



# The Drawingboard

## Queens Chapter

New York State Society of Professional Engineers

March 2010

Volume 10, Number 3

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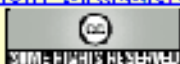
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### President's Message

*By George Tivondurens, P.E.  
President*

I spoke to former Chapter President **Chris Petallides** on Saturday and he told me that his wife has begun treatment and she is doing well considering the circumstances. We wish Nicky and Chris the very best during these most difficult of times and I'm sure we haven't heard the last from Chris Petallides. I also want to thank Chris for his many years of promoting and fighting for the engineering profession and supporting the Chapter. Chris's shoes will be hard to fill. Over the next several months I will be meeting with our Board of Directors and formulating my goals. Stay tuned we have a lot of work to do.

**Kelly Norris**, NYSSPE Executive Director, reported that at the recent NCCES Participating Organizations Liaison Council (POLC) meeting, the ASCF Structural Engineering Institute will be working actively at the state level to move forward with structural engineer practice acts this year. If these rules and laws are promulgated it could mean that structural drawings can only be sealed by structural engineers. This may also then lead to municipalities requiring mechanical engineers to seal mechanical drawings, electrical engineers to seal electrical drawings, etc. Currently, New York State does not license by discipline. NSPE and our Chapter have a long-standing policy supporting licensure as a "professional engineer", as opposed to discipline specific licensure. A professional engineer is a professional engineer period. The State Chapter of NSPE will be monitoring these developments on the State level.

### Meeting Announcement

Fire Stop Solutions Inc. will make a presentation at the next meeting Thursday, March 25<sup>th</sup> at 6:30PM. Dinner is \$20 members \$30 non-members.

### Immediate Past Presidents

Brian Flynn P.E.	2006/2008 (718) 707-0416
Chris Petallides, P.E.	2004/2005 1998/2000 (718) 961-4342
John Zurita, P.E.	2002/2003 (718) 756-0320
Sal Galletta, P.E.	2000/2002 (212) 788-8199
Joel Miele, Jr., P.E.	1996/1998 (718) 894-2222
Chris Sideris, P.E.	1994/1996 (718) 224-9091
Robert Lo Pinto, P.E.	1990/1992 (718) 746-7122

Local law 564 created the NYC Energy code. On February 23, 2010, I attended the NYC DOB Commissioner's Engineering and Architects roundtable discussion and a presentation of the new NYC Energy Codes was given by the department. Currently, most work in NYC has to comply with the New York State Energy Code. The new NYC Energy Code closes many "loopholes" in the state law and will require design professionals to show calculations on their drawings. Special inspections will be required during construction and building owners will have to file energy consumption reports with the DOB. I nominated mechanical engineer **Chris Sideris**, PE to serve on the DOB Energy code taskforce and I would like to recommend an electrical engineer from our chapter to also serve. Please e-mail me at [gltpe@msn.com](mailto:gltpe@msn.com) if you want to join the DOB taskforce. Presentation slides from the roundtable discussion can be viewed at the following links:

### Directors 2008-2010

Tom Campagna, PE	(718) 423-7924
Gregory Georges, PE	(718) 274-4800
Mike Karantinidis, P.E.	(718) 482-0800
John Kepertis, P.E.	(718) 343-6989
Saeed Ainechi, P.E.	(718) 544-7878
Issam Aburafteh, P.E.	(718) 276-9200

<http://www.nyc.gov/html/dob/html/guides/presentation.shtml>  
<http://www.nyc.gov/html/dob/downloads/pdf/GreenLawsandNYC.pdf>

On March 18, 2010 approximately thirty engineers and two architects attended the Chapter's NYC Energy code lecture at Ft. Totten. Ms. **Deborah Taylor**, AIA from the NYC DOB presented the lecture and I was told it was very informative. I was unable to attend the lecture because I was at my son's PTA dinner.

### Directors 2008-2009

James Manoussoff, P.E.	
Bernard Haber, P.E.	(718) 224 2146
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Xenophon Cavaris, P.E.	(516) 752-1687
Peter Boudouvas, P.E.	(212) 594-4340
Robert Weiner, P.E.	

On March 18, 2010 **Jose Velasquez**, **Brian Flynn** and I attended the Queens DOB industry meeting at Borough Hall. Topics of discussion include the lack of time that the Queens DOB is providing design professionals in answering questions, filing ACP-5s with building pavement plans and PEs sealing demolition drawings to the detriment of architects. Several architects complained that its taking more than two months to get answers to questions from the DOB. The current procedure is to write the questions (zoning, technical) on their forms and the DOB will respond. Unfortunately, this is taking too much time and the DOB Commissioner **Mr. Gluckman**, RA will look into providing face time to design professionals.

In reference to ACP-5 filings and the Builders Pavement Plans (BPP), the DOB and DEP require these forms for concrete removal of sidewalks if the concrete was poured before 1987. The concrete had some fiber placed under it and it is composed of asbestos containing materials. Mr. Gluckman will reach out to DEP and discuss it with them.

