. Mr. Ackerman felt for safety reasons, swimming pools always have a shallow end. Mr. Bennett said he was familiar with swimming pools with the same depth used for laps and having no shallow end and no deep end. Mr. Ackerman said that is what we are talking about here. Mr. John F.

Colamarino, Architect said that is his argument, to which Mr. Bennett responded he was just asking questions. Mr. Ackerman believed for safety purposes a shallow end is always required. Mr. Cassidy added, or else a total depth over the total area. Mr. Ackerman noted total shallow area. Mr. Bennett said the whole pool could be 2 feet 9 inches; to which Mr. Cassidy added, or could be 3 feet 6 inches; to which Mr. Ackerman responded, or anywhere in between. Mr. Bennett said in this case there is a deeper shallow end. Mr. Ackerman said the proposed plan calls for 4 feet 11 inches from the top of the deck throughout.

Mr. Colamarino presented a site plan which he felt was significant and pointed out an existing landmark structure, the proposed pool, an existing pool which has a shallow end and a deep end and is attached to the guest facility, and an existing pool which is being converted to a fish pond not considered a swimming pool so does not comply.

Mr. Colamarino presented a construction plan of the swimming pool in question, and pointed out the pool pavilion which is an open structure. There is a stair at both ends, and it is planned with depths at the walls of 4 feet 9 inches, and 4 feet 11 inches at the main drains, and it has a uniform depth. Mr. Colamarino said he had a letter from Mr. Taubman which is addressed to Mr. Ackerman stating his desires for the pool that it should be a uniform depth to be used as a lap pool. Mr. Colamarino said he highlighted the sentence that states, "...the pool is intended to replace the pool that presently exists at 958 N. Lake Way," which is his present residence. Mr. Colamarino said Mr. Taubman also makes reference to the guest pool which does have a shallow portion.

Mr. Colamarino stated he also had a letter from Mr. Dennis Hoerber who currently is president of Wet World. He heard Mr. Hoerber had done some work for the Town in developing the code, and contacted him. Mr. Colamarino received a two-page letter and wanted to read where he chaired a special code development committee and states he..."believes the committees' intent was to maintain as permissive as possible the architectural engineering design features of any given pool," and goes on to say..."the particular unified code, as well as, the current national standard, embraces certain general design features for the average swimming pool. I do not believe it was ever intended, nor should it be intended to preclude special or unique situations which should be reviewed on a one-on-one basis."

Mr. Colamarino felt the Board brought up what was going to be his argument, that the intent of the Code is not to specifically require a shallow end. It does not say that. The first statement in the mention of the design of s. pools is..."no limits are specified for shape of swimming pools except that consideration shall be given to shape from the standpoint of safety and the recirculation of the swimming pool water." He did not think there is a recirculation problem. As far as safety, Mr. Colamarino did not understand why there would be anything apparently more or less safe in the design of a pool with a shallow end or not with a shallow end. He said, in fact, a uniformed s. pool has some safety built into it, in that there are no surprises. It kind of averages out to safety. If the argument is made, a shallow end is more safe than a deep end, that means only half the pool is safe, and Mr. Colamarino did not think that is the intent of the Swimming Pool Code.

Mr. Smith wondered when the Town adopted the shallow end to the Code. Mr. Ackerman said the S. Pool Code has been in since approximately 1958. There was continued discussion. Mr. Smith said he understood the request for a different type of pool for their own personal use, but for safety reasons did see a problem if a child fell in and could not stand up in the water. Mr. Smith asked if Mr. Taubman would be willing to write a letter to indemnify the Town of any lawsuit if anyone should drown in the s. pool. He felt if the Board approves something being done over and above what the Code requires, the Town and Board has to be protected from any future lawsuit when the property is sold and someone moves in and should drown in the s. pool. Mr. Colamarino said he understood exactly. Mr. William A. Robinson stated they would have to go back to Mr. Taubman, but he was sure Mr. Taubman will be more then adequately insured for any problem and has a pool at the other---Mr. Smith said not just insured---Mr. Robinson said they would have to go back and ask Mr. Taubman if he is willing to write a letter relieving the Town of the responsibility. Mr. Smith said not writing a letter, but actually recording it with the property. Mr. Robinson said it would be Mr. Taubman's decision. Mr. Smith said it was his opinion, this is a potential problem, and the Town seems to believe this requirement is what keeps them safe. Mr. Smith said it was his understanding, the Building Board Of Adjustments And Appeals is not allowed to grant relief from the Code unless there is something better and wanted to know what kind of relief from the code they are giving the Town. Mr. Robinson said he would get in touch with Mr. Taubman after the meeting and pass it on to him and get back with an answer.

