



**ELEVATORS**  
STATE LEGISLATION  
ESTABLISHES SAFETY  
STANDARDS

page 2

**NYC**  
Buildings  
December 2019

**SERVICE NOTICE**

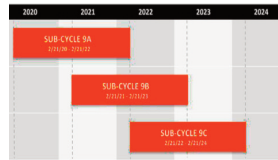
**Local Law 110 of 2019: Owners Must Post or Distribute Copies of all DOB Summonses with DOB's Local Law 110 of 2019 Tenant Information Flyer**

Effective December 5, 2019, building owners must post a copy of a DOB/DOATH summons in the lobby of the building that was issued a violating condition. Owners must distribute a copy of a DOB/DOATH Summons to the tenant(s) of the occupied dwelling unit and any adjacent occupied dwelling units where the violating condition occurred.

Posting a copy of a DOB/DOATH Summons

**DOB VIOLATIONS**  
OWNERS MUST POST  
OR DISTRIBUTE COPIES  
TO TENANTS

page 8



**FISP CYCLE 9**  
FIRST FILLING PERIOD  
BEGINS ON  
FEBRUARY 21, 2020

page 8



**ENGINEER'S CORNER**  
DRONES ARE A MEANS  
OF STREAMLINING AN  
INSPECTION PROGRAM

page 3

# SKYlines

A SKYLINE RESTORATION PUBLICATION



PHOTO: NYC.GOV

Local Laws 92 and 94 mandate green or solar roofs for new buildings or complete roof replacements. The recently enforced legislation, part of New York City's Climate Mobilization Act of 2019, is designed to curb greenhouse gas emissions.

## NEW ROOF REQUIREMENTS FOR NEW BUILDINGS AND COMPLETE ROOF REPLACEMENTS IN NYC

As the last decade drew to a close and 2020 approached, New York City was quick to start enforcing legislation designed to reduce Gotham's carbon footprint. On November 15, 2019, **Local Laws 92** and **94** went into effect. The laws mandate that all new buildings —and alterations of existing buildings where the entire existing roof deck or roof assembly is being replaced— must provide a sustainable roofing zone covering 100% of the roof. The roof needs to include a solar photovoltaic system generating at least 4kW, a green roof system, or a combination of the two. Vertical or horizontal roof extensions must also comply with these requirements.

*Continued on page 4*

## DOB STRENGTHENS FAÇADE INSPECTION PROCESS AND HIRES ADDITIONAL FAÇADE INSPECTORS

On December 30th, Department of Buildings **Commissioner Melanie E. La Rocca** announced enhancements to DOB's existing façade inspection process, and a doubling of the Department's existing dedicated façade inspection team with the hiring of 12 new staff positions to the unit. Property owners with buildings greater than six stories in height can expect more frequent and thorough proactive inspections from the Department under these tough new policies. In addition, DOB announced the results of their facade safety sweep that immediately followed the fatal facade incident that occurred on Tuesday, December 17. This sweep built upon

*Continued on page 7*

# FIVE BOROUGHES

## NEW SAFETY STANDARDS FOR ELEVATORS

On January 2nd, **Governor Andrew M. Cuomo** signed legislation (S.4080-C/A.4509) to improve elevator safety. This new law requires all individuals engaged in the design, construction, inspection, maintenance and repair of elevators or other automated people moving conveyances to be licensed by New York State. The law also creates the **New York State Elevator Safety and Standards Advisory Board** to help establish recommendations for elevator inspections, examinations to satisfy licensing requirements, and enforcement to ensure compliance and promote public safety.

As the Governor states on his official site, *"Millions of New Yorkers rely on elevators to get safely to and from work, school and home, and for many disabled New Yorkers it is their only means of access. For too long unsafe and defective elevators have led to unnecessary injuries and even deaths, and this new law will help ensure all individuals working with elevators have the proper training and credentials to make sure these machines meet the safety standards necessary to provide reliable service."*

As *Gothamist* reports, **Mayor Bill de Blasio** has in the past opposed an earlier version of the legislation, arguing that it created an unnecessary "duplicative" layer of regulations.