Local Law 993-2009 was a contentious issue that was brought up by the architects at the meeting and is, herewith attached. I'm not sure of all of the specifics but its a concern to us. The NYC DOB is requiring building demolition plans (prior to permitting) that must be sealed by a professional engineer. The DOB **is not accepting** demo plans for this work that are sealed by an architect. These plans include demolition of 1, 2 and 3 family homes, etc. that require demolition by mechanical means. This law was enacted in response to the Deutsch bank fire in Manhattan several years ago and my concern is that this may be against the State Education law and more importantly, who is to say that at some time in the future, the City of New York enacts a local law that states professional engineers can't design buildings, masonry walls, etc. The tables can be turned on us! Although this local law may financially benefit engineers in the short term, it can come back to bite us. I have been told that the architects will put forth a bill that exempts 1, 2 and 3 family homes from Local law 993 of 2009.

Special inspections requirements- the DOB and NSPE through MCPC are currently reviewing the requirements and the dialogue is ongoing.

Chapter member **Joe Horowitz**, PE will present a PDC lecture on the E-designation on April 14, 2010 at Ft. Totten. Joe is an environmental engineer and he has written an article that I have included in the Drawingboard about E-designation. Joe can be reached at **718-544-5105** if you have any questions.

The owner of Testwell, a professional engineer and **Vincent Barone**, PE were convicted last month of falsifying concrete mix designs, reports, etc. and are awaiting sentencing by a judge. The image of the Engineer and our profession is not very good because of these convictions and the Chapter does not condone falsifying reports and jeopardizing the public's safety. All engineers have the paramount duty to protect the public and Testwell failed. We have a lot to do to repair our broken image.

As I conclude with this message its nice to see that there is no snow outside, spring has arrived and I will be doing some yard work today without a coat. I look forward to it not snowing and seeing you at our meeting on Thursday March 25, 2010. We have a lot to discuss!

I want to wish everyone a Happy Easter, Kali Anastasi and a Happy Passover.

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## MATHCOUNTS COMPETITION

*(By Robert LoPinto, PE -Mathcounts Coordinator)*

The Queens Chapter - NYSSPE annual MATHCOUNTS Competition on Saturday, February 27<sup>th</sup>, was Snowed Out. The heavy snow storm caused the competition to be canceled. The competition was rescheduled for the following week. Nine schools from Queens registered in the MATHCOUNTS Program competed in the competition. MATHCOUNTS is a Math skills building and competition for 6<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup> grade students, sponsored by the National Society of Professional Engineers, the CNA Foundation, Raytheon Company, National Defense Education Program, Northrop Grumman Foundation, CAN Foundation, Conoco Phillips, Pitsco Education, 3M Foundation and Texas Instruments. Competitions are held at the local Chapter level, followed by a State

competition.

The top individuals from the State competition then compete at the National Competition, which is being held in Walt Disney World, FL this year. The top winners of the National Competition can win college scholarships.

Teams of 4 students and up to 4 individuals from the schools spent about 4 hours taking various written and oral tests. There was a 40 minute, 30 question written individual test, followed by four sets of two written questions to be answered in 6 minutes each set. This was followed by a 20 minute, 10-question team test, where the 4 team members worked together to answer the questions.

The Queens Chapter Team Winners were:

1ST PLACE MS 67- LOUIS PASTEUR MS

COACH: ZACHARY BOYT

PATRIC TSAI

KYLE SU

BRANDON IP

KATHERINE OH

2ND PLACE JHS 190 RUSSEL SAGE JHS

COACH: MARY RANDOLPH

ANDY ZHANG

EVAN TAO

HIMANSHU KATTELU

STEVE ZHU

3RD PLACE MS 158 MARIE CURIE MS

COACH: FREDDY SAMPSON

LILY LEE

HANSON LIN

VIVIAN WANG

ANDREAS WANG

The top Individual Winners were:

RANK	INDIVIDUAL	SCHOOL
1	ANDREAS WANG	MS 158
2	ANDY ZHANG	JHS 190
3	JEFFREY LIN	MS 74
4	SAMUEL SONG	PS 122
5	KYLE SU	MS 67
6	KATHERINE OH	MS 67
7	BRANDON IP	MS 67
8	ELIZABETH KIM	MS 74
9	ANDREW FAN	GARDEN SCHOOL

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## Annual Engineering Expo

*By James Caggiano, P.E.*

*SAVE THE DATE.....Seventh Annual Engineering Expo for Middle & High School Students in the Lower Hudson Valley area of Suburban New York City. Tappan Zee High School in Rockland County on Sunday, April 11, 2010.*

Greetings all. We are well into the planning for our Seventh Annual Engineering Expo for Middle & High School Students in the Lower Hudson Valley area of Suburban New York City. See [www.BeAnEngineer.org](http://www.BeAnEngineer.org) for more information about this all important event. In addition, a Facebook page has been created as Lower Hudson Engineering Expo; if a Facebook member go to: Become a Fan and click on: Suggest to Friends to provide broader distribution.

This year it will be held at Tappan Zee High School in Rockland County on Sunday, April 11, 2010 from 11AM to 4PM. Last year we had 41 colleges in attendance, and over 1,500 attendees, along with 80 companies who are involved in technologies of varying specialty.

We hope for even more students this year because it has become a well known event in the region. We hope that you will help us get your students to attend and explore the possibilities an engineering career can offer. Spread the word throughout your school district, get the parents informed, post the event on your website and publish the event in your newsletters.

