



## **Safety and Local Law 11 - "Entering the cycle of the unknowns"**

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The advent of the new Local Law 11 (Cycle 7) cycle brings with it new requirements for the compliance to a variety of new and amended regulations that have come from the NYC DOB over the course of the last 2 years.

The most important of these items being the compliance to the Chapter 33 safety requirements of the new 2008 Building Code. The code states all buildings of 10 stories in height, and where work is to occur and sidewalk shed is required, as well as 15 stories in height, will be required to have an approved site safety plan and program as well as a certified safety coordinator or a certified safety manager on site respectively, while all work is occurring. The manager/coordinator will be required to sign the PW2 form for the permit.

This requirement can be quite onerous given the sometimes limited duration façade work and the costs with providing a full time safety professional.

The Department has shown a willingness to entertain a modified presence (submitted on a variance basis with the plan and program to the B.E.S.T. Squad) based upon the scope and complexity of work. The submission has to substantially make the case and "tie in" coverage to the elements/tasks of the job and the severity of the hazards. The DOB TPPN 1/99 (which identifies when a permit is required for façade related work) can be a good basis for analyzing these components and formulating a game plan.

The submission of a site safety plan and program also must take into consideration safety elements that are homogeneous to façade related activity.

Overhead protection (sheds, nets) are a key to the plan, as well as protection for balconies, setbacks and courtyards, backyards and sideyards on the structure being renovated.

Adjacent property protection for roofs, skylights, balconies and windows, as well as courtyards, etc. must be addressed.

Use of street and sidewalks is also a consideration as well as getting the appropriate approvals for DOT to utilize such areas.

Also areas for material storage will have to be designated and items such as "shed storage" will have to be identified and approved under separately submitted applications.

Perhaps nothing is more key to the job than the approval of the type of scaffold equipment to be used and the CD5 approvals, licensed rigger, rigging foreman and worker training requirement compliance for such scaffolds. These issues are targets of a separate enforcement effort by a different DOB division (scaffold) which has made such elements an enforcement emphasis program.

By these projects also being pushed into the DOB site safety program the jobs will also be subject to weekly inspections by the NYC B.E.S.T. Squad and contractors will find themselves in the land of after hour and weekend permits as well as required separate applications and permits (scaffold,

sheds, equipment, protection, DOT permit) to which they are not used to adhering. Also violations are possible which will result in stop work orders and fines which will have to be complied before work can continue.

Site safety compliance is only one element of new items of compliance that LL11 owners, engineers and contractors will have to worry about in the coming months. It still remains to be seen if new safety registration, registered superintendent requirements as well as those for filing and permitting shop drawing items in addition to new special inspection requirements will be enforced on these projects.

This is a process that will be evolving over time and, unfortunately, as an industry we will have to respond to certain enforcement items as they happen.

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