



The magical 421A renewal story - The impact of facilitation

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As the magical 421A renewal story continues amidst the political name calling, backstabbing, jockeying and just all out bullying, it is still unclear as to how what ultimately shakes us will affect our industry. One thing is for sure; the expediting of filed applications for required foundation/work and ultimately new building permits and the construction coordination and phasing issues associated with it will need to be resolved and accommodated for construction so as to limit construction impacts and also to ensure the success of the TCO and C of O process.

Under orders to expedite 421A application DOB took the unprecedented steps of bypassing the protocol and process they established in application filing for "gatekeeping" and "required items" and allowed unprecedented waivers that will ultimately have to be satisfied during the remainder of the filing, construction, permit, sign off and C of O process.

In one case, DOB allowed for the installation of a footing (foundation permit) and allowed a new building permit to be issued while the structures elsewhere on the site was yet to be demolished. Although safety zones were established for the footing work the progression of demo permit and sign off as a required item for the issuance for a foundation permit and a new building permit had been sacrosanct over the last five years.

All this is fine and the DOB should be heralded to finally establish a priority and assign the resources to aid the real estate and construction industry rather than hinder it.

The hope is now that these policy of facilitation follows the project through to the end.

Each developer, architect, engineer, and contractor must realize that although items were waived the satisfaction of these item (demo s/o; permit) must be achieved for the project and the construction means and methods to do certain things to gain the 421A might cause a problem in the completion of the underlying elements of the construction work necessary to satisfy the waiver.

For example, to achieve a demo permit and s/o, the work necessary to demo might create an on-site problem if done in conjunction with carrying on the NB work simultaneously and result in a stop work order that will delay the project contrary to the goal of the previous actions taken to facilitate the project.

Other waivers given were for the SD 1/ 2; temp standpipe and street tree receipt.

One has to realize these items will still be required to be completed for C of O and that the construction process and means and methods must now be considerate of the waivers and work schedules must progress to conform to the code regulations and ongoing "construction type plans" (site safety plan, tenant protection plan, DOT logistics, cranes, hoists, etc.) might have to be modified to deal with the waiver consequences and inputs. These issues of coordination and phasing bought as by a bifurcated process must be addressed.

As beneficial as it was to facilitate the 401K process, one must be prudent and think through their means and methods to assess the impact of compliance as it affects the construction process and

ultimately the TCO and FCO issuance without mitigating the benefits gained in the plan/permit facilitation. Avoiding project stops and delays due to enforcement efforts regarding uncoordinated and unsafe work in the field is a priority. Stay tuned for chapter 2 regarding the training of union and prevailing work for the future of the program-the hits keep coming!

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