If you have attended before you well understand how successful this has been for introducing middle and high school students to careers in Engineering. The overriding effort of this event, in case you have not been involved previously, is to provide a forum where students can meet with Engineering Schools and Engineering businesses, to try to get a real understanding of what Engineers do, and what colleges may be of interest to them. It is a very enjoyable and interactive event, where displays showing research or projects can be viewed by the students, who can finally get an understanding of why they have been taking math and science courses for all these years.

# Is There an “E” in Your (Site’s) Future?

Rev. Nov. 7, 2007

by Joseph Horowitz, P.E.

During the Second World War, defense plants that achieved outstanding performance were awarded “E” (for “Excellence”) designations and permitted to fly a banner with the coveted “E”. New York City now has its own “E Designation” program, but now the “E” stands for “environmental” and can mean major headaches for site owners and developers.

The “E Designation” is applied to certain properties that have been re-zoned, where the projected use may lead to increased environmental risk<sup>1</sup>, as when a site zoned for manufacturing is re-zoned to residential use. Developers, owners and tenants on such sites may have to do environmental investigation before they can get their construction plans approved. In some cases, remediation (cleanup) may also be required and/or special measures built into the project to protect occupants or construction workers against environmental hazards. At the very least, this means delay. It can also result in added cost.

## How Does This Come About?

To meet the City’s voracious need for housing, some areas formerly zoned as manufacturing have been re-zoned as residential, e.g., in Williamsburg, Brooklyn. Under the regulations, the City examines such lots and assigns the E-designation, if there is possible contamination from hazardous materials. For lots so designated, the Department of Buildings (DOB) cannot issue any approvals without prior review and approval by the Department of Environmental Protection (DEP).

When an area or lot is so designated, the Department of City Planning (DCP) will show the symbol “E” on the zoning maps and DOB will indicate it on its **Building Information System (BIS)** for that lot, under the heading of “Little ‘E’ Restricted”. Unfortunately, in some cases, the information reaches the DOB after plans have been filed or approved, or even after construction has been completed.

## Restrictions on DOB Approvals

For E-designated sites, DOB may not issue approvals, permits, sign-offs or Certificates of Occupancy (temporary or permanent) without prior review by DEP. Under New York City’s Zoning Resolution, the rule applies to any “development” (a new building or change of use) or to enlargement, extension or change of use involving a residential or community facility use or for any enlargement of a building that involves disturbing the soil.

## How the Procedure Works

If your site has an E-designation, you must submit three (3) items to DEP:

1. A **Phase I Environmental Site Assessment (ESA)**;
2. Certified construction plans;
3. Written description of the proposed project.

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<sup>1</sup> This article deals with properties with E-Designation for Hazardous Materials (“HazMat”). There are other types of E-Designation, e.g., noise, air pollution, for which the procedures are somewhat different.

A **Phase I ESA** is an environmental evaluation of the property that includes study of site history, using historic maps and other documents; interviews with owner; occupants and neighbors; and review of various government data bases to determine if there are any actual or potential environmental problems on or near the site. A Phase I includes physical inspection of the site and nearby areas, but no sampling or testing.

Phase I ESAs must be performed in accordance with the current ASTM standard<sup>2</sup> and are routinely commissioned by purchasers of industrial and commercial property. Many banks also insist on Phase I studies as a precondition to extending financing.

### **DEP Review; Phase II Environmental Site Assessment**

DEP will review the submission. If DEP determines that the proposed construction will not create or increase a hazard, it can issue a **Notice of No Objection** (see below). However, DEP may require additional investigation, called a **Phase II Environmental Site Assessment**. A Phase II ESA is a more elaborate study, which usually includes sampling and laboratory testing. Depending on the nature of the suspected problem, it may include soil borings, test pits, groundwater sampling or testing of suspected lead paint. DEP has a long list of conditions which trigger a Phase II, such as past use for most manufacturing operations; auto service stations; blueprint shops and dry cleaners or simply location in a manufacturing area. In practice, DEP requires Phase II studies in almost all cases.

Requirements for the Phase II ESA are spelled out in a two-volume tome called the *City Environmental Quality Review (CEQR) Technical Manual*. City requirements may differ, in some respects, from those of New York State Dept. of Environmental Conservation.

If a Phase II ESA is required, the applicant must first submit a **Work Plan** together with a **Health and Safety Plan** (HASP). The Work Plan describes the proposed investigation in detail and must be approved by DEP before work is started. If the site has known contamination, such as a petroleum spill or prior use as a gas station, such that a Phase II will be required, the applicant can submit the Work Plan and HASP along with his initial submission.

### **What if You Find Something?**

When the investigation is complete, the engineer performing the Phase II submits an **Investigative Report** to DEP. Based on its review, DEP may require **remediation**, that is, cleanup or amelioration of the hazard. This need not mean complete elimination of the problem. Rather, DEP will permit a **risk-based** approach by which the potential risk to human health or the environment is reduced to an acceptable degree. If remediation is required, the engineer must submit a **Remedial Action Plan** (RAP) along with another HASP. Once these are approved, cleanup may start. Examples of remedial work might include:

- Removing a leaking underground storage tank, together with contaminated soil;
- Placing a layer of clean soil over lawn or garden areas, to prevent occupants from contacting or ingesting contaminated soil.

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<sup>2</sup> . The U.S. Environmental Protection Agency has published regulations for Phase I ESAs, which became effective Nov. 1, 2006. The ASTM standard has been updated to comply with the new EPA rules.