MOTION BY MR. SMITH TO APPROVE THE APPEAL WITH THE STIPULATION THAT A LETTER OF INDEMNIFICATION FROM THE APPLICANT BE GIVEN TO THE TOWN OF PALM BEACH.

MOTION SECONDED BY MR. CASSIDY.

Mr. Cassidy said he was just reading Mr. Hoerber's letter and felt he had a lot of experience. Mr. Cassidy said he was concerned about the safety situation too, but felt it is true that a child could fall in the deep end of a pool and could not swim. Mr. Cassidy believed if any relief is given, it is a good idea for the Board to require an indemnification letter.

Mr. Nora did not see anything wrong with having one depth for the entire length of the pool as long as the Town and the Board is relieved of any responsibility for the pool.

Mr. Cassidy noted that Mr. Bennett designed some special pools. Mr. Bennett said he did not resist granting it for those prerogatives, and wanted to add that the Board likes to see if there is hardship, what are the real problems here, why do you want relief from the code requirement. We are empowered to grant relief when there is a problem. If the problem is a whim or something, we have to waive it. In this case there is an existing property already with a s. pool on it which probably has an appropriate shallow end and a deep end. This is a second pool being built for a special purpose. Since it is going to be used for that special purpose like swimming laps, or races, or meetings, or whatever they choose to do so, Mr. Bennett felt a letter of indemnification was needed as we do not want to be liable if something is granted and something terrible happens. This is not a Board that is going to grant something like the Town Council does, this Board does not have anything to do with beauty. We are technical people here and we look to see if there is a hardship in connection with the construction or with the use. Since there is a unique condition with this situation, Mr. Bennett felt he would go along with the approval of it.

Mr. Cassidy asked for Staff's position. Mr. Ackerman stated the Town's position is really against this much of a variance because of safety reasons, and the fact houses are sold all the time and then having a very deep pool that someone else has to contend with and they may or may not realize all the ramifications of it. How do you even try to control only one owner using this pool and Mr. Taubman is not there 24 hours a day. Mr. Bennett suggested depth indicators in the tile. Mr. Colamarino stated Mrs. Taubman has been

shopping for tile all over Europe and she would be very unhappy to see a big marker on it. Mr. Ackerman believed people normally think there is a shallow end to a pool, and he would not object to granting 4 feet, but felt 4 feet 11 inches is a height most people could not stand and keep their head above water and did not think there is a need for 4 feet 11 inches depth in competitive swimming.

(Let the record show Mr. Moore arrived at 2:20 p.m.)

Mr. Colamarino felt everyone was getting away from the concept that this is a pool with a very special requirement. It happens to be a very large pool because it is Mr. Taubman's pool, and he is a very large man, and he is not going to have children running around in this pool. Mr. Ackerman wanted to know how could you guarantee that. There was continued discussion.

Mr. Smith felt since this is now in the code, a letter is needed to indemnify the Town from future lawsuits of any kind for him to approve it, and he understood Mr. Taubman has a special need. Mr. Robinson did not think Mr. Taubman would object to it and did not think there would be any problem.

(Let the record show Mr. Wandell arrived at 2:25 p.m.)

MOTION CARRIED UNANIMOUSLY.

Mr. Moore addressed the Board, and respectfully asked if the indemnification is subject to the Town Attorney, Mr. Randolph's approval. Mr. Bennett presumed there is a form which could be made available to Mr. Randolph. Mr. Moore indicated there is no such form, and each is an individual case depending on the degree of severity and each case would merit its own type of language. Mr. Moore said as long as the applicant would understand and that is the Board's intent, it is between Mr. Taubman's Attorney and Mr. Randolph and they would work out the type of indemnification.

MOTION BY MR. SMITH TO AMEND PREVIOUS MOTION TO INCLUDE, IF APPLICANT DOES NOT MEET THE REQUIREMENTS FOR INDEMNIFICATION BY TOWN OF PALM BEACH ATTORNEY, MR. RANDOLPH, THEN APPLICANT WILL HAVE TO MEET THE SWIMMING POOL CODE SECTION 5-277 (b).

AMENDED MOTION SECONDED BY MR. CASSIDY.

