

Questions for Virtual AIA Brooklyn Industry Meeting – September 17th @ 3:00 PM

1. As instructed by the electrical division, I have submitted a letter, signed and notarized by the owner to close out an electrical DOB NOW application as it was superceded by a newer electrical application that has been signed off (completed). I spoke to the electrical chief on July 22nd and he confirmed he received the letter and would process the request. I have sent numerous emails for over a month now and the application is still not closed out nor have I received any response. Is it possible to follow up on this as it is the only item pending to obtain the electrical sign off and Final CO for the project? The Address is 4016 9th Avenue and the electrical application to be closed out is B00196506-S1 (it is superceded by electrical application B00196506-I1).

The application (B00196506-S1) was processed and passed final on 9/8/2020; which is reflected in Accela, however that result has not been automatically transferred to the DOB NOW public portal (where the customer more than likely is looking). The contractor's license was expired on 9/7/2020 (one day before the application was processed) and the system may be preventing the update to DOB NOW for that reason. The licensed electrical contractor would have to reach out to Licensing to renew and have that information updated before the system pushes it through.

2. When submitting an amendment for minor information change on a plan that requires only an AI1 application, how can it be reviewed and approved. This is a BIS filed Alt 1 application at the Borough, and the amended plan and AI1 were uploaded into e filing on 08/28/2020. An appointment was made with the plan examiner for 08/31/2020, but there was no action nor did the examiner contact me via the phone number provided. The application number is 320367447. The amendment was to add the serial numbers to the mechanical equipment schedule.

The job in question has been inactive since 2012 and will have to be reinstated. A reassignment to Vergo Registe is documented 08/23/19. Vergo has since transferred to the Bronx. The application will have to be reassigned with the submission of a PER-11. Another PER-11 will have to be subsequently submitted requesting an appointment with the new examiner.

3. Providing separate heat and hot water for existing 2 family above a store. The existing brick and clay chimney is located near the lot line and can accommodate the additional flue exhaust, and there is an existing fresh air intake from the roof. No work is being done in store.

Received the below two objections:

1. "Must comply with FGC 304, MC401.4, MC401.5 AND MC703.1"

Compliance with the requested sections requires that the relocation of the chimney and fresh air intake to be 10' away from property line. Why is this being requested when no work is being done to the existing chimney and fresh air intake? If this was to be done, the chimney exhaust and fresh air intake would be in the middle of the apartment living room.

Answer: The objection stated relocation of the chimney and if that is the case, the new location must comply with the applicable Code requirements. If it is not necessary to replace or relocate the chimney, if complying with the Code it may remain at location. However, as the scope of work indicates separation of services for different occupancies, there are strict

requirements of the code that may create new noncompliance and require work on the chimney.

Code references:

Pursuant AC 28-101.4.3 Exceptions:

1. gas, plumbing and mechanical work. The installation of and work on all appliances, equipment and systems regulated by the New York city fuel gas code, the New York city plumbing code and the New York city mechanical code shall be governed by applicable provisions of those codes relating to new and existing installations

Typical Examples that may affect the chimney are:

Pursuant MC 801.19 Multistory prohibited. Common venting systems for appliances located on more than one floor level shall be prohibited.

Pursuant MC 102.4 Additions, alterations or repairs. Additions, alterations, renovations or repairs to a mechanical system shall conform to requirements for a new mechanical system without requiring the existing mechanical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded.

Pursuant MC 801.18 Existing chimneys and vents. Where an appliance is permanently disconnected from an existing chimney or vent, or where an appliance is connected to an existing chimney or vent during the process of a new installation, the chimney or vent shall comply with Sections 801.18.1 through 801.18.4. and pursuant MC 801.18.1, "The chimney or vent shall be resized as necessary to control flue gas condensation in the interior of the chimney or vent and to provide the appliance or appliances served with the required draft. For the venting of oil-fired appliances to masonry chimneys, the resizing shall be in accordance with NFPA 31."

Pursuant MC 801.20 Termination requirements states that." Terminations shall comply with the appliance listing and manufacturer's instructions, and the following: (1)Chimneys serving appliances less than 600°F (316°C) shall extend at least 3 feet (914 mm) above the highest construction, such as a roof ridge, parapet wall or penthouse, but within 10 feet (3048 mm) of the chimney outlet, whether the construction is on the same building as the chimney or on another building

2. " Provide riser diagram for proposed and existing fixtures, equipment and piping per PC 106.5" for the existing gas meter for the store where no work is being done.

Why must we show a riser diagram for a meter where no work is being done?

Depending on how the equipment will be fueled. Piping plan will be required.