If evidence of contamination, such as an oil spill, is found, the usual reporting rules apply and state and federal agencies may have to be notified.

When it approves the Remedial Action Plan, DEP will also issue a **Notice to Proceed** to DOB. This authorizes DOB to issue all approvals and permits, except a temporary or permanent Certificate of Occupancy.

### The Closure Report

When the work specified by the RAP has been completed, an architect or professional engineer must submit a **Closure Report** to DEP, certifying to the work done. If DEP approves the Closure Report, it will then issue a **Notice of Satisfaction** to DOB, which authorizes DOB to issue the temporary or permanent Certificate of Occupancy.

### DEP Actions

Summarizing the above, there are three (3) types of DEP actions that would permit a project to proceed:

- a. **Notice of No Objection:** This means that DEP is satisfied that the proposed work will not pose an unacceptable environmental hazard. With this notice, the DOB review and approval process can proceed normally, with no further DEP involvement.
- b. **Notice to Proceed:** DEP has approved the owner’s plans for remediation work and authorizes DOB to issue the necessary approvals and permits, subject to completion of whatever environmental remediation work DEP has determined necessary. Completion of remediation work must be certified in a **Closure Report** by a licensed architect or engineer.
- c. Upon review and approval of the Closure Report, DEP will issue a **Notice of Satisfaction**, indicating that the environmental work has been completed.

### Information Sources

The list of sites given an E-designation may be found at <http://nyc.gov/html/dcp/pdf/zone/ceqr.pdf> . The NYC Zoning Resolution language can be found at <http://nyc.gov/html/dcp/html/zone/zonetext.html> . Go to Article 1, General Provisions, Chapter 1. The E-Rule is #11-15, pages 12-13. The NYC Dept. of Buildings *Policy and Procedures Notice* regarding E-designations may be found at <http://www.nyc.gov/html/dob/html/reference/oppn0103.shtml> .

### Conclusion: Forewarned is Forearmed

The process described can be time-consuming. If your site has an E-designation, starting early can minimize delays.

About the author:

*Joseph Horowitz, P.E., is an environmental consultant, located in Flushing, NY. He may be reached at 718-544-5105.*



# Summary of Energy Code Compliance Rules

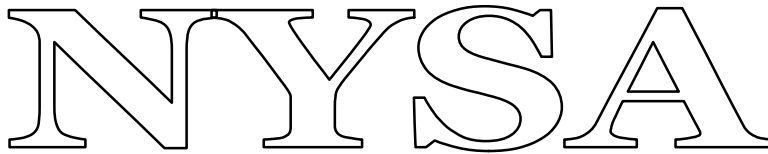


## 1 RCNY §5000-01 – NEW

- Effective July 1, 2010
- Sets forth compliance requirements for NYCECC – similar to those currently online for ECCCNY
- Adds requirement for progress inspections to be listed and described on approved construction drawings
- Describes universe of progress inspections required by DoB, what is required of progress inspector, and provides code citations
- Provides the details for the current requirement for Energy Code progress inspections in §BC 109.3.5

## 1 RCNY §101-07 – AMENDED

- Effective July 1, 2010
- Defines “relevant experience” required of progress inspectors for Energy Code compliance
- Reorganizes the paragraph of the rule dealing with progress inspections, for clarity



## NEW YORK SOCIETY OF ARCHITECTS

299 Broadway — Suite 208, New York, NY 10007 • Phone: 212-385-8950 • Fax: 212-385-8961  
Email: office@nysarch.com • website: www.nysarch.com

### TECHNICAL SYMPOSIUM ON ENVIRONMENTAL REMEDIATION

**DAY:** THURSDAY, MARCH 25, 2010  
**TIME:** 4:00 PM - 7:00 PM  
**PLACE:** SYNAGOGUE FOR THE ARTS  
49 WHITE STREET - MANHATTAN - GROUND FLOOR  
**TOPIC:** ENVIRONMENTAL CONSIDERATIONS IN ARCHITECTURAL & ENGINEERING  
PRACTICE AND THE ROLE OF THE NYC MAYOR'S OFFICE OF ENVIRONMENTAL  
REMEDICATION

THREE (3) CONTINUING EDUCATION CONTACT HOURS - (HSW)

**PART 1:** This presentation will help the design professional to effectively deal with the growing universe of environmental regulations. Topics will include the NYC Local Brownfield Cleanup Program and other OER Programs relevant to design professionals, Environmental Investigation (Phase I and Phase II), the impact of Environmental Remediation as it relates to the Design Process (constraints, opportunities, solutions), and discussion on preparing a suitable Remedial Action Plan (requirements, specifications for bid, etc.)

**Presenters:** Joe Horowitz, P.E. will serve as Symposium Moderator. Dan Walsh, PhD., Director of the Mayor's Office of Environmental Remediation, Joel Landes, P.E., Senior Associate with Langan Engineering and Environmental Services, and Sin Senh, Principal-in-Charge and Senior Hydrogeologist with Roux Associates.

**PART 2:** This presentation will describe OER's E-Designation Program review process and general requirements (stages & time-lines), dealing with Hazardous Materials mitigation techniques, and sign-off process. This session will analyze the impact of Environmental Remediation as it relates to the Construction Process, and include discussion by companies that specialize in environmental contracting and soil contaminant processing.