Mr. Bennett felt a form should be part of the motion. Mr. Moore stated there is no form available. Mr. Smith noted it is a one-on-one basis. Mr. Bennett asked if they would dicker about it. Mr. Moore believed they certainly will

because the Town will be asking for the moon in the indemnification and Mr. Taubman may not wish to give the moon. Mr. Bennett wondered what that would entail. Mr. Moore said that is Mr. Randolph's position. Mr. Smith indicated a building permit would not be issued until the indemnification is agreeable. Mr. Moore said as long as that is understood by the Applicant and the Board. Mr. Bennett felt it was not fair to leave the Applicant hanging. Mr. Moore said on legal matters we have to depend on Mr. Randolph, and in this case the intent of the Board is clear from what the Motion was, the Board wants to grant relief pending the liability issue, to hold harmless type of agreement. Mr. Smith agreed that is the intent. Mr. Moore said the Applicant's Attorney will need to talk to Mr. Randolph about what type of indemnification Mr. Randolph feels will be necessary, and that determination needs to be made by the Town Attorney.

Mr. Bennett asked if what was decided would pose any problem or could they handle it. Mr. Robinson responded they will handle it. Mr. Colamarino said Gulf told him that concrete was scheduled to be poured on Friday. Mr. Ackerman asked if the concrete was for the pool, to which Mr. Colamarino responded yes. Mr. Bennett said that was not good planning. Mr. Colamarino said it was not the intent to proceed without an approval. We had the schedule on Friday and this meeting was on Wednesday and we were hoping for a resolution. Mr. Moore felt that is a great critical path with the assumption that you are going to be able to get the approval. If the approval was not granted, all that would be necessary is the cancellation of the concrete, and Mr. Moore suggested the concrete be canceled. It was not a reason, in Mr. Moore's opinion, to go forward with the pour until this issue is resolved. Mr. Ackerman said to be approved, plans will need to be resubmitted, to which Mr. Colamarino responded it would be done very quickly. Mr. Moore commented it is not going in front of anyone else's application. Mr. Colamarino said he is bringing it up because he would like some direction and wanted to be able to tell Mr. Taubman and Gulf what kind of time frame they were dealing with. Mr. Moore believed approximately 30 days depending on the Attorneys. Mr. Ackerman noted there were a few weeks for plans to be approved.

Mr. Bennett wondered if this is the only construction they have there. Mr. Robinson responded no, the whole site. Mr. Colamarino said there is a lot of construction, but obviously the pool needed to be poured before the deck and before the pool pavilion, so it is crucial to the schedule. Mr. Moore stated the problem has been around for a long time, and Mr.

Ackerman brought this to him over a month ago. This is not the first time this has arisen. Mr. Colamarino said that was correct. A letter was written to Mr. Ackerman, and Mr. Ackerman disagreed. Now it was at the next step and its taken 30 days to get here. He said he was just trying to get this thing going.

Mr. Nora asked if a permit was issued, to which Mr. Ackerman responded no. Mr. Colamarino stated a permit was issued for general construction, the pool has been noted as not conforming. Mr. Nora noted there is no permit for the pool. Mr. Ackerman stated that was specifically for the pool. Mr. Colamarino said in this case, the pool is part of the general construction. The plumbing of the pool is Wet World, and guessed he would have to get his own, and said he didn't know, would let Gulf---Mr. Ackerman stated generally, there is a separate permit for a swimming pool. Mr. Moore questioned if the general contractor took the permit for the pool in his initial price. Mr. Colamarino said it is part of his contract and asked Mr. Robinson. Mr. Robinson moved his head in the affirmative. Mr. Moore said we need to see that in the contract before we can honor that because normally pools are a separate contract. If it is in the contract, we can work that out. Mr. Ackerman agreed. Mr. Bennett noted the Board gave approval with proviso that includes a legal thing, and the Board had done the best they could.

Mr. Colamarino said he understood and will pick this up with Mr. Ackerman at the end of the day. Mr. Ackerman said there would not be anything done until the indemnification is agreed upon first. Mr. Colamarino said he would like to discuss that with Mr. Robinson, and discuss it with Mr. Ackerman before the end of the day, if that is possible. Mr. Ackerman asked what good does it do to discuss it. Mr. Colamarino said he has a plan. Mr. Ackerman said it is not his choice as to whether it is approved or not, it is the Town Attorney Mr. Randolph's. Mr. Colamarino said he understood that, but there might be a way not to wait for Mr. Randolph and Mr. Taubman's Attorney to reach a decision. Mr. Ackerman said there is no way. Mr. Colamarino asked if he had something to present, when could he do this. Mr. Moore suggested he present it now.

