



## The road to a construction work permit can be a long one

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By **Staten Island Advance**

AIA Staten Island Chapter

“Why is it taking so long to get my construction work permit?”

At one time or another, this question has been posed by clients to almost all members of the American Institute of Architects practicing in New York City.

The response to this question is typically that securing approval of an application, and ultimately the construction work permit, in New York City is a daunting task.

Architects may have to review one of the many law books that dictate and regulate construction criteria and building bulk. And they may have to file with several different city agencies — or file multiple different application types for the same project within a city agency.

Here’s a look at what might be behind a hold-up:

### GOVERNING LAWS □

New York City construction is regulated by three dominant law books.

- 1. New York City Building Code.** First established in 1938, the building code is a set of rules that specify the minimum acceptable levels of safety for buildings and other structures. Its main purpose is to protect the public’s health, welfare and safety.
- 2. New York City Zoning Resolution.** First enacted in 1916, the zoning resolution establishes guidelines for determining the size and use of buildings, where they are located and the density of the city’s diverse neighborhoods.
- 3. New York City Fire Code.** Established in 2008 by the city Fire Department, the fire code takes its lead from the city Building Code, although it hones in on specific issues related to construction safety, the prevention of fires and safety measures to help the Department fight fires when they occur. □



Photo Courtesy of AIA, Staten Island

New York City construction is regulated by three dominant law books: The city Building Code, Zoning Resolution, and Fire Code.

## **AGENCIES**

Once the full scope of work for a project is determined, the filing process can begin. The question is: Which city agencies require a submission?

The obvious answer is the Department of Buildings (DOB) since the majority of construction requires a DOB work permit. Often, a state-licensed registered architect must file plans and applications.

Projects that require work permits include: The installation of new curb cuts, wood decks and retaining walls; modification of interior partitions; building enlargements and new building construction.

Here's a look at several projects and the agencies that must be consulted:

\* Projects involving work to the curb, sidewalk or street must file for permits through the Department of Transportation (DOT). In many instances, a second-story addition (i.e., roof raiser) with no increase to the footprint of the building also will require filing with DOT for required improvements to the curb, sidewalk and street.

\* Projects involving new storm, sanitary and water services must be filed with the Department of Environmental Protection.

\*Projects involving properties located within wetlands must secure approval and a permit from the Department of Environmental Conservation.

\*Projects requiring the removal or installation of "street trees" (trees located adjacent to the street curb) must obtain an approval and permit from the Department of Parks and Recreation.

## **SPECIAL DISTRICTS**

Some portions of Staten Island also are located within "special districts," which have been established by the City Planning Commission (CPC).

These districts were established to more strictly regulate the fabric of a neighborhood, with regulations ranging from trees and planting to preservation of natural sites to the overall building bulk (i.e., height, setbacks from property lines and other buildings) and creation of new parcels of land.

Properties located within any one of the five special districts on the Island require authorization and/or certification by the CPC. Among the more time-consuming filings are those involving the Board of Standards and Appeals (BSA).

Filings within the BSA involve those requesting "relief" from a Zoning Resolution requirement, those who specifically require a "special permit" from the BSA as dictated by CPC, or those who seek resolution of an issue that cannot be resolved through the DOB. Filings within the BSA can take anywhere from four months to several years to resolve.

## **APPLICATION TYPES**

Once the required agency approvals have been obtained, an architect can file an application to the DOB. The filings can be broken down and filed under one of four major application types:

\*New Building: Construction of new buildings and structures.

\*Alteration Type 1: Major alterations that will change the use, egress or occupancy of a building.

\*Alteration Type 2: Multiple types of work, not affecting use, egress or occupancy of a building.

\*Alteration Type 3: One type of minor work, not affecting use, egress or occupancy of a building.

The time required to receive approval and work permits depends upon the project's complexity and the issues, or "objections," to be resolved. It also depends upon the method of filing chosen by the architect or owner, who is afforded three options from which to choose.

The Standard Plan Examination allows an architect to submit to the DOB plans and applications, which are reviewed by DOB plan examiners for compliance. After review, objections will be issued. The architect then will review the objections, revise the application and schedule meetings to resolve them.

Professional certification is regarded as a quicker approval process. Through this method, an architect can assume responsibility for the compliance of the contents contained within the application and forego the Plan Examination process. This eliminates the issuance of objections and need to conduct numerous meetings with a plan examiner. □

However, if the application involves the development of a new building or an enlargement, it still will be subject to an abbreviated review process.

Professional Certification of Objections falls somewhere in the middle of the above two filing methods.

Additionally, before work can begin, there may be numerous DOB inter-office audit divisions — which audit architects' applications even after they have been approved by the DOB. These can occur regardless of whether an architect filed an application under Professional Certification or Standard Plan Examination, and can lead to stop work orders issued on a construction project.

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