



## **Costing dollars by keeping the change: The site safety plan has become a more defined plan**

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As we all endure the ever changing "surprise" laden construction and realty regulatory environment that we have been living through the last 24 months, there are a few "construction," "pre-construction," "design" regulatory issues that have necessitated additional planning and tasks for specific construction phases of our projects.

The demolition work type and filing has now not only necessitated the satisfaction of the demolition "checklist" items, but also precipitated the preparation of means and methods and demolition phasing plans as part of the application submission and has left the "approval" process not in the hands of the Plan Examiner but rather the B.E.S.T Squad. Prior notification to adjacent properties is also a major component of the pre-approval demolition administrative process.

In addition, demolition is now a phase of construction that will require a site safety plan if the project meets the parameters of building "size" per the site safety parameters (major building - 10-14 site safety/coordinator 15-story plus/site safety manager).

Also demolition work required additional input in regard to how to handle the life safety items (SP, SD) during construction and in most cases will require that work types be filed separately and a NYCFD approval obtained if they are not to remain operational during demolition.

New requirements require the asbestos removal to be a separate process approval through the DEP "ATRU" unit and the building "clean" before demo. Variances can be obtained and partial DEP signoffs utilized but the "coordination" and paperwork is quite substantial.

Demolition signoff is also an issue since it is a required item that never seems to be taken care of at "demo" completion because the building code required the site be "at grade" for signoff and doesn't contemplate construction activity moving on right to the excavation and foundation phase. These signoffs should be done at demo completion and handled with the DOB Borough commissioner's office to mitigate a possible problem at C of O.

Also one must evaluate how to file a demo. This can be done either as an Alt 2 (less than 50%); a work-type within an Alt1 application or as a separate demo application.

Site Safety has become a major issue; being extended to 10-14 story buildings (site safety coordinator); concrete operations of more than 2000 cubic yards (concrete safety manager); and demolition of major buildings as well as facade related work.

Also the site safety plan has become a more defined and complex plan and will ultimately require an engineering component, including vertical nets and cocoon systems that are not yet mandatory. References now have to be made to SOE filings, adjacent property surveys (demo, excavation, foundations); adjacent property protection and scaffolds. These items may require independent filing and designs.

One "problem" is that although it is clear when site safety is required it does not make it to the DOB

applications where it can be applied. This is a problem because when it is caught is usually upon complaint or survey once construction has started and is then complied with as a response to a stop work order.

Requirement for well-fashioned "means and methods" SOE drawings have now left the contractor with a substantial "design" requirement. It mandates that good adjacent property surveys are done and the "structure" of the adjacent property (soils, construction materials, etc) be researched and reviewed diligently. Notification requirements for adjacent property and DOB are substantial and there is a DOB special functional emphasis unit, which inspects, excavation and foundation projects and is the area where one encounters the most SWO activity.

Although not yet required the separate filing of the concrete formwork, rebar (usually part of structural package), reshores as well as scaffold drawings appears to be on the horizon. A requirement may also be the separate permitting of these applications by the concrete contractor (as he is required to have a concrete site safety manager and "concrete" insurance endorsements which are elements of the PW2 permit form.)

In the wake of the Deutsche Bank the NYCFD has taken a greater role in the monitoring of fire safety compliance on construction sites. Legislation such as the "no smoking" and standpipe pressurization components are a prime example. Also, the Bureau of Fire Prevention has created a plan review and inspection structure that will monitor project construction fire safety. The "CDA" unit is now inspecting construction sites as much if not more than the DOB in certain phases of construction.

The "800lb Gorilla" in the fire safety area is the pre-fire plan which, although, not a DOB required item, will be the NYCFD's chance to require certain fire safety items for construction sites (wireless fire command, systems, evacuation drills and a dedicated FSM are all elements which may become the standard). If the pre-fire plan becomes a DOB required item it will require approval prior to permit and thus defector mandate certain conditions that may not exist now by code or rule and regulation. Also FD, TCO/C of O required items need to be clearly delineated. Items such as the Fire Safety Plan, Fire Protection Plan and other items should be defined as to when they should be approved (prior or post TCO) and for what type of buildings.