(Let the record show Mr. Colamarino & Mr. Robinson asked to leave the meeting for a few minutes, returning at 2:34 p.m)

Mr. Colamarino said they would like to build a pool with a constant depth, and if Mr. Taubman's Attorney and the Town Attorney can not reach accord, could the building of the pool proceed this way: the depth of the pool could be built up

and brought to that 3 feet 6 inches. Is there a way that we could get you a letter very quickly so that we could proceed in the interim if we guarantee that we will bring the pool up to whatever depth is decided on should the Attorneys not be able to--- Mr. Cassidy asked do you mean fill the pool in after you pour? Mr. Robinson said yes, slab of concrete, we fill it with sand and pour a new bottom in it if we could not get the variance we needed. Mr. Moore asked if they would build the pool to standard? Mr. Colamarino was not sure what the standard is. Mr. Ackerman felt there was a question on whether standard could be built, and would have to see a design, with the way the steps are, to where we would get the proper slopes. Secondly, once something is poured, it is a lot harder for us to change something after the fact. Mr. Moore agreed and asked to comment: if the applicant and his legal council decided they did not want to do it, the Town is put into a position of having to go after a town resident legally, and the Town is not in that business. Mr. Robinson said he understood. Mr. Moore said the Town has a set of rules and regulations which have a variance and/or appeal form, and that is where you are at today. You are asking for an appeal of administrative, turned down, on modifying the code. Mr. Moore felt the Board, very generously, gave the out you were looking for and conditioned it upon the approval of the Town's legal council because of the indemnification. It would not be an advantage to the Town to do anything beyond that because you are seeking to modify the Town's Code. You have given your good reasons, and have been able to sell the policy makers, but beyond that places another burden upon the Town, or possibility of it. And if agreement can not be reached, it adds another layer of possible litigation where there is no recourse for the Town to recover in the cost of litigation or the Staff time involved.

Mr. Bennett wondered if the pool bottom was maintained at the depth of 4 feet 11 inches to the water line, (demonstrating on plans) does the water line come to the top? Mr. Colamarino responded no, that is from the bottom of the pool, to the top of the deck. Mr. Bennett said to the top of the deck, but the water line is less. Mr. Colamarino said yes, the water line is approximately 4 feet 6 inches, 4 feet 5 inches. Mr. Bennett asked if the 4 feet 11 inches depth was maintained up to this point (indicating) and at that point you instilled an incline to bring it to the code depth at this end, from here to here, that last 6 feet would probably comply with the spirit intent of the Code and you would get your constant depth. Mr. Colamarino said no, he was given very specific instructions with the design the Owner wishes to have. Mr. Colamarino felt the Code does not

really define the reference to a shallow end; not by size, or location, or anything.

After further discussion, Mr. Colamarino said he would rather let the attorney's hash it out, and the contractor will deal with the schedule.

ITEM 2: Appeal of Town of Palm Beach Standard Building  
Code Section 2001.2.1 (REQUIRING A MINIMUM  
CEILING HEIGHT OF 7 FEET 0 INCHES).  
Address: Villa Plati

(Let the record show Mr. Moore left the meeting at 2:45 p.m.)

Mr. Patrick Segraves, SKA Inc., Architect & Planner, presented plans of the garage on Bradley Place. Mr. Ackerman said this is for the whole project and there are three buildings: one on Bradley Place, one on Everglades Avenue, and one on Australian Avenue. The buildings on Australian Avenue and Everglades Avenue are 4-unit buildings with individual garages for each tenant although it is a multi-family building. The building on Bradley Place is a 7-unit building with the two end units having an individual garage, and the five middle units having one common garage. All the garages are over 850 square feet so they are all considered public garages and do require things such as exhaust fans and etcetera. Mr. Segraves added we are not discussing ventilation today.

Mr. Ackerman said the problem is having a 7 feet 4 inch ceiling height which does not leave much room for the plumbing. The 5-unit building is also required to have a sprinkler system because it is a basement. The garage door openers stick out a foot, and all these things come into problems on head heights with trying to maintain the required minimum of 7 feet. Minimum of any room should have 7 feet, which is general background data.

Mr. Segraves said he is prepared on Bradley Place as far as the head height situation, but was not on the other buildings. Mr. Ackerman said the other buildings, where they were individual units, the plumbing was agreed on administratively through the Town, without a problem. But we have not agreed on the garage door openers and garage door tracts. Mr. Segraves said he could address that because of knowing what those are on that situation. Mr. Ackerman said that has not been approved and was turned down.