**Julia Arredondo**, a spokesperson for the mayor, said on January 2nd that the administration was in support of the latest bill.



PHOTO: ASSOCIATED PRESS

Construction company Skanska U.S.A. halted work on St. Nicholas Greek Orthodox church destroyed in the 9/11 terrorist attacks in December 2017 when the archdiocese ran out of money to complete the project. The half-finished church has been covered in white tarp since then. Archdiocesan officials expect construction to resume by early March.

## CONSTRUCTION RESUMES ON CHURCH AT WORLD TRADE CENTER SITE

Two years after a lack of funds halted construction of a marble-clad Greek Orthodox church at New York's World Trade Center site, **Governor Andrew Cuomo** and Greek Orthodox officials announced plans on January 2nd to resume construction with the goal of finishing the rebuilding by the 20th anniversary of the terrorist attacks of Sept. 11, 2001. As the *Associated Press* reports, the completed St. Nicholas Greek Orthodox Church and National Shrine at the World Trade Center, designed by Spanish architect **Santiago Calatrava**, will welcome visitors from all faiths while also replacing an Orthodox church that was buried in the rubble of the trade center's south tower.

*"This house of worship will serve as a reminder that our collective faith is something we can always count on to move past our painful memories and build a better tomorrow,"* Cuomo said in a statement. **Archbishop Elpidophoros**, the head of the Greek Orthodox Archdiocese of America, pledged that the rebuilt church will be *"open to all women and men of goodwill who wish to honor the memory of all who perished on Sept. 11."*

The cost estimate of the church just south of the rebuilt trade center's memorial pools has ballooned from \$20 million when the design was announced in 2013 to \$80 million, of which \$40 million remains to be raised, said the **Rev. Alex Karloutsos**, vicar general of the archdiocese.

Elpidophoros and Cuomo said an independent 13-member board called **Friends of St. Nicholas** will lead the fundraising effort to complete construction. The board will be chaired by **Dennis Mehiel**, former chairman of New York's Battery Park City Authority.



# ENGINEER'S CORNER

## DRONES TO THE RESCUE?

By Paul Millman, PE, RA

**SUPERSTRUCTURES ENGINEERS + ARCHITECTS**

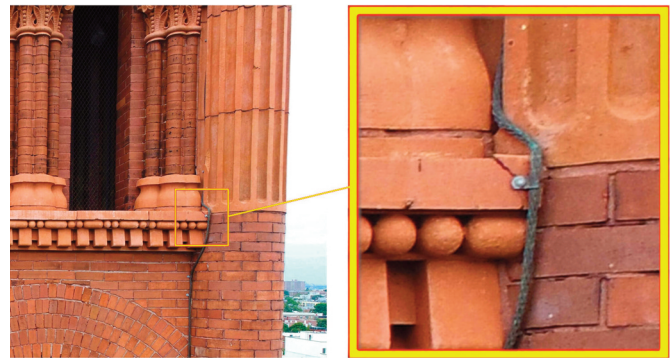
[www.superstructures.com](http://www.superstructures.com)

In a recent Op-Ed, Queens city councilman, **Paul Vallone** and **Carlo Scissura**, CEO of the New York Building Congress, argue in favor of using Unmanned Aerial Vehicles (UAVs or “drones”) to facilitate the City’s mandated façade inspections. This would be a reversal of years of City prohibitions against flying drones within the five boroughs—and none too soon. We applaud this initiative and our FAA-certified pilots look forward to giving our squadron of four drones a good shakedown within the city limits.