Pursuant FGC 106.5 Fuel-gas-burning appliance and fuel-gas piping plans. Construction documents for fuel-gas-burning appliances and fuel gas piping shall contain plans that include the following data and information:

1. Riser diagrams showing the story heights, the gas risers, and related appliances

4. OTCR is reviewing most product types for material compliance (reference standards and testing) and they rely on the DOB to review for code compliance (application, layout, etc) - MEA's will no longer be accepted as filing documents for 1968 projects due to the fact that they utilized outdated reference standards

- Without MEA#'s, products and assemblies invented after 1968 have no means of being evaluated for compliance and safety since the codes did not anticipate future technologies
- In 1968 projects, rather than prohibiting systems invented in the last 52 years, the OTCR is going to evaluate them based on current code and reference standards
- Each borough will decide how they want to have these filed and reviewed for code compliance (ie. Evaluated under 2014 codes, CCD-1, etc.)

Is the Brooklyn borough aware of these changes and do they have a preferred way to file projects with these conditions?

Materials are subject to 28-113. Accordingly, materials may be used as prescribed without commissioner (DOB) approval (28-113.2). Alternative materials, which are not prescribed in the code, require approval, including OTCR evaluation (28-113.2.2).

Materials approved prior to the 2008 Code (July 1, 2008) are subject to 28-113.2.6. See below.

§28-113.2.6 Previously issued approvals. Materials that were previously approved by the board of standards and appeals or by the department before July 1, 2008 may continue to be used to the extent that such approval is not inconsistent with the requirements or standards of this code, unless specifically amended or repealed by the commissioner.

Therefore, MEA reports may only be used when the report was issued under the same requirements and standards as the 2014 Code. Most MEA reports were issued with prior versions of standards or differing standards.

For work on prior code buildings (1968 code), materials are subject to the 2014 Code (see 28-101.4.3).

5. Sustainable roof plan filing per BB 2019-010.

We received approval for Alt.-2 Job #340727271, objections self-certified, – horizontal enlargement for two-story one-family detached house in R4-1 zoning district.

Initial Examination didn't produce an objection to the sustainable roof plan with solar panels as submitted.

The very same day, a couple of hours later, we received objection from the Auditor “*Per BB 2019-010 Provide sustainable roof plans and indicate slope of roof*”.

We answered that the sustainable roof plan and slope of roof were indicated on our initially approved submission.

In response Auditor revised objection – “*Solar has to be a separate work type. Has to be filed as OT solar tax or OT solar based on it is an abatement or no. Solar application has to be approved prior to this application.*”

Is an objection requesting sustainable roof plans to be filed separately correct, contrary to the initial Examiner review and to the Auditor's own initial objection?

If so – are there related DOB instructions explaining the Auditor's unclear comment “*to be filed as OT solar tax or OT solar based on it is an abatement or no*”? – How should we otherwise understand this?

A separate sustainable roof plan should not be required, but must be included as part of the main application.

If Applicant is installing solar and wishes to receive a property tax abatement (PTA), then the solar panels, only, need to be filed as a separate Alt 2 application with HUB.

If Applicant is installing solar and is not seeking a property tax abatement, then the solar could be filed as part of the OT work type.

Please note that as of June 01, 2020 – HUB is no longer reviewing BIS applications with the exception of solar PTA and ‘stand-alone’ solar non-PTA applications.

6. Electrical vehicle service equipment capable (Mandatory).

Energy Code 2020 section R404.3. requires that “One or two-family dwellings and townhouses with parking area provided on the building site shall provide a 208/240V 40-amp outlet for each dwelling unit or panel capacity and conduit for the future installation of such an outlet. Outlet or conduit termination shall be adjacent to the parking area. For residential occupancies where there is a common parking area, provide either:

1. Panel capacity and conduit for the future installation of 208/240V 40-amp outlets for 5 percent of the total parking spaces, but not less than one outlet, or
2. 208/240V 40-amp outlets for 5 percent of the total parking spaces, but not less than one outlet.

It’s unclear when it becomes required in the case of a renovation or alteration.

Is it required in the case of an enlargement if the number of dwelling units is unchanged, for example if a two-family building after an enlargement remains a two-family?

Vehicle charging readiness (Section R404.3) would be triggered where an alteration includes work to the electrical system and would not be based on the addition or alteration of parking spaces on-site. Although the amount of vehicle charging is based on the number of parking spaces, an increase in the number of spaces may not necessarily include work on the electrical service. For example, if applicant is adding an additional dwelling unit and requires electrical work but zoning would not require an additional parking space, the applicant would still need to provide a EV outlet for each dwelling unit because electrical work is part of the scope. On the flip side, if an applicant is altering the driveway to a one-family building and does not include work on the electrical system, an EV outlet/charger ready would not be required.

Providing a note to indicate which parking spot and panel capacity is acceptable. In addition, this information shall also be included in the Energy Analysis (either Tabular Analysis or Supporting Documentation Index) and addressed in the “Prescriptive Value and Citation “and “Proposed Design Value” columns.