Mr. Segraves said what he did (indicating), is come through

and mark each plumbing pipe that comes through the slab. This particular building has a 3-hour separation between the living unit and the garage because it is a common parking garage. We have plumbing pipes at these locations. The best we can do is 6 feet 10 inches to make a turn. I have taken them to the wall and showed the dimension. The worse case will be 6 feet 9 inches at the wall, with 18 inches of slope. Chase walls were built to enclose the pipes where possible, taking them right against the wall, which Mr. Segraves understood, had been allowed. Mr. Ackerman asked if the widths are being maintained for parking spaces? Mr. Segraves said yes, we still have our handicap. Mr. Ackerman stated minimum 9 feet, minimum 12 feet, same side, inside, not centerline? Mr. Segraves said yes, we still have our handicaps, all that is done. We have 10 places where the plumbing happens this way, where we have taken it over and I tried to make it the very least amount possible. Most of these happen in the parking area. There are no plumbing pipes out here with the sprinkler system. The laterals are edged 1+1/2 inch which will be held tight against the ceiling and will not drop below the 7 feet. The head, which Mr. Ackerman is aware of, is possibly going to be 1/4 to 1/2 inch, maybe at 6 feet 11 inches and one-halves.

Mr. Ackerman noted, administratively we could see 1/2 inch, or maybe 1 inch. We could go that far, but anything below that, the Board will have to make the decision.

Mr. Segraves said we can get our garage door tracts. The garage door is 6 feet 8 inches head height at the opening. They have a double track system for minimum clearance which they have installed in here (indicating). The 6 feet 8 inches is the highest minimum we can have on the actual tract itself, and the garage door opener we can get to 6 feet 8 inches. So, we are asking for 6 feet 8 inches for the doors, which are these two doors (indicating), which would include garage door opener plus the two tracts and these (indicating). The minimum up against the wall here would be 6 feet 9 inches. Again, this happens 10 spots in the building. The 6 feet 9 inches would be the worse case. Mr. Ackerman wanted to know where it is 6 feet 9 inches, just up against the wall? Mr. Segraves said right, see when we make our turns (indicating)---I have learned a lot about plumbing in the last couple of days---they come from a 4 inch, they use a reducer, and they bring it down. These are only 3 inch pipe but to make this elbow they need approximately 6 inches to make that turn below the slab here (indicating). So that is where I get the 6 feet 10 inches. Then with the run it is going to take another 1 inch to make that 8 feet, so it would be 6 feet 9 inches at the wall. We took it to the closest

wall in all cases and in this situation. I have been in touch with Mr. Barber on how to take the plumbing outside the building, and connect, and some other things in plumbing to make it work this way. There is not going to be a lot of plumbing underneath. It will be fairly minimal, clean; other than the problem we have with head height.

Mr. Ackerman said, are you saying that all the other garage doors and garage door openers would be the same height? Mr. Segraves said the garage door opener can be 6 feet 8 inches without any problem. The garage door tracts in these others, we measured them, and they vary. Mr. Ackerman said 6 feet 5 inches, 6 feet 6 inches, 6 feet 7 inches. Mr. Segraves said actually these are the two that are lowest, and we are going to raise these.

Mr. Robinson said in Building 2, we can get the garage door openers and tracts up to 6 feet 8 inches. In Building 1 and Building 3, there are units where we have plumbing coming down with the door and we can not get the track because the door comes out the way of the plumbing above where it is in some cases at about 6 feet 6 inches. Now, the tracts are right against the wall. They are within about 6 inches of the walls of the garage, so it is not an area where you are going to walk into it.

Mr. Mark Grohmann, Project Manager, Hunzinger Construction Corporation, addressed the Board, and he felt the openers are no problem submitted as it is unless there is a relocation of the units. There is plumbing that will prevent raising the door and/or tracts in Building 1 and Building 3.

Mr. Ackerman felt it should also be mentioned we have not received verification on your---Mr. Segraves said there was a man out there this morning, and thought Mr. Ackerman had a letter. Mr. Ackerman said no.

Mr. Ackerman said there is another problem: there is a 3-hour separation required between here (indicating) and the upper floors. The only way so far that we have seen in a UL Book to allow penetrations like that in order to protect where you make the cut, calls for a collar underneath the slab. They are trying right now to get approval for something that would call for, in lieu of a collar, doing all the fire protection of the opening in the slab, rather than below the slab. If it was put below the slab, this whole thing would be thrown out entirely. They can not even get close to these. Mr. Cassidy noted because of the plumbing. Mr. Ackerman said in order to maintain the 3-hour rating where you are penetrating where the pipe is, the only one

that is approved calls for a collar underneath. They are trying to get something where it is done in the slab, which means they could raise everything a little bit higher. But no one has given me the information I need to verify that

Mr. Segraves said 3M has a representative on the job right now. They have run a test with this---which I have a letter I just received through Hunzinger this morning, and thought Mr. Ackerman had it. Mr. Ackerman responded he has seen nothing to satisfy him. Mr. Segraves said, obviously this all goes away if I can not make this situation work. They have run a test on the first building. It was witnessed by UL and it is supposed to be in the UL Book next year. They have run another test on this building, and the letter does say that. We will get that over here. Mr. Wandell noted you said a test was done on this building? Mr. Segraves said they ran a test in Minneapolis for this situation.