**Presenters:** Dan Cole, P.G., Bureau Chief of E-Designation Program, Mayor's Office of Environmental Remediation, Averil Rance, V.P. of Environmental Health & Safety with Clean Earth, Inc., and Tom Spatafora, Senior V.P. in charge of Posillico Environmental Inc. (part of the Posillico Group of Companies).

**PART 3:** Final Roundtable Discussion will include all presenters, and provide opportunity for Q&A.

**TO HELP EXPEDITE THE SIGN-IN PROCESS, THE DOORS WILL OPEN AT 3:15 PM.**

**PLEASE PLAN TO ARRIVE NO LATER THAT 3:45 PM.**

**NO FOOD OR BEVERAGE MAY BE BROUGHT INTO THE BUILDING**

PLEASE DETACH FORM AND MAIL WITH CHECK OR FAX WITH CREDIT CARD TO 212-385-8961

(DOB Personnel need to individually e-mail/fax a reservation request to the NYSA office by the deadline to reserve a seat)

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
NYS LIC#: \_\_\_\_\_ AIA#: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
PLEASE RESERVE SEAT (S) FOR: \_\_\_\_\_ @ \$75.00 NYSA MEMBERS ONLY \$ \_\_\_\_\_  
\_\_\_\_\_ @ \$90.00 NON-MEMBERS \$ \_\_\_\_\_  
TOTAL REMITTANCE \$ \_\_\_\_\_

CREDIT CARD NAME & NO: \_\_\_\_\_ EXP. DATE: \_\_\_\_\_ SECURITY # \_\_\_\_\_

PLEASE SIGN HERE TO APPROVE CREDIT CARD PAYMENT: \_\_\_\_\_ DATE: \_\_\_\_\_

**MAKE CHECKS PAYABLE TO: NYSA**

PERSONS NOT REGISTERED PRIOR TO THE RESERVATION DEADLINE WILL BE DENIED ADMITTANCE TO THE BUILDING

**"DEADLINE FOR RESERVATION – WEDNESDAY MARCH 24, 2010 - 3:00 PM"**

**THANK YOU**



## Buildings

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QUEENS BOROUGH OFFICE  
120-55 QUEENS BLVD  
KEW GARDENS, NY 11424

Ira M. Gluckman, R.A., A.I.A.  
BOROUGH COMMISSIONER

Meeting Topic: Queens Borough Industry Meeting

Date / Time: February 18, 2010 / 2:30 pm

Attendees: DOB: BC Ira Gluckman, DBC Diana Mack-Henry, BM Lynette Mitchell, CC Dennis Zambotti, SVC Linda Pesiri, Dir Frank Marchiano, Robert Ferrante, SVC Joan Saccente

Industry: Issam Aboutaraf, Frank Quatela, Gerald Caliendo, Vincent Sena, John Carusone, Barry Bank, Joseph DeChiara, Gustavo Vallejo, Diego Aguilera, Joseph Sultana, Gino Longo, Laura Heim, Brian Flynn, Marin Safren, Raymond Irrera, Teofilo Infante, Pedro Flanquer, Milt Leptourgos, Farhad Bassiri-Tehrani, Willy Zambrano, Jamil Coppin, Alstaire Binales, Joseph Walter, John Stacom, Weikuo Chen, Michael Cosentino, Khanna Ashwan Kumar, Rico Reid, Anthony Cosentino, Alfonso Duarte, John Calcagnile

The following issues were discussed and agreed upon:

ITEM	DESCRIPTION
1. Borough Commissioner Ira Gluckman	<ul style="list-style-type: none"><li>Commissioner Gluckman discussed the agenda items follow with open forum.</li><li>Q: Do you need ACP-5 at filing? A. Yes</li><li>Energy Audit - all filing must be done as a subsequent document except for HVAC which required a separate filing.</li></ul>
2. Borough Manager Lynette Mitchell	<ul style="list-style-type: none"><li>The Industry is requesting that the Application Processing Supervisor can make data entry corrections on PAA filings? In May 2007, Queens implemented "Open PAA" allowing the applicant too carefully reviews data entry errors to ensure accuracy prior to approval. The applicant must highlight the changes/errors on the PW-1 to identify the data entry changes. If the PAA is approved and a data entry error is found a new PAA is required to correct the error. If further assistant is needed feel free to contact Application Supervisor or Borough Manager.</li></ul>
3. Chief Plan Examiner Simon Lee	<ul style="list-style-type: none"><li>When will the Plan Examiners data entered the TR-2 &amp; TR-3? TR2 &amp; TR3 prior to permit: Submit to D.E.A.R or TR2 &amp; TR3 certification prior to sign-off: Submit to sign off section</li></ul>