To summarize, alterations and additions will trigger Section R404.3 when the Scope of work entails an increase of electrical panel capacity and will apply to parking spaces/areas on the building site, including accessory garages. As the first sentence of R404.3 states "One or two-family dwellings and townhouses with parking area provided on the **building site** shall provide" and the definition states BUILDING SITE. A contiguous area of land that is under the ownership or control of one entity.

To specifically answer the question:

Is it required in the case of an enlargement if the number of dwelling units is unchanged, for example if a two-family building after an enlargement remains a two-family?

If the electrical panel is modified or new service is included in the scope of work of the enlargement, then Section R404.3 is triggered and parking spaces located on the building site are required to comply with R404.3.

7. GC's responsibilities after Final Construction Sign off.

It seems clear that permit renewal isn't necessary after inspection received a final construction sign off, even if there is no TCO yet.

Does the General Contractor have any other obligations related to the signed-off OT Permit? In this case, can a GC transfer the responsibilities for completed one-family NB to the owner? **Once the job has met all signoff requirements. From the inspectoral perspective. The job application is finalized and closed out. We no longer hold authority on the application. The application is then moved on to C of O review personnel for full folder review.**

Until the final document is issued, CO, the lic. contractors and RDPs are liable by law. We will hold them accountable and responsible should we later find some violating condition warranting enforcement actions. The owner is always responsible; however, RDP and Licensees are always liable on a project. The law does not allow transfer of responsibilities.

8. On 7/14 we filed Hub Full-Service Job #340745750, subject to BSA variance, to enlarge semidetached 2-family 3-story building and on 7/22/20 received "primary" objections with note "FULL PLAN EXAM WILL RESUME AFTER ALL PRIMARY OBJECTIONS ARE RESOLVED".

We submitted answers to all six "primary" objections on 7/24 and clicked "Ready for Next Review" in "Request Department Action" section of E-submit.

How can we know if seven (7) weeks delay is normal and the job is still under review?

The property is located in a flood zone. Submitted documents are insufficient to receive a full review on flood and zoning requirements. DOB issued the primary objections. The application will be reviewed again after all primary objections are resolved before BSA proceeding. BSA review requires all flood objections be cleared with DOB first.

To avoid delays, Applicants shall actively schedule appointments online in order to discuss with the examiner.

9. We recently filed seven new building applications for affordable apartments (in conjunction with HPD) in Brooklyn. The following are the application numbers: B00347177 (423 Herkimer Street), B00347204 (444 Herkimer Street), B00346950 (37 Rochester Avenue), B00346975 (20 Suydam Place), B00347043 (816 Herkimer Street), B00346877 (331 Ralph Avenue), B00347230 (335 Ralph Avenue)

All the associated plumbing / sprinkler applications filed with DOB NOW require an FDNY: Letter of No Objection' prior to approval.

After consulting with several expeditors, we do not believe this item should be required for a new building.

Can you please confirm whether this should be required?

If so, can you please clarify what the Letter of No Objection is in reference to?

NO, FDNY Letter of No Objection will not be required for new buildings, as per BB 2017-009. If DOBNOW system prompted for such document, please submit waiver request for approval.

10. MDL Article 2, section 56 prohibits new multiple dwellings on lots with any frame building. From MDL definition of “lot” it’s not clear if it’s a zoning lot or tax lot. When creating new zoning lots for the purpose of transferring air rights (with multiple tax lots), will presence of existing frame buildings on same zoning lot but on separate tax lot prevent approval and construction of a new apartment building?

New York State Multiple dwelling law, Article 3 multiple dwellings--general provisions Sec. 56. Frame buildings and extensions.

4. No multiple dwelling shall be placed or built upon the same lot with any frame building. MDL#56, the “Lot” refers to a zoning lot. The definition of lot refers to a parcel or plot of ground consisting of a (one) dwelling. The “Dwelling” means a building or portion of a building used as home, residence, or sleeping place. The definition of lot refers to a plot of ground consisting of a dwelling, and accessory structures or any open or unoccupied spaces there. Per BB#2020-003, a zoning lot may contain multiple tax lots, but it shall not take a part of a tax lot.

Therefore, multiple buildings may be accepted on a lot if it’s in compliance with MDL#28, Table 602 and zoning section ZR23-71.

11. Wet floodproofed residential building, lowest occupiable floor (2nd floor) is elevated above DFE. 1st floor is wet floodproofed and used for building entrance and parking. Will this wet floodproofed 1st floor be considered a story for compliance with requirements for stretcher elevator, Elevator in readiness, Egress. (BC-3003.3.1 Elevator in readiness for Fire Department emergency access, BC-3002.4.2 Elevator car to accommodate ambulance stretcher)

Yes. Pursuant to Table 503, it states, for ALLOWABLE BUILDING HEIGHTS AND AREAS- “Story limitations shown as stories above grade plane.”:

Therefore, Height limitation application for Buildings with respect to story are referenced to story above grade plane including Basement as a story. When limitation is in respect to height measurement as in Fire department access purposes the height is measured from the lowest level of Fire Department vehicle access and that will be the average bottom of curb elevation at the street fronting the building.

