

Questions for Virtual AIA Brooklyn Industry Meeting – April 8th, 2021

1. We received notifications of the new LPC payment option in DOB NOW Build.

Question is, if an application is in “pre-filing” status; why is there a deadline to pay LPC fee prior to application being submitted? Below is the notification and application (specifically) in question.

What happens if we do not make the payment by the deadline? Will that stop the filing process? permit process? Etc.?

Applications in pre-filing can ignore the LPC notification (see screenshot). And LPC fees will be integrated into DOB NOW in the near future; this is just a temporary workaround.

Pay Landmark Fee

Jobs in pre-filing status do not require payment until the job is submitted. Fee-exempt filings do not require payment of landmark fees.

Enter DOB NOW Job Number (e.g. M12345678-11)

Enter Job Filing Number

Proceed Cancel

2. DOB NOW Plumbing does not allow the applicant to select meter type when gas work is involved. Is this intentional or is there a technical issue in the system?
There is a field to specify if the meter is ‘Individual’ or ‘Common’... is this what you are referring to ‘as meter type or something else?’
3. If there are multiple violations for the same work issued a few years apart, does the client have to pay a WWP civil penalty for each violation or just once for the entire project.
The civil penalty shall be paid on all violating conditions.
If the subsequent violations are the same, applicant can pay the first WWP violation and submit an L2 for CPP with receipts and DUPW for all others.
If the violating conditions are resolved across multiple applications, the civil penalty must be paid pursuant to that work.
Plumbing and OT combined for a maximum of \$15000, all other separately
4. R6B district. Two lots are being merged into a single zoning / two tax lots. One lot is currently vacant and the other one is occupied by a non-conforming use (1-story commercial garages). New apartment building is proposed to be built on a vacant portion of the zoning lot (tax lot that is vacant right now). Shall area occupied by 1-story garages be calculated toward lot coverage for new residential building (60% in our case)? To calculate available residential FAR, will area of those garage be included in max residential floor area permitted on the zoning lot?

Existing non-conforming use garage shall be considered as lot coverage and zoning floor area for the zoning lot.

To calculate permitted residential floor area, existing commercial garage shall be considered as existing zoning floor area.

5. 2014 Code, section BC 1021.1 (Exits from stories) says that "For the purposes of this chapter, occupied roofs shall be provided with exits as required for stories". Will accessory recreation area on the roof of proposed R-2 building (6-story, not more than 2,000 sf per story, non-combustible) trigger second exit stair if we utilize BC-1021.2 Single exits, item 5 (Buildings of Group R-2 occupancy of construction Type I or II not exceeding six stories and not exceeding 2,000 square feet per story)? Occupant load of proposed rooftop outdoor recreation area is not more than 20.

Occupied roof shall be considered as a story to determine the required number of exits from the occupied roof level. If occupied roof requires two exits per Table 1015.1 then two exits shall be maintained from the roof to the grade level.

For R2 occupancy, occupied roof with 20 or less people shall be provided with one means of egress.

Six-story building shall not be considered as a seven-story building just for occupied roof.

1021.1 Exits from stories. All spaces within each story shall have access to the minimum number of approved independent exits as specified in Table 1021.1 based on the occupant load of such story. For the purposes of this chapter, occupied roofs shall be provided with exits as required for stories.

1021.1.1 Exits maintained. The required number of exits from any story shall be maintained until arrival at grade or the public way.

1021.2 Single exits. Only one exit shall be required in buildings or from stories of buildings as described below:

6. School for Home Health Aides professional certificate. ZR 22-13 lists in Use Group 3 "schools", which ZR 12-10 defines as (a) "*an institution providing full-time day instruction and a course of study that meets the requirements of Sections 3204, 3205 and 3210 of the New York State Education Law*".

The mentioned paragraphs of NYS Education Law only talk about "*minors from six to seventeen years of age*", while only one section mentions adults – 3204.8.(d) "*offer adult education programs related to the purposes of this section, particularly for parents of pupils with limited English proficiency*".

However, APPENDIX A, Index of Uses, specifies that U.G. 3 also includes "*Colleges or universities, including professional schools, or college or school dormitories or fraternity or sorority houses, but excluding business colleges or trade schools*".

Alternatively, U.G. 9 lists "*Business schools or colleges, Trade or other schools for adults, limited as to objectionable effects*", which are not clearly differentiated from the above.

Professional training courses for Certificates "Home Health Aides" and "Personal Care Assistants" are also regulated by New York State Department of Education, as well as

having learning processes organized and conducted similarly to any medical or paramedical professional schooling. I'm seeking concurrence with my assessment that such school would fall into U.G. 3 classification as a "professional school".