# THE NEW YORK CITY COUNCIL

CHRISTINE C. QUINN, SPEAKER

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File #:	Int 0993-2009	Version: <input type="button" value="A"/>	Name:	Submittal documents for demolition.
Type:	Introduction		Status:	Enacted
			Committee:	<a href="#">Committee on Housing and Buildings</a>
On agenda:	5/20/2009		Final action:	9/3/2009
Enactment date:	9/3/2009		Law number:	2009/057
Title:	A Local Law to amend the administrative code of the city of New York, in relation to submittal documents for demolition.			
Sponsors:	<a href="#">Erik Martin Dilan</a> , <a href="#">Christine C. Quinn</a> , <a href="#">Lewis A. Fidler</a> , <a href="#">Sara M. Gonzalez</a> , <a href="#">Letitia James</a> , <a href="#">John C. Liu</a> , <a href="#">Michael C. Nelson</a> , <a href="#">Larry B. Seabrook</a> , <a href="#">Kendall Stewart</a> , <a href="#">David I. Weprin</a> , <a href="#">Maria Baez</a> , <a href="#">Thomas White, Jr.</a> , <a href="#">Domenic M. Recchia, Jr.</a> , <a href="#">Vincent J. Gentile</a> , <a href="#">Albert Vann</a> , <a href="#">Daniel R. Garodnick</a> , <a href="#">Melinda R. Katz</a> , <a href="#">Jessica S. Lappin</a> , <a href="#">Peter F. Vallone, Jr.</a> , <a href="#">Kenneth C. Mitchell</a> , (in conjunction with the Mayor)			
Attachments:	<a href="#">Witness List</a> , <a href="#">Int. No. 993 - 5/20/09</a> , <a href="#">Committee Report 6/8/09</a> , <a href="#">Hearing Testimony 6/8/09</a> , <a href="#">Hearing Transcript 6/8/09</a> , <a href="#">Committee Report 8/19/09</a> , <a href="#">Hearing Transcript 8/19/09</a> , <a href="#">Committee Report - Stated Meeting 8/20/09</a> , <a href="#">Hearing Transcript - Stated Meeting 8/20/09</a> , <a href="#">Fiscal Impact Statement</a> , <a href="#">Mayor's Letter</a> , <a href="#">Local Law</a>			

[History \(12\)](#)
[Text](#)

## Int. No. 993-A

By Council Member Dilan, the Speaker (Council Member Quinn), and Council Members Fidler, Gonzalez, James, Liu, Nelson, Seabrook, Stewart, Weprin, Baez, White Jr., Recchia Jr., Gentile, Vann, Garodnick, Katz, Lappin, Vallone Jr. and Mitchell (in conjunction with the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to submittal documents for demolition.

### Be it enacted by the Council as follows:

Section 1. Section 3306.5 of section 3306 of the New York city building code, as added by local law number 33 for the year 2007, is REPEALED and a new section 3306.5 is added to read as follows:

**3306.5 Submittal documents for demolition.** Submittal documents for full and partial demolition shall comply with Sections 3306.5.1 through 3306.5.3.



**Exceptions:** Section 3306.5 shall not apply to:

1. Demolitions performed as emergency work pursuant to Section 28-215.1 of the *Administrative Code* when such work is monitored by a qualified person with experience in demolition operations who is employed by the city agency that has been directed to perform or arrange for the performance of such work. If the department or such city agency determines that there is a need for supervision of the work by an engineer, such city agency shall retain an engineer or cause an engineer to be retained to supervise the demolition operations.
2. Full demolition where the demolition is to be accomplished without any mechanical demolition equipment, including handheld mechanical equipment, for:
  - 2.1. One-, two- or three-family dwellings that are three stories or less; or
  - 2.2. Buildings that are three stories or less and with a floor area of 5,000 square feet (1524 m<sup>2</sup>) or less per story.

**3306.5.1 Required documents.** Submittal documents shall be approved by the department before demolition work begins. Such submittal documents shall be signed, sealed, and submitted by a registered design professional and shall contain, at a minimum, the following:

1. Plans, sections, and details of the building or portion thereof to be demolished clearly showing the extent, sequence, and means and methods of demolition;
2. Bracing and shoring necessary to support all demolition operations through all sequences of the demolition;
3. Where mechanical demolition equipment, other than hand held devices, is to be used, a listing and description of all such proposed equipment to be used in the demolition, including the scope of equipment work and positioning of equipment on the existing structure. The description of the equipment shall include calculations showing the adequacy of the existing structure to support loads imposed by such equipment. If more than one piece of demolition equipment is proposed to be used at the same time, the effect of the simultaneous loads imposed on the existing structure shall be described and investigated; and
4. A description of compliance with the applicable provisions of Section 3306.9 of this code.

**3306.5.1.1 Submittal documents for full or partial demolition using mechanical equipment other than handheld.** Submittal documents for full or partial demolition using mechanical equipment other than handheld shall be signed, sealed and submitted by an engineer.

**3306.5.2 Maintenance of submittal documents.** The approved set of submittal documents shall be kept at the site at all times and be accessible for inspection. It shall be a violation of this code to use mechanical equipment, whether handheld or other than handheld, to perform full or partial demolitions unless the approved submittal documents required by Section 3306.5.1 are available for inspection. Failure to make submittal documents available on site may result in the issuance of a

stop work order.

**3306.5.3 Filing requirements.** Where submittal documents are required in connection with full or partial demolition in accordance with Section 3306.5, applications shall be filed by the registered design professional in accordance with Article 104 of Chapter 1 of Title 28 of the *Administrative Code* and shall be approved prior to issuance of the work permit.

§2. This local law shall take effect ninety days after enactment except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules prior to such effective date.

8/12/2009 7:12 PM

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# Guide to Submitting Demolition Documents

## A. Required Documents

1. [PW1](#) for either Full Demolition (DM) or Alteration (ALT) with Partial Demolition;
2. [DS1](#) (Demolition Submittal Certification Form);
3. Demolition drawing(s); and
4. [TR1](#) for "Mechanical Demolition" if mechanical demolition equipment is to be used on the work site.

