



## Something old and something new: Making the construction industry blue

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No issue is more important currently than DOB's determination of applicability of the 1968 or the 2008 code for projects that are the disapproved, approved or in a permit state which was filed before the 1968 (old) code expiration date. DOB initiated a stalled site program in 2009 where projects stalled could get a 4 year extension on their approval if they applied and were accepted into the program. The parameters required on going monitoring, inspection and reporting to DOB. To date very few of the over 600 identified projects have applied and been accepted into the stalled site program.

As time has passed many of the remaining projects approvals or permits have exceeded their two-year grace period, thus rendering them "expired" and subjecting them to re-filing under the new code.

Although certain building code provisions (mostly mechanical) have been changed that requires a higher degree of compliance (and cost) such as residential emergency generators, additional stairways (elimination of scissor stairs) standpipes and increased size elevators; the impact not only extends directly to construction cost but to also a loss of useable s/f that can affect the bottom line viability of the project.

This issue and "protocols" have not been addressed in a straight forward manner but rather "masked" under service notice regarding the process of reinstatement of expired jobs.

In April of 2011 the operable service notice allowed for a project filed before the new code applicability date, to continue under the old code review as long as there was "activity" on the file (PAA's, Ancillary Agency Work, etc.) In September of 2011 the service notice was reissued minus that provision.

Needless to say this rendered a host of already filed, approved or permitted jobs in danger of redesign under the 2008 code.

This is being felt drastically now as distressed projects not in the stalled site program are being purchased by new developers and upon efforts to re-start are being surprised by the redesign requirement.

Although the DOB is quite justified in its retort that the stalled site program was there for people and that owners who decided not to avail themselves of it cannot "cry" over the redesign requirements the DOB should be aware that many of the projects fell under financial institution control who are not "savvy" in these protocols.

Whatever the cause, the city should consider the benefits of allowing jobs that have met the filing deadline for the old code to stay under the old code given the benefit it will have to the marketing and restarting of stalled sites which will bring employment and fuel for the sputtering economy.

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