The accreditation of Professional training courses for Certificates "Home Health Aides" and "Personal Care Assistants" and subsequent classification as Professional School (UG #3) within the context of the Zoning Resolution UG #3A is not within the jurisdiction of Department of Building. The Department of Education has sole jurisdiction to certify classification within the category of Medical professions. Department of Education establishes the curriculum standards required for stated Professional Schools to be within the category of Colleges and Universities stated under zoning UG #3A category.

Therefore, Building Department will classify schools for "Home Health Aides" and "Personal Care Assistants" as UG 9

7. Help form requests go unanswered. The latest example consists of three resubmissions since 2/17 and still open as of today. It's necessary to adjust the system so that help form request don't accidentally get missed or forgotten or worse purposely ignored.

The help form does not fall under the purview of Borough Operations.

Please provide examples – DOB does use the same tracking system many large corporations to route and track customer inquiries; some inquiries get sent either automatically or manually to specific staff for further research so we need to know the job or tracking number to see where it went in this case.

8. What is the correct order and procedure for an NB application that is in a Landmark district? What are the steps in the filing process?

NB applications are filed the same as they have always been filed, this is inclusive of NB applications that have other agency requirements. The only difference is they are now filed through DOBNOW. For Landmark applications, approved LPC Plans and approval letter are required.

What if you already have an existing HUB NB application in a Landmark district in review that has gone beyond the one year mark and is expired, can it be reinstated?

Yes, it can be reinstated.

9. A two-family masonry residence (class 3 construction) two stories and built in 1905. It has a scuttle with an iron ladder providing access to the roof. The scuttle and iron ladder are located in a storage closet on the second floor which is allowed by Code for a one or two family residence and verified by a copy of approved plans.

The owner wishes to eliminate the storage portion of the closet and replace same with an "over/under" washing machine/gas dryer in the same closet which has the iron ladder and scuttle to the roof. It is my understanding that this scuttle provides access to the Fire Department in case of emergency. Although the location of the gas dryer will comply with FGC 303.3 (Fuel/Gas Code 2014) since the closet will no longer be used for storage, I am concerned about the potential hazard to fire fighters accessing the roof during a fire.

Is there any rule or memorandum or interpretation by which the Department of Buildings can give guidance for this situation?

Pursuant 1938 BC §C-26-5.0 All New Work to Conform. (a) That states, “Every structure or part thereof constructed in the city, after January first, nineteen hundred thirty-eight, and the plumbing or other equipment of any structure or premises shall be constructed or demolished in conformity with the provisions of this title”.

The existing roof steel ladder and scuttle located in the storage room is an existing noncomplying condition. The ladder and scuttle are components of the required means of egress that are continuation of required stairway to roof level without any obstruction pursuant 1938 BC (6.4.1.11). k. that states, “Termination of Required Stairways at Grade and Roof. Every required stairway shall lead in a continuous enclosure to street level. Such stairways serving the uppermost floor of a structure shall continue to the roof, except as hereinafter provided, as follows: ...

3. All required stairways shall continue to the roof, except that in structures two stories or less in height, the stairways from the second floor to the roof may be omitted, provided that partitions enclosing stair hall are fire resistive and all openings from the stairhall to the interior of the structure are protected with one-hour self-closing fireproof doors, and a ladder from the head of each required stairway to a scuttle opening in the roof is furnished. Such ladders shall be of metal, with solid treads and hand-rails on each side and such ladders shall be set at an angle of seventy degrees or less.”

Therefore, proposed alteration to the existing noncomplying condition will require compliance with the current applicable code and the installation of gas appliance in a required stairway will be prohibited.

10. Initial Inspector’s Identification of Responsibility TR1 and TR8 forms on 2nd page have field for Design Applicant to certify that Special Inspection Agency is acceptable per BC-1704.1. However, often on scanned forms we see this field blank, without design architect’s seal and signature.

For plan exam jobs if the TRs are submitted with the initial filing, the plan examiner has the ability to receive (if not all required items are received at permit time).

If there are separate subsequent documents with different applicants, for example AR and FO, does it mean that separate TR8 forms are required to be signed by each design applicant for corresponding Energy Code inspections?

Yes, separate TR8 forms are required to be signed by each design applicant for corresponding Energy Code Inspections.

Is HIC license in PW2 form still required to be entered for one-, two-, three-family jobs?

If the HIC requirement is populated, then it is required.

If any of the above are required why are they often accepted without the proper info?

Sometimes it is accepted with incorrect information, however that is usually when it is not required.

Do such forms have to be corrected, and if so, how can a correction be made without interrupting construction?

Only if required, the form should be corrected. The permit will not be issued if the requirement is not satisfied, so if there is no active permit, work should not be performed.

In addition, we often see missing Identification of Responsibility forms in B-scan.

For plan exam jobs if the TRs are submitted with the initial filing the plan examiner can receive, if not all required items are received at permit time.