## B. Filing Requirements

1. Applications can only be submitted by a licensed design professional, except when the applicant is performing full demolition work with handheld non-mechanical equipment at:
  - a. 1-, 2- and 3-family dwellings three stories or less; or
  - b. buildings that are three stories or less and contain floor area of 5000 square feet or less per story.
2. Alteration applicants must indicate in section 9E of the PW1 form that the job will involve partial demolition.
3. All mechanical demolition equipment details must be included as part of the demolition submittal document drawings. Demolition equipment can not be filed under a separate PW1 application.

## C. Preparer Qualifications

A licensed design professional, either a professional engineer (P.E.) or registered architect (R.A.), must prepare, sign and seal the drawings. The table below outlines the specific preparer qualifications and exceptions.

If demolition involves:	Documents must be prepared by a:
Mechanical demo equipment - other than handheld	P.E. only
Mechanical demo equipment - handheld only	P.E. or R.A.
No mechanical demo equipment	P.E. or R.A.*
<p>* <b><u>Exceptions:</u></b> <i>Submittal documents are <u>not</u> required for Full Demolition of either:</i></p> <p>(a) 1-, 2- and 3-family dwellings that are three stories or less</p> <p>(b) Buildings that are three stories or less <u>and</u> contain floor area of 5000 square feet or less per story</p>	



## **D. Document Submission**

1. For full demolition:
  - Documentation must be submitted to the BEST Squad after filing a PW1 application and paying the appropriate fees in the borough office.
  - Any changes to already approved demolition documents must be submitted to the BEST Squad with a completed Additional Information (AI1) form indicating any changes to the plans.
2. For partial demolition:
  - Documents must be submitted to the borough permit window. Documents can be submitted prior to obtaining a primary construction permit and are not required to obtain non-primary work permits, such as a fence permit.
  - Any changes must be submitted to the borough office with a completed AI1 form indicating any changes to the plans.

## **E. Additional Instructions:**

1. Demolition documents must be applicable to the latest approved construction documents.
2. Demolition drawings must contain the correct BSCAN sheet designator – DMO. Additionally, the plan preparer must coordinate with the design applicant and any other demolition drawing preparers (such as superseded preparers and other existing preparers) to prevent submission of duplicate sheet identification numbers.
3. Please refer to the Department's B-SCAN large-format drawing guidelines for acceptable large-format plan submission requirements.

## **Technical Guide for Preparing Demolition Drawings**

All demolition drawings must be prepared using standard plan formats. BC 3306.5 outlines the required submittal documents for demolition.

### **A. Required Information**

1. List and describe all non handheld mechanical demolition equipment to be used. Indicate:
  - Where and how the equipment will be used;
  - The relevant manufacturer specification of each unique type of equipment; and
  - The placement of equipment and calculations showing adequacy of structure to sustain the load of the equipment.
  - Signed and sealed calculations must be present on site when equipment is used different from the model shown on the submittal. Substitution is permitted

only when the calculations demonstrate that the different equipment is equal or less in weight, payload, load imposed on the structure and reach to the original equipment.

2. Indicate the safety zone for pedestrians and workers.
3. Indicate the sequence of the demolition operation from commencement to completion.
4. Identify any required protection of adjoining properties and include methods and details utilized to protect adjoining buildings, if applicable.
5. Include all items required from BC 3309.8
6. Indicate on the drawings when the work will not involve any mechanical demolition equipment.
7. Indicate required bracing and shoring and the load that the shoring will support.
8. If remnant party walls, wood-framed or other walls require special attention to maintain the stability of adjacent building(s), the drawings must clearly identify if any stabilization or other consolidation work needs to be performed to ensure the safety of remaining building(s).
9. Identify methods that will be taken prior to demolition to strengthen weakened construction elements, such as overhanging chimneys, compromised parapets or unstable extensions.
10. Identify the methods that will be used to provide weatherproofing to any exposed exterior walls of adjoining properties impacted by the demolition work, as per BC 3309.9.
11. List all relevant TR1 special inspections that are required.
12. For full demolitions, all items required by BEST Squad plan examiners must be included on plans prior to permit.

#### **B. Additional requirements for Partial Demolitions**

13. Indicate which structural elements (part or whole) of the building will be removed and how it will be removed.
14. Indicate all areas of the building that will be demolished.
15. Identify how workers and building occupants (if any) will be protected and all exiting paths. Include, if applicable:
  - a. Tenant protection plans per 28-104.8.4;
  - b. Site safety plans; and
  - c. Egress during construction plans.

Projects & Proposals > Citywide > Residential Streetscape  
Preservation

## Residential Streetscape Preservation Text Amendment

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Single family detached



Low-density townhouse



Medium-density townhouse

The Department of City Planning is proposing a city-wide zoning text amendment to preserve and enhance the streetscape character of residential neighborhoods. The text amendment closes loopholes in [front yard](#) planting requirements, responds to concerns of Community Boards and elected officials related to inappropriate curb cuts and front yard parking pads, and clarifies parking requirements for new dwelling units created in existing homes in R3 and R4 Districts. The proposal would also help achieve some of the goals of the Mayor's [PlaNYC](#).