From assisting first responders to delivering pizza, drones are everywhere. Everywhere, that is, except in New York City. That’s thanks to a 1948 law that requires all aircraft to take off and land only from airports, as well as FAA restrictions on airspace that eliminate most of the skies over the City. But for **SUPERSTRUCTURES** and our clients, this ban is a barrier to using drones for façade inspections through methods like our **SurfaceCapture**<sup>SM</sup> where UAVs could be an important component in creating high-resolution scans of a façade for off-site assessment.

Drones should be considered a powerful complement to traditional methods of façade examination such as physical inspection from scaffolding or lifts, an efficient application of technology that could help achieve the ideal goal of 100% FISP compliance. They’re best deployed to provide an overview of a façade so areas needing greater scrutiny and hands-on inspection can be identified. For example, materials such as terra cotta and concrete are susceptible to spalling (chipping from within the material) and typically should be sounded by hand.

Drones extend the reach of visual inspection capabilities, providing close-up and high-definition examinations of a façade. They can also capture a comprehensive record of a façade through camera angles not possible with ground-based photography. For example, they can shoot the tops of sills, where masonry defects are impossible to see



Top: A drone deployed to inspect the brick and terra cotta façade of a high school. Bottom: A section of a tower captured by a drone (L) shows a masonry defect (R) which would subsequently be inspected and sounded by hand.

PHOTOS: SUPERSTRUCTURES ENGINEERS + ARCHITECTS

from the ground.

We’ve been surprised by notes of skepticism from some of our colleagues questioning both the effectiveness of the technology and the likelihood that the current City ban would ever be lifted. Developers are lobbying to allow drone use to make inspections easier, but that doesn’t mean it’s a play to cut corners. We see it as the future of façade inspections, reducing costs, time to completion, and the risk to personnel posed by rigging. Furthermore, there simply isn’t enough rigging or trained people to cover all FISP inspection needs and drones can be part of the solution.

We’ve used drones effectively outside of New York City to inspect façades of college buildings, avoiding costly rigging and disruption to the life of the campus. Properly piloted and paired with other tools and technology, drones are a means of streamlining an inspection program and a catalyst for a more proactive approach. We look forward to this airborne upgrade to our façade inspection tool kit.

# NEW ROOF REQUIREMENTS FOR NEW BUILDINGS AND

## NAVIGATING THE LAW BY DEFINING THE TERMINOLOGY

To effectively navigate the law requires clearly defining the complex nomenclature. A few of the main terms from Chapter 15 of the Building Code, "Roof Assemblies and Rooftop Structures" are:

**ROOF REPLACEMENT:** The process of removing the existing roof covering, repairing any damaged substrate and installing a new roof covering.

**ROOF COVERING:** The covering applied to the roof deck for weather resistance, fire classification or appearance.

**ROOF DECK:** The flat or sloped surface not including its supporting members or vertical supports.

**ROOF ASSEMBLY:** A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly includes the roof deck, substrate or thermal barrier, insulation, vapor retarder and roof covering.

For more detailed information on DOB codes, see

<https://www1.nyc.gov/site/buildings/codes/2014-construction-codes.page>

*Continued from page 1*

According to **Buildings Bulletin 2019-010** issued by the NYC DOB, the legislation amends the 2014 Administrative Code and Chapter 15 of the New York City Building Code. Projects approved after November 15, are exempt only if "the construction documents have attained *BIS* job status *K* (plan exam partial approval) prior to such date." The Department alerted the industry to the requirement through several venues including publishing a special issue of *Buildings News* and posting a *Service Notice*.

Both laws along with LL95, LL96 and LL97 are components of the

**Climate Mobilization Act (CMA)** passed by the NYC Council back in April of 2019. According to a press release issued by the Council, the CMA "is one of the most ambitious and innovative legislative initiatives any major city has ever considered to combat the existential threat of climate change." The entire package is part of the Mayor's **OneNYC Plan 2050**.

