



## **The "other" shades of grey: Building department issues that have surfaced due to policy changes**

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As the sun sets on the Bloomberg administration, there are some building department issues that have surfaced due to policy changes as well as interpretation changes and enhanced general construction agita.

### **Site Safety Plans**

The volume of safety plans has resulted in a six-week backup in initial plan reviews. This has become a major issue since the site safety plan approval is a required item for the issuance of an appropriate major building NB or Alteration Type 1 permit.

The backlog in the review of revisions also has become a problem as the B.E.S.T. Squad has gotten more aggressive when a job condition does not match an approved safety plan. Violations for non conformance to plans are being issued even when revisions are waiting to be reviewed with the B.E.S.T. Squad for sometimes four or five weeks. Previously site safety plans could be marked up in red for changes and signed and initialed by the safety manager. This process is no longer permitted and the backlog in review has prevented work from proceeding on many a project.

### **Hi-Rise/Major**

#### **Building Task Force**

The benefit of the program in regard to facilitated inspection activity for TCO obtainment is sometimes outweighed by the fox watching the chicken coop aspects of the program.

Many a time as a result of site progress meetings attended by the DOB; inspectors inspect the site the next day and issue violation for conditions seen as part of the prior days meeting. These conditions are neither identified nor discussed by the parties prior to an enforcement effort.

This practice tends to deter both contractors and owners from entering the program.

### **Stalled Sites**

The promise of four years grandfathering of old code (1968) approvals for a project who entered the stalled site has been a grey one at best.

Not only has the approval been revisited based upon a set of arbitrary criteria as the project prepares to exit the program, but many a job has been forced to comply with the components of the new code (mechanical, etc.) where approvals are not in vogue.

In many a case the old owner, or worse, the new owner has been surprised to find his expected grandfathered approval no longer exists and a re-review of the project ends up with him losing square footage that can result in the financial feasibility of his project being put in disarray.

### **The Hub**

The Hub "virtual" exam and approval process has been quite successful but one must realize to take ultimate benefit of the program you must enter with at least 80% complete construction drawings.

Such a "hold back" in the timeframe for the filing of the job may result in approvals being secured at

the same end date as previously experienced even though the process may move quicker.

#### Lot Line Windows

DOB's revisiting of the lot line windows interpretation in regard to the building code could result in a substantial negative impact by affecting zoning, light and air and habitable room determinations and render the purchase of expected air rights less than their original intrinsic value.

#### Increased Insurance

##### Requirement

The substantial increase in insurance requirements for normal DOB permits as well as for a tower crane usage has had a negative impact on the expansion of the non union construction market and caused many an owner to provide the insurance for the project.

#### Adjacent Properties

The holding of the constructor responsible for the protection of the adjacent property owner even though there exists a code required responsibility for that property owner to protect his own property if they do not grant the constructor a license to enter to protect, has created a situation where the adjacent property owner can hold the constructor hostage for SOE, roof protection, chimney and window protection compliance.

Although the DOB can boast of the enhancement of the electronic initiatives to facilitate compliance that they have created the decline in face to face contact with DOB personnel to resolve objections, gain reconsiderations, has ultimately led to a black and white review and approval process for an industry that has many shades of grey.

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