Mr. Cassidy questioned if the plumbing is already installed, to which Mr. Ackerman responded no. Mr. Segraves said the holes are corded at these locations. I went with the plumber and the sprinkler man, and we spent several hours there figuring out the least head height restriction that we could possibly do. Mr. Ackerman added, what the worse case scenario would be. Mr. Segraves said (indicating) the penetration comes through here, and you take it immediately out here to the closest point to get it against the wall. Mr. Cassidy noted, you are not going to have a ceiling under there, you are just going to see the plumbing so that the 6 feet 10 inches is going along that line. Mr. Robinson said it is physically the bottom of that pipe. Mr. Ackerman asked if it took all the hubs into consideration and connections, to which Mr. Segraves responded yes. Mr. Bennett wondered if it is cast iron or no-hub iron. Mr. Grohmann said PVC.

Mr. Smith wanted to know how you could start out with such a small ceiling height in the garage? Is this because of building height, zoning codes---wanting 10 or 11 foot ceilings in living rooms and 9 foot ceiling in bedrooms? Mr. Ackerman felt that is what they have. Mr. Segraves said you are close. It has to do with not going down too far in the basement---in the garage, and not having to walk up too many steps to the unit. Mr. Smith said you knew there was going to be all this plumbing. You have got to know that the whole ceiling is going to be filled with pipes down there, and 4 inches does not seem to me enough space.

Mr. Ackerman said there is more concern in an area with multiple tenants. He believed this is the only area on the project that calls for extra parking. Mr. Segraves said that

is correct. Mr. Ackerman said this would be where any guests would be parking. This is definitely the most critical to us. I would also be concerned about the area where they can not even get through the 6 feet 8 inch door under one individual tenant space. I can see 1 inch, maybe a couple inches, but when you start getting below that, it becomes more critical. Mr. Cassidy asked what needed to be done.

Mr. Smith said for the Board to grant relief, we are suppose to have something that is making the situation better, or what is your approach. To grant relief from the Code we need to have a better situation. Mr. Ackerman commented he has done very good if that is going to be the worse it is going to be, with what it could be down there.

Mr. Bennett wanted to know if the Board is being asked to decide all 3 buildings now, based on this, or to set a precedent for him--Mr. Ackerman said you are going on this building for the plumbing, sprinkler pipes, garage door openers, and garage door tracts. And all the buildings on the garage door tracts and garage door openers. Mr. Bennett asked if all the Buildings are called Villa Plati, to which Mr. Ackerman responded yes. Mr. Ackerman said on the other buildings we allowed down to about 6 feet 10 inches on the plumbing, but that again is where we stopped.

It was Mr. Wandell's understanding exit lights and sprinklers are allowed 6 feet 8 inches, so to me indicates a clearance of at least 6 feet 8 inches. I could live with that. On the garage doors, have they explored the possibility of doing it externally, with roll-up, or something else---if it has to be mechanized---to maintain at least the 6 feet 8 inches? Mr. Segraves said they are maintaining the 6 feet 8 inches, to which Mr. Ackerman said no. Mr. Grohmann said in Building 1 and Building 3, the tracts and the doors in the open position. In some of the units, not all, we can not achieve the 6 feet 8 inches. Mr. Segraves said it varies, in some units it is 6 feet 7 + 3/4 inches depending on how the slab slopes to the door, and that is the worse case. The lowest point is in front of the door and the highest point is the back where the garage door comes up. It is not level, one is at 6 feet 9 inches, one is at 6 feet 7 inches.

Mr. Bennett asked if the garage floor is poured. Mr. Segraves said yes, the garage doors are actually in. If it is approved, we are going to come in and take these off, change out the rollers, change out the tracts and put a bigger tract in, in order to make this work.