Buildings Commissioner **Melanie La Rocca** was quoted in *Real Estate Weekly* ("New solar roof law takes effect in NYC," November 21, 2019) saying, "In New York City, we are not shirking from the challenge of climate change." The



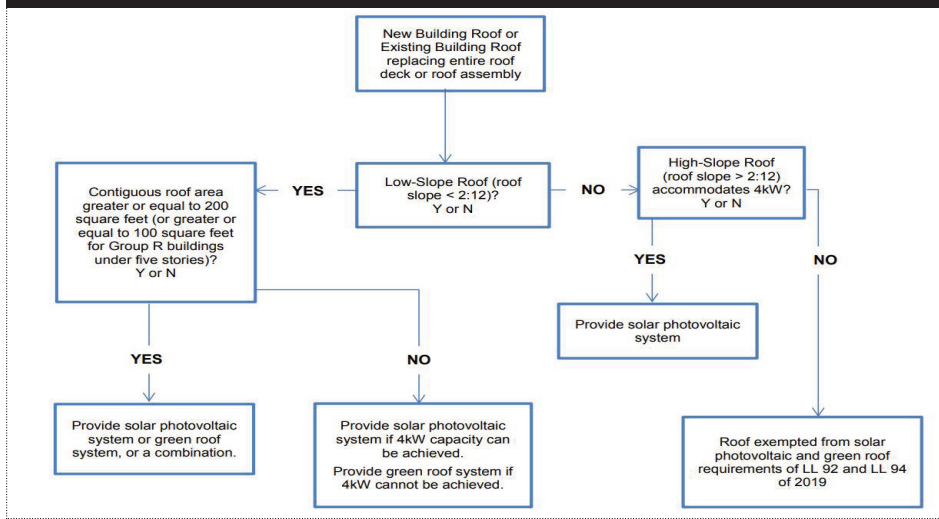
*"LPC supports making historic buildings more energy-efficient, resilient and sustainable. While we can't speculate on the number of landmarks that might be affected, we anticipate approving the vast majority of applications for work related to Local Laws 92 and 94 (i.e. solar and green roof installations). Most buildings we regulate have flat roofs fronted by cornices and parapets (e.g. row houses, tenements, store and loft buildings, etc.), therefore, low installations of this type are usually not visible or minimally visible and have no effect on the building. These are the*

*most likely types of buildings to have work that would involve roof replacement or new roofs, since we frequently see flat roofs being altered for new additions, bulkheads and roof decks. We have not seen as many applications for roof replacement and solar installations at freestanding houses and other buildings with pitched roofs, but will work with owners to provide guidance. We can't speak to the likelihood of roof repair vs. replacement on landmarked buildings as compared to other old buildings, but the Commission approves either if conditions warrant it."*

**CORY SCOTT HERRALA, Director of Preservation,  
NYC Landmarks Preservation Commission**

# COMPLETE ROOF REPLACEMENTS IN NEW YORK CITY

COMPLIANCE PATH FOR SUSTAINABLE ROOFING ZONE PURSUANT TO LL 92 AND LL 94 OF 2019



GRAPH: NYC.GOV

## LOCAL LAW 97: THE CENTERPIECE OF THE CLIMATE MOBILIZATION ACT

Local Law 97 of 2019 establishes strict limits for carbon emissions.

It mandates steep emissions reductions measures throughout the majority of NYC's buildings and fines for buildings that don't comply. As **Joshua Kace**, director of energy practice,

**CodeGreen Solutions** reports in the *Building Energy Exchange*, under this legislation, large buildings will be subject to major financial penalties if carbon intensity targets are not met starting in 2024 (reports due May 2025), with more aggressive targets starting in 2029. While most buildings will not be exposed to potential penalties until 2029, owners and operators need to move quickly to mitigate potential exposure to LL97's penalties. Commercial buildings face additional challenges, not least of which being that energy consumption by tenants is often outside the direct control of building management.

You can view Local Law 97 at [https://www1.nyc.gov/assets/buildings/local\\_laws/ll97of2019.pdf](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2019.pdf)

overarching goal is to reduce greenhouse gas emissions. As the DOB notes, "Nearly 80 percent of our citywide emissions are attributed to buildings' energy use."