### ***What do the changes entail?***

The proposed text amendment would:

1. Eliminate loopholes in the front yard planting requirements that allow the minimum percentage of a front yard that must be planted to include planting strips less than one foot wide and plantings in driveways.
2. Apply stricter front yard parking rules in single and two family districts by prohibiting parking in front yards. Parking could only be placed in a driveway that extends into the side yard, or, for [semi-detached](#) houses, in a driveway leading to a garage in the front of the house. No parking would be permitted in front of row houses in single and two family districts.
3. Reinforce the prohibition on curb cuts for all buildings on lots less than 40 feet wide in R4B through R8B districts. These are rowhouse districts characterized by planted front yards and no front yard parking. A court decision found, for the purposes of curb cut regulations in ZR 25-633, that the prohibition applies only to new buildings, not existing buildings.
4. Introduce curb cut rules for residential parking spaces in medium and higher density R6, R7 and R8 districts and their commercial equivalents, where no curb cut rules exist today. The new rules would prevent continuous curb cuts that are unsightly, create pedestrian/vehicular conflicts, eliminate on-street parking spaces, and reduce retail continuity in commercial districts. The proposal would allow one or two curb cuts to parking lots or garages with multiple parking spaces, rather than an unlimited number of curb cuts, where each can access just a single space.
5. Add streetscape character and emphasize pedestrian movement findings for curb cut authorizations for Manhattan Community Districts 1 through 8 and in portions of Queens Community Districts 1 and 2.





View the [slide show presentation](#).

6. Ensure that a new parking space is provided for each new dwelling unit added to an existing residential building in R3 and R4 districts.

### **Public Review**

On November 16, 2009 the proposed Residential Streetscape Preservation text amendment (N 100139 ZRY) was referred to all Community Boards, Borough Boards and Borough Presidents for a 60 day review period. The City Planning Commission held a public hearing on January 27, 2010.

On February 24, 2010, the City Planning Commission approved the text amendment with modifications\*.  [Read the CPC Report](#). Read the  [modified text amendment](#).


### **\*CPC Modifications**

In response to issues raised during the public review, the Commission approved the zoning text amendment with the following modifications:

- Modify Section 25-21 to state that existing parking spaces for pre-1961 buildings cannot be removed if such spaces were required by zoning at the time such buildings were constructed, unless today's zoning allows for their removal. Buildings built prior to July 20, 1950 are currently permitted to remove all residential parking, and this text amendment will continue to allow for those spaces to be removed.
- Strengthen the finding of need in Section 13-551, which allows the Commission to authorize enclosed parking spaces in existing buildings. The proposed modification would make clear that "need" is a fairly high standard to meet, based upon objectively demonstrated circumstances.

For more information on the proposal, contact the Zoning Division of the Department of City Planning at [streetscapes@planning.nyc.gov](mailto:streetscapes@planning.nyc.gov).

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 Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).

Brief explanations of terms in *green italics* can be viewed by clicking on the term. Words and phrases followed by an asterisk (\*) are defined terms in the Zoning Resolution, primarily in Section 12-10. Consult the Zoning Resolution for the official and legally binding definitions of these words and phrases.



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**Joseph Horowitz, P.E.** is an environmental consultant and was formerly Director, Environmental Engineering at CBS. He has taught in graduate programs at Pratt Institute, New York Institute of Technology and at NYU School of Continuing Education and is a long-time member of the Queens Chapter of NYSSPE.

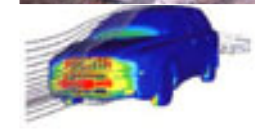
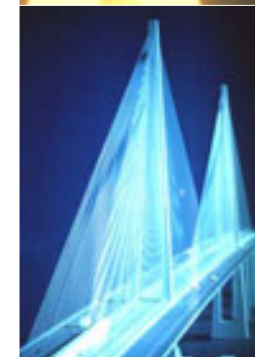
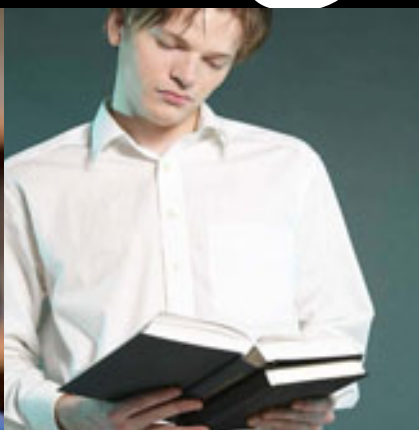
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November 20, 2008

Dear Colleague,

The Queens Chapter – NYSSPE is soliciting contributions from Engineers and Architects in the NY area to help fund a lawsuit by the NY State Society of Professional Engineers (NYSSPE) against the City of New York. As you probably already know, the NY City Council recently passed a law changing the City Charter, at the insistence of Mayor Bloomberg, which removed the licensure requirement from the Commissioner of the Department of Buildings. The new law now states that the Buildings Commissioner need not be licensed. Presently, an unlicensed lay person is Buildings Commissioner.

The Queens Chapter is leading the fight in the NY Metropolitan area AGAINST the Mayor's irresponsible actions which endanger the public's health, safety and welfare while undermining and diminishing both the Engineering and Architectural professions.

The Queens Chapter leadership is asking all Engineers and Architects to contribute to a legal fund which will support the NYSSPE legal suit against the City of New York. Please make whatever contribution is within your means.

It's about time we stand up for our Profession and the people of New York!

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