Mr. Nora noted the construction is very far along. Mr. Smith thought it was finished. Mr. Ackerman indicated Building 1 and Building 3 are probably approximately a month away from completion. Building 2 is probably 4 months away. Mr. Smith wondered why they waited so long, and asked if they knew this was going to be a problem. Mr. Segraves said we knew this was going to be a problem and we have been handling the other administratively. We met about two weeks ago with Mr. Ackerman and Mr. Moore. At that time, because this was a public garage with more people, they said we would need to come before the Board of Adjustments And Appeals rather than handle it internally, so I made application to take care of the situation.

Mr. Nora said if some of the plumbing pipes are approximately 6 feet 8 inches, is that using 3M? Mr. Segraves said the lowest plumbing pipe would be 6 feet 9 inches and that would be at this point (indicating). This would be the worse situation. When they come through the slab, they are 6 feet 10 inches. Again, I'm taking the closest place I possibly can to the wall and out. I can mention building chase walls, taking them through and connecting them outside, anyway I can to eliminate that problem.

Mr. Bennett asked, from the floor slab to the underside of the ceiling, which would be rough-slab, what is that? Mr. Segraves said the worse case is 7 feet 4 inches, it gets a little bit larger and it slopes out. The tightest spot is 7 feet 4 inches structure wise. Mr. Bennett noted, for the spirit and intent, you have a ceiling height of more then 7 feet 8 inches, to which Mr. Segraves said that is correct. Mr. Bennett said the appendages stick down, and that is what we are talking about. Mr. Segraves said in 10 locations, to which Mr. Ackerman agreed. Mr. Bennet noted door heads are allowed to come down below that. Mr. Segraves said heads of doors can be 6 feet 8 inches. Mr. Bennett did not see any great problem, and did not imagine anyone was going to get hurt because of this as he did not hear anything from the Town indicating that this is a dangerous situation if the Board were to grant relief.

Mr. Smith wanted to know if Mr. Ackerman had been to the job site. Mr. Ackerman said the plumbing pipes are not in, and he had been to the site. Mr. Segraves said they walked this a few months ago. Mr. Smith wanted to know if this was going to be a problem or not. Mr. Ackerman said 6 feet 6 inches bothers me for the garage doors.

Mr. Nora noted, if you don't get approval on the 3M for fire rating, then you will have to come down another 4 inches or more on the pipes. Mr. Segraves said they are going to have to make that work. 3M has gone out of their way to run extra tests, and we will have a page in the UL Book next year on this situation.

Mr Bennett asked if there is any relief if cast iron is used. Would it make a difference in opinion or outcome if cast iron is used for the piping? Mr. Segraves said it does not make any difference on the fire stopping. It is the same situation the way it comes through the slab. This would be similar inside, to the collar Mr. Ackerman mentioned. We looked at every situation we possibly could to make that collar work. But with this whole pipe situation, I am assuming we will be able to get the approval on 3M. Mr. Grohmann felt there was good indication from 3M from a letter received last night. Mr. Segraves added, we are close. Mr. Grohmann said, that states they have run a test under the UL guidelines and they passed. That has not been presented to Mr. Ackerman yet. Mr. Ackerman asked is that for a 3-hour, to which Mr. Robinson said yes. Mr. Segraves said, plus they have gone out and photographed all the 1-hour. Mr. Nora wanted to know if in the drawings, are they in the center of the door or off to the side? Mr. Grohmann said in Building 2, they are slightly off set to the side because they are wide doors. Mr. Bennett asked how high do they stick down? Mr. Grohmann said we will get those to 6 feet 8 inches, the openers and the motors.

Mr. Ackerman suggested a specific height be given by what is acceptable and not acceptable if a decision is made on approval. Mr. Bennett asked if anything less than 6 feet 8 inches was discussed? Mr. Ackerman said 6 feet 6 inches has. Mr. Grohmann said on the garage doors in Building 1 and Building 3 are 6 feet 6 inches. Mr. Cassidy noted those are in the other two buildings with the individual garages, and the tracts are right up against the wall. Mr. Grohmann said correct. Mr. Ackerman said at least one unit they have indicated it is right by a doorway. Mr. Cassidy asked if the door could open? Mr. Ackerman said if the door does not swing the other way, it would not open. Mr. Segraves said at the door, it is probably closer to 6 feet 8 inches. Mr. Grohmann said it will be at the lower slope end of the garage, it is below the head of the door. Mr. Ackerman commented no vans are going to be allowed.

Mr. Smith did not see a hardship, except for poor planning and the building is built. He felt very reluctant to give relief, and believed the situation should have been addressed

earlier by a mechanical engineer or someone. These depths and terms are known in advance. Mr. Smith felt a minimum acceptable height should be decided. Mr. Bennett suggested no tracts less than 6 feet 6 inches. No plumbing appendages of any kind less than 6 feet 8 inches. Mr. Smith said 6 feet 9 inches is the lowest they can do for plumbing.