Council member **Rafael Espinal**, who sponsored the sustainable roof zone portion of the legislation, said that green roofs cool down cities by "mitigating Urban Heat Island Effect, [they] cut energy costs, absorb air pollution, reduce storm-water runoff, promote biodiversity, and make our cities more livable for all."

### Assuring Compliance

Buildings Bulletin 2019-010 provides a detailed graphic (see above) that demonstrates the path to compliance.

A form labelled **Local Law 92/94 of 2019 Sustainable Roof Zone**, must be submitted prior to construction or renovation:

[https://www1.nyc.gov/assets/buildings/pdf/sustainable\\_roof\\_zone\\_form.pdf](https://www1.nyc.gov/assets/buildings/pdf/sustainable_roof_zone_form.pdf)

Projects submitting construction documents must include roof plans with a code compliant sustainable roofing zone which will be subject to

inspection prior to issuance of a Temporary Certificate of Occupancy, a Certificate of Occupancy or a Letter of Completion.

### Historic Structures

Requirements and variances on roofing for historic structures are noted as being "subject to the jurisdiction of the NYC Landmarks Preservation Commission (LPC)."

### New York State Property Tax Abatement (PTA)

Projects with a Sustainable Roof Zone may choose to pursue the NYS Property Tax Abatement (PTA) for solar and green roof installations. These projects need to also comply with the qualifying requirements as defined by the respective PTA programs.

Solar and green roof projects pursuing a solar or green roof PTA must be filed online through the HUB Full Service using Professional Certification of objections as a separate Alteration Type-2 application using the PTA4 form for solar installations or PTA3 form for green roof installations.

*Continued on page 6*



# NEW ROOF REQUIREMENTS FOR NEW BUILDINGS AND COMPLETE ROOF REPLACEMENTS IN NYC



*"These are complicated and nuanced laws and it's hard to say there is one impact on landmark buildings that is different from non-landmarked buildings. The roof repairs we normally see would not be impacted because most people are not repairing or reworking the roof structure. Historic roofs come in a variety of styles. A gambrel roof, for instance, would not be a candidate for a green roof. [NB: gambrel roof - a roof with a lower steeper slope and an upper less steep one on each of its two sides.] I'm thinking of a project now that has gutted a landmark apartment building to ultimately connect floors in a new building being constructed adjacent to the landmark. In the future, a project like this would likely be required to put on a green roof. This is a project by project question."*

**PEG BREEN, president, New York Landmarks Conservancy**

## KEY EXEMPTIONS FROM LL92 AND LL94 & QUALIFICATIONS

The Sustainable Roof Zone form notes three key exemptions:

### #1

*The roof assembly has a slope greater than two units vertical in 12 units horizontal (17 percent) that would accommodate less than 4kW of solar photovoltaic electricity generating capacity.*

Calculations and a shading report prepared by a qualified contractor or NYS registered design professional must be submitted. The contractor must be accredited by one of the following: NABCEP Certification - North American Board of Certified Energy Practitioners; IBEW-NECA Electrical Journeyman & Apprentice Training - International Brotherhood of Electrical Workers and National Electrical Contractors Association; UL Credential - Underwriters Laboratories.

### #2

*Site conditions are unfavorable to either a solar photovoltaic electricity generating system or a green roof system.*

A statement substantiating limitations must be submitted by a NYS registered design professional.

### #3

*The NYC Housing Preservation and Development (HPD) has determined that the building is not currently required to comply with LL92/94.*

HPD documentation must be submitted. The Buildings Bulletin 2019-010 notes that there is an Alternate Compliance Timeline for Affordable Housing which is to be determined by the HPD.