As the C of O process gets more and more complicated it requires certain "Temporary Construction Drawings" as a TCO component. These can exist either as a separate filing or a PAA. Examples of such items are;

- \* Tenant Protection Plans - in occupied buildings and if construction is to continue TPPs are required and modified as the construction environment and egress, etc. changes.

- \* PAAs for temporary construction of C of O required items such as temporary lobbies, temporary egress, etc.

With the advent of the new building code the controlled inspection requirement has now been changed to "special inspections" and requires that not only the P.E. or RA signing on for the special inspection carry some special training and certification but also the inspectors performing the inspections. (ICC certification, time on job).

In addition, concrete testing laboratories must sign for the TR-2 and only their AIC inspectors can make cylinders and report breaking strength.

Also design mixes (TR-3) are required prior to permit, sometimes long before a concrete contractor is hired which will require the owner to contract for a design mix prematurely to satisfy permit requirements.

Also many mechanical signoffs are now on the new TR-1 (i.e. sprinkler) that did not before exist and "progress" inspection signoffs like for the energy code compliance must be addressed. In the coming months, there will be a requirement for inspection companies, much like laboratories, to register and identify a director (P.E. or RA) and ultimately be "certified" in certain inspection disciplines by the International Accreditation Society (IAS).

Also it is highlighted in the new code (as it existed in the previous code but not rigorously enforced) that special testing and inspection be contracted for by the owner so as to eliminate the fox watching the chicken coop.

Scaffold has become an emphasis area with a new dedicated inspection effort.

All built-up scaffold erectors must be certified as licensed riggers are required to be for outrigger scaffolds.

The conditions that scaffolds be permitted if over 40 feet is now interpreted to be over 40 feet in elevation - causing countless baker scaffolds used within 5 feet for a building edge to be permitted (as well as outrigger beam scaffolds) and subject to controlled inspections as they are moved. Also all individuals working on the scaffold must have the proper training.

The new stalled site program developed (which is to promote safety for projects that have had construction stalled) is in vogue but is quite cumbersome. With the promise of a four year approval (as opposed to the normal code two year allowance) the owner is mandated to initiate a number of costly items for a stalled site designation. Not only does a plan have to be submitted and approved but some "construction" work may be required in regard to bringing the site to compliance with Chapter 33 site safety requirements and maintained as such. Also there may be some construction work that is required to protect adjacent properties for the sites excavation status. Also an engineer's report as well as monthly updates may be required as well as 24-hour security monitoring either by guard or camera. Finally all permits must be maintained current.

Confusion reigns as to which project might be subject to new code re-filing if they are not in the stalled site program. Different opinions exist based upon whether or not they do not currently have active permits or are in the "approved" status or have permits revoked or have not yet been approved but are filed. These "parameters" or design status has become more of an issue as stalled projects change hands and new owner must evaluate the cost of reinstating based upon the DOB status of the project.

Hazmat requirement for DEP "RAP" submission, letters of approvals and letters of satisfaction are quite the rage now in regard to not only environmental concerns but noise and air designations and its impact on cost for facade, windows, etc. Also the applicability of this requirement based upon work scope has become confusing, especially with Alt 2 tenant fit-out work. The fact that the decades old "reconsideration" process has now been revamped to a paper "determination" submission for either building code or zoning issue has created a process where the obtaining of a decision or an opinion on a "grey" or interpretation area of the code has now been reduced to a non Socratic process that takes forever and is inevitably denied and must be followed up the chain of command.

Also the advent of the energy code compliance requirement has created confusion of what work scope is applicable to the energy code and what is to be filed to illustrate compliance.

In sum, the vast array of change and initiatives over the last two years by the DOB has resulted in confusion and delays.

The attempt to add transparency within the Department through many of these initiatives has reduced

the "face" time one has to try to present a case and get answers and interpretations.

The building regulation process in NYC is not black and white and the limiting of time and access to present and resolve issues in conjunction with the confusion that abounds in code as well as to get clarification on Department protocols and procedures and regulations in regard to these new initiatives have created problems for the NYC Building and Realty Industry.

Jane Webster is VP of compliance and Matt Caruso is executive VP of operations for Domani Consulting, Valley Stream, N.Y.

New York Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540