Mr. Wandell wondered if this would create a precedence where anybody else could come before the Board and ask for relief in the same way. Mr. Ackerman said anybody could always come before the Board.

Mr. Smith felt this is a very unique situation. It bothered Mr. Bennett to look at only one of the buildings. Mr. Smith said I think we should only look at one of the buildings, that is all he is presenting. Mr. Smith did not find it acceptable to have a tract 6 feet 6 inches. You will open a door and get hit in the head with a tract and that is a safety problem. You expect it to be clear on the other side when you open a door. Mr. Smith said it was a safety problem for sure, and could not approve that situation. Maybe a coil-up door or some other solution.

Mr. Bennett asked if only one building is being addressed? Mr. Smith felt all he could act upon is what is in front of him. Mr. Bennett wanted to know the address. Mr. Ackerman responded Building 2, on Bradley Place. Mr. Bennett felt if the problems for Building 2 could be solved, they could come back for the others. Mr. Segraves said the plumbing in Building 1 and Building 3 is pretty much administratively worked out. Mr. Ackerman said, allowed down to 6 feet 10 inches. Mr. Segraves said it was measured and brought back to Mr. Ackerman, and inspected. That is all done, so the only situation we are looking at in Building 1 and Building 3 are the garage doors. Mr. Ackerman added, and tracts and---Mr. Segraves asked if it was possible to have 6 feet 8 inches for garage doors, to give the same perimeter on these doors as you do the other doors. Mr. Grohmann tells me, he can not make it work but---if in fact you do grant us the 6 feet 8 inch situation here, could you also grant us the 6 feet 8 inches on the other doors also? Mr. Bennett said nothing less than 6 feet 8 inches, nothing anywhere, no 6 feet 6 inches. That is 6 feet 8 inches minimum. Mr. Cassidy felt, if given the 6 feet 8 inches, they should try to do better if possible. Mr. Segraves said if relief is given, he would instruct the plumber to do the pipes this way or better.

MOTION BY MR. SMITH TO APPROVE THE TEN (10) DROPS IN THE PLUMBING WITH 6 FEET 9 INCHES BEING THE LOWEST AS INDICATED,

AND FOR GARAGE DOOR TRACTS AND GARAGE DOOR OPENERS WITH 6 FEET 8 INCHES BEING THE LOWEST, FOR ALL BUILDINGS.

MOTION SECONDED BY MR. CASSIDY.

Mr. Ackerman asked if this is for all buildings or just Building 2? Mr. Smith responded "all buildings".

Mr. Bennett wondered if the swinging doors that are specified are all 6 feet 8 inches? Mr. Segraves responded yes they are.

Mr. Nora questioned if light fixtures hang from ceilings? Mr. Grohmann stated they are fluorescent strips, they will be above.

Mr. Ackerman asked how far down are the exit signs hanging and they have to be visible. Mr. Grohmann said yes they are visible. Mr. Bennett asked if they could comply with all the NFP and 101 requirements for heights of the exit signs and etcetera.? Mr. Segraves believed it is 6 feet 8 inches. Mr. Grohmann explained when the door is open, there is still 8 feet to 10 feet of clear wall space where the exit sign could be mounted and still be visible without being obstructed by the door.

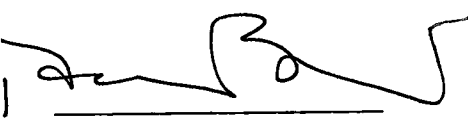
Mr. Bennett indicated they should solve the rest of the problems and try not to bring anymore back to Mr. Ackerman.

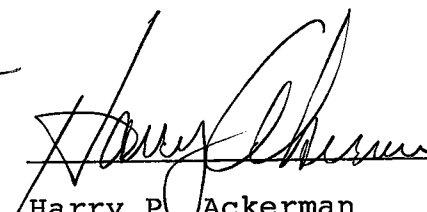
MOTION CARRIED UNANIMOUSLY.

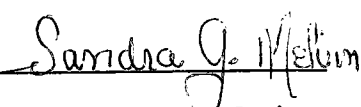
IV. Adjournment:

Being no further business the Meeting was adjourned by Acting Chairman Bennett.

(Whereupon, the Minutes of this Meeting concluded at 3:20 p.m.)

  
Ames Bennett,  
Acting Chairman

  
Harry P. Ackerman  
Chief Bldg. Inspector

  
Sandra G. Melvin  
Recording Secretary

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