Information in greater detail on areas exempted from the Sustainable Roof Zone, affordable housing exemptions and the alternate compliance timeline for affordable housing, and tax abatements is available on the 2019-010 Buildings Bulletin at [https://www1.nyc.gov/assets/buildings/bldgs\\_bulletins/bb\\_2019-010.pdf](https://www1.nyc.gov/assets/buildings/bldgs_bulletins/bb_2019-010.pdf)

View the entire text of the NYC Council press release at: <https://council.nyc.gov/press/2019/04/18/1730/>

# DOB STRENGTHENS FAÇADE INSPECTION PROCESS AND HIRES ADDITIONAL FAÇADE INSPECTORS

*Continued from page 1*

the DOB's overall efforts to hold building owners accountable for unsafe conditions.

*"In the wake of this tragedy, we are doubling-down on the proven tools at our disposal. New Yorkers should know that we are out in force holding owners feet to the fire, so they get repair work done as quickly as possible while still protecting the public,"* said Commissioner La Rocca. *"With our enhanced inspection protocols and expanded staff, owners who choose to skirt their obligations will face swift consequences."*

When a building is found to have an unsafe façade, or ones with defects requiring remedial repairs, they will not only face potential enforcement actions, but will also receive additional proactive re-inspections from the Department to ensure any required pedestrian safety measures are properly installed and maintained. The DOB will be conducting follow-up inspections within 60 days of every Class 1 façade violation issued to ensure that any required public protection measures have been properly installed. If the owner fails to implement these required public safety measures as ordered in the initial façade violation, city contractors will be brought in to perform the work at the owner's expense. In addition, DOB façade inspectors will now be conducting further follow-up field inspections 90 days after the issuance of the initial Class 1 façade violation, to ensure that the public protection measures are properly maintained, and that repair work has commenced to remediate any unsafe conditions. After that, the DOB will be conducting additional field inspections every 90 days to ensure further compliance with DOB orders. Property owners who are found to be disregarding the DOB's orders during any of these follow-up inspections will face additional enforcement actions.

This new process will strengthen the Department's ability to ensure that property owners aren't endangering the public by failing to take the required action to keep their building safe. In addition to these strengthened violation inspection protocols, all buildings in New York City greater than six stories in height – not just those that have

previously received a violation – will now face the possibility of proactive DOB safety compliance reviews. A quarter of these taller buildings, subject to Local Law 11 of 1998, will be selected at random to receive these safety reviews, increasing the Department's ability to proactively identify unsafe conditions on building facades and push owners to take action.

In addition, the Department is updating the Façade Inspection & Safety Program (FISP) to enhance requirements for periodic exterior wall inspections and repairs performed by property owners. The updated façade rule will include additional experience requirements for façade inspectors hired

**DOB FAÇADE INSPECTORS WILL NOW BE CONDUCTING FURTHER FOLLOW-UP FIELD INSPECTIONS 90 DAYS AFTER THE ISSUANCE OF THE INITIAL CLASS 1 FAÇADE VIOLATION TO ENSURE THAT THE PUBLIC PROTECTION MEASURES ARE PROPERLY MAINTAINED, AND THAT REPAIR WORK HAS COMMENCED TO REMEDIATE ANY UNSAFE CONDITIONS.**

by property owners. It also requires owners to post and maintain the status of the building façade in the lobby in a manner similar to elevator certificates; mandates more hands-on inspections of façades fronting public rights of way; and greatly increases the penalties for failing to repair unsafe façade conditions.

The DOB will be bolstering the ranks of the existing façade inspection unit, hiring 12 new staff positions, including 11 inspectors, with expertise in façade construction and structural stability. They will join the current staff of 11 dedicated façade inspectors, 11 administrative support staff, and 6 technical staff. This expansion represents a doubling of the current inspection staffing in the unit, allowing this dedicated team to meet its increased obligations under these process changes.