References:

BC 502, STORY ABOVE GRADE PLANE is defined as “Any story having its finished floor surface entirely above grade plane, except that a basement shall also be considered a story above grade plane (also see definitions of “Story” in Section BC 202 and “Basement” in this section).

G 201.2 BASEMENT (FOR FLOOD ZONE PURPOSES). The portion of a building having its floor subgrade (below ground level) on all sides.

Pursuant BC 201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

BC 202 STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see “Basement” and “Mezzanine”). It is measured as the vertical distance from top to top of two successive tiers of beams or finished

floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Pursuant 3002.4 Elevator required. In buildings five stories in height or more, at least one elevator shall provide access to all floors.

Pursuant 3002.4.2 Elevator car to accommodate ambulance stretcher. "Where elevators are provided in buildings five stories in height or more, or underground buildings as described in Section 405.1, at least one elevator subject to Section 3003.3 shall be provided with an elevator car of such a size and arrangement to accommodate an ambulance stretcher 24-inches by 84 inches (610 mm by 2134 mm), with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life)."

12. ZR 23-52. In cases of shallow interior lots when rear lot line is not parallel to front lot line, and at one point the lot less than 70' (or 90') in depth, but at the other point it's 70' (90') or more, can you still utilize this ZR section for reduced rear yard. See attached sketch. The question is really about what is "less than 70 feet deep at any point". Can a lot utilize this section if it's less than 70' at least at one point or does it have to be less than 70' at all points?

Pursuant to BSA Calendar No47-12-A, a rear yard reduction may be permitted only when the maximum depth of a zoning lot is less than seventy feet at every point.

Attached you will find Tech Affairs determination #51604 which includes similar language and copy of the BSA minutes. Determination is attached to the meeting minutes for reference only.

13. For Landmark buildings, DOB requires that Landmark approval be submitted with the initial filing. When the application includes an enlargement, Landmarks will not approve the application until a DOB objection sheet for the job is submitted to them. Such objection sheet cannot have any open zoning objections.

So, we are caught in a Catch 22. We cannot file with DOB without Landmark approval and we cannot get Landmark approval without a DOB objection sheet.

This is the error message we are getting from DOB when we press the "Ready For Review" button.

In the world of e-filing, the system generates the items required and will hold the job from being ready for review till these items are e-submitted.

To get the job passed this stage the applicant must submit "something" to allow the system to proceed. It could be an AI-1 from the applicant in place of the LPC approval explaining the process of how LPC operates. Once the AI-1 is submitted, the system will move passed that stage and an objection will be generated to present back to LPC.

Please resolve these errors before proceeding:

- RA0002 : UPLOAD LANDMARKS APPROVAL AS A REQUIRED ITEM

Show additional information on use of this page.

Premises: 163 BOND STREET BROOKLYN
 BIN: 3005894 Block: 387 Lot: 4
 Applicant Name: SARAH JACOBY

Job No: 340748677
 Job Type: A1 - ALTERATION TYPE 1
 License Type: RA License No.: 035724

Electronic Forms *(show help)*

To complete and generate your electronic forms, click on the button(s) below:

Electronic TR1

Electronic TR8

Required Items *(show help)*

Items Required By:		<input checked="" type="radio"/> All Items <input type="radio"/> Open Items		Prior To:		<input checked="" type="checkbox"/> Approval <input checked="" type="checkbox"/> Permit <input checked="" type="checkbox"/> Signoff		Display
55 TOTAL ITEMS REQUIRED FOR JOB	WHO RECV*	PRI TO	REQUIRED DATE	RECEIVED DATE	DATE CERTIFIED	WAIVED	AUTO POPULATED	UPLOAD DOC
LANDMARKS APPROVAL	T	APP	07/22/2020	_____			Yes	<input type="checkbox"/>
COST AFFIDAVIT ESTIMATE: (PW3)	N	APP	07/22/2020	_____			Yes	<input type="checkbox"/>
STREET TREE CHECKLIST	N	APP	07/22/2020	_____			Yes	<input type="checkbox"/>
DOB - ZONING DIAGRAM (ZD1)	T	APP	07/22/2020	_____			Yes	<input type="checkbox"/>
VERIFY DOB PLAN NAMING STANDARD IS MET	N	APP	07/22/2020	_____			Yes	<input type="checkbox"/>
1ST ZONING REVIEW COMPLETE	T	APP	07/22/2020	_____			Yes	<input type="checkbox"/>