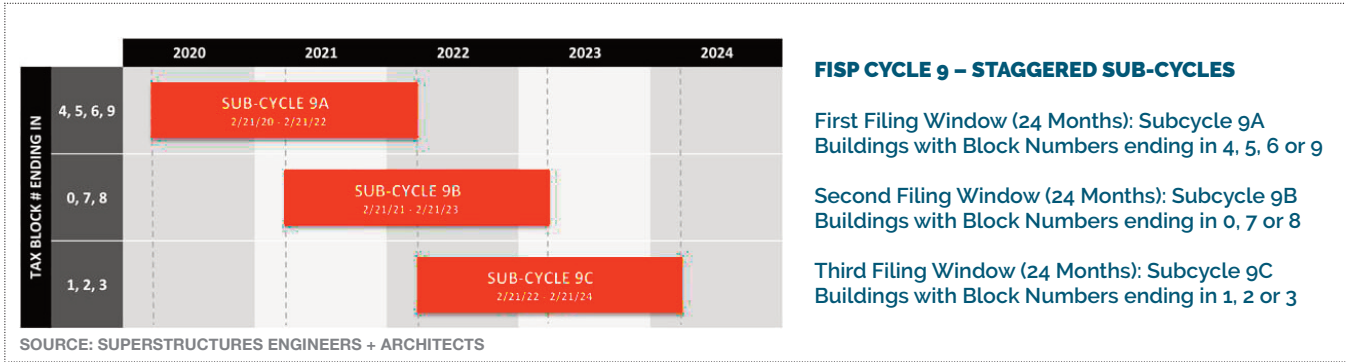
## FISP CYCLE 9 STARTS ON FEBRUARY 21, 2020

Cycle 9 of the “Facade Inspection Safety Program” (FISP) starts on February 21, 2020, and runs through February 21, 2024. According to this Safety

Program, also known as Local Law 11/98, all NYC buildings over six stories must have their façades examined by a qualified professional, and a report must be filed

electronically with the Department of Buildings every five years. Any building with conditions identified as UNSAFE must be corrected immediately.

Conditions identified as Safe with a Repair and Maintenance Program (SWARMP) must be corrected prior to the Recommended Repair Date in the FISP report.



## BUILDING OWNERS MUST NOTIFY TENANTS OF VIOLATIONS

Effective December 5, 2019, building owners must post copies of any violations issued for the property as described below:

- If the summons was issued for a condition outside of an occupied unit, the owner of the building must post a copy of the summons and this flyer in the lobby where they can be easily seen.
- If the summons was issued for a condition in one of the occupied units in the building, the owner must give a copy of the summons and this flyer to the resident of the unit and to the residents of the occupied units near that unit.

To view a copy of the

summons, enter the building address in the Summons Finder on the New York City Office of Administrative Trials and Hearings (OATH) website at [www.nyc.gov/OATH](http://www.nyc.gov/OATH).

### What happens next?

The person or entity named as the Respondent in the summons is charged with the violation and is responsible for responding to the summons:

- admitting to the violation and curing the summons (correcting the violating condition and submitting an acceptable Certificate of Correction to the DOB); or
- admitting to the violation by accepting a stipulation agreement

with DOB; or

- admitting to the violation by paying the penalty prior to the scheduled hearing date; or
- attending the scheduled hearing at OATH to dispute the summons.

If the Respondent does not do any of the above in response to the summons, the Respondent may face default penalties of up to \$25,000, depending on the violation.

### Can I attend the hearing?

OATH hearings are open to the public. If you are not the Respondent but want to participate in the hearing, appear at OATH on the scheduled

hearing date and ask the Hearing Officer conducting the case whether you will be permitted to speak. People who are affected by the outcome of the case may sometimes be allowed to testify during the hearing.



A publication of  
Skyline Restoration Inc.  
49-28 31st Place  
LIC, NY 11101

Comments/Subscriptions:  
[skylines@skylinerestoration.com](mailto:skylines@skylinerestoration.com)

*The views and/or opinions contained within are those of the contributor and may not reflect the views and/or opinions of Skyline Restoration Inc.*



Paper from responsible sources

FSC.org