

NEW YORK CITY BOARD OF STANDARDS & APPEALS

TRANSCRIPTION

Calendar Number: 2019-94-A

36 West 66th Street, Manhattan

Public Hearing

September 17, 2019

1 COMMISSIONER SHETA: No.

2 MS. MATIAS: Commissioner Scibetta?

3 COMMISSIONER SCIBETTA: No.

4 CHAIR PERLMUTTER: Okay. So those two questions
5 are now sort of closed out right? So what we could open is for not a lot of discussion
6 because we don't have a lot of information yet is the question of whether the mechanical
7 floor space is appropriately occupied by mechanical equipment necessary to support this
8 building, and so what I would ask of appellant to the extent they're able to get it from
9 public records to provide the Board with mechanical drawings. The Department of
10 Buildings -- is the Department of Buildings here today? Yes. Okay. The Department of
11 Buildings to supply us with the mechanical drawings but also to review the mechanical
12 drawings in the same way that the *Sky House* mechanical drawings were reviewed with
13 same depth and I just want again point out to the public that we spoke a lot about this
14 subject at yesterday's review session which is also on the video and that, that the owner
15 cooperate by providing drawings that are not available in the public record of the
16 mechanical, the mechanical file drawings. So, really it's the , it's the M set and I, and it
17 might be the sprinkler set as well, but there was a request in the papers submitted by
18 appellant for shop drawings. We didn't review shop drawings for *Sky House*. I think
19 that's taking it much too far. Department of Buildings does not review shop drawings
20 either. Yes?

21 COMMISSIONER Sheta: If it's possible, I would like to
22 get another -- the entire set.

23 CHAIR PERLMUTTER: The yes, the entire mechanical

1 set.

2 COMMISSIONER SHETA: No, the entire, the entire
3 structural and and architectural set for the building.

4 CHAIR PERLMUTTER: We're only being asked to look
5 at the mechanicals.

6 COMMISSIONER SHETA: I, I--

7 CHAIR PERLMUTTER: I don't want to.

8 COMMISSIONER SHETA: Yeah.

9 MR. KLEIN: Madam, Madam Chair.

10 COMMISSIONER SHETA: Talk to the members then.

11 MR. KLEIN: Madam Chair, may I?

12 CHAIR PERLMUTTER: We're only looking at
13 mechanicals. We're not looking at the structure of the building and sub-ground. That's--

14 MR. KLEIN: No, no, but with regard to mechanicals,
15 under the *Sky House* case -- and under.

16 CHAIR PERLMUTTER: Oh, we need to --

17 MS. MATIAS: We have to reopen.

18 CHAIR PERLMUTTER: -- we need to reopen --

19 MR. KLEIN: I'm sorry. I'm sorry.

20 CHAIR PERLMUTTER: -- in order for you to speak.

21 MS. MATIAS: I'm sorry, Mr. Klein.

22 CHAIR PERLMUTTER: Yeah. So, we're gonna open
23 exclusively as to mechanical equipment okay? So--

1 MS. MATIAS: Motion to reopen.

2 CHAIR PERLMUTTER: Motion.

3 MS. MATIAS: Chair Perlmutter?

4 CHAIR PERLMUTTER: Aye.

5 MS. MATIAS: Vice-Chair Chanda?

6 VICE-CHAIR CHANDA: Aye.

7 MS. MATIAS: Commissioner, Commissioner Sheta?

8 COMMISSIONER SHETA: Aye.

9 MS. MATIAS: Commissioner Scibetta?

10 COMMISSIONER SCIBETTA: Aye.

11 MR. KLEIN: May I?

12 CHAIR PERLMUTTER: Yeah.

13 MR. KLEIN: Under the guidelines set in the, in the BIS

14 system by the Buildings Department and in memos written by the Assistant

15 Commissioner or Deputy Commissioner, it requires that the drawings include all piping

16 ancillary to the mechanical system so they're going to be reasonably complete drawings

17 almost to the extent of being shop drawings and that guideline sets out approximately ten

18 different items that is reflected in *Sky House* case of what has to be included in the

19 drawings. With regard to--

20 CHAIR PERLMUTTER: I just want to interrupt.

21 MR. KLEIN: Okay.

22 CHAIR PERLMUTTER: There's a big difference between

23 shop drawings and mechanical drawings so.

1 MR. KLEIN: Oh, no, I appreciate that. Yes.

2 CHAIR PERLMUTTER: So, shop drawings are off the
3 table okay?

4 MR. KLEIN: We're not getting ever screw and everything
5 else.

6 CHAIR PERLMUTTER: Right. Shop drawings and
7 probably aren't even produced at this point --

8 MR. KLEIN: Yeah.

9 CHAIR PERLMUTTER: -- on this project so.

10 MR. KLEIN: I appreciate that.

11 CHAIR PERLMUTTER: We're not doing.

12 MR. KLEIN: And, and as to what we can supply the, the,
13 the drawings that were submitted to Buildings Department through review have none of
14 the things that are set in the, in the guidelines so I won't be handing in anything.

15 CHAIR PERLMUTTER: Okay. So you're not able to get
16 any further, any additional information from going to the Department of Buildings?

17 MR. KLEIN: No. It's, it's not filed.

18 CHAIR PERLMUTTER: Is they're not filed as far as you
19 know.

20 MR. KLEIN: That is correct.

21 CHAIR PERLMUTTER: Okay. When was the last time
22 that you went to the Department of Buildings to check the file?

23 MR. KLEIN: About a month ago.

1 CHAIR PERLMUTTER: Okay. So, there may be more fi-
2 , --

3 MR. KLEIN: Yeah.

4 CHAIR PERLMUTTER: -- I don't know without checking
5 BIS what was filed. I see mechanical filings, but we don't know what the level is. Okay.
6 So I would ask Department of Buildings and the owner to cooperate the way, the same
7 way that was done with the *Sky House* case and provide this Board with a clear set of
8 mechanical drawings, and I don't wanna ask for the electrical and structural because now
9 we're going down a, a wormhole.

10 The question before us is when you look at the, the, the planning of the floor of
11 each mechanical floor, is the amount of mechanical equipment that's shown on the
12 drawings, the amount that is that you would normally associate with a building of this
13 size. That, that's what we're talking about and that's what we've looked at with *Sky House*
14 and it was actually not the Board so much that looked at those drawings. We, we looked
15 at them, but it was the Department of Buildings' engineers who reviewed them and ca-,
16 and concluded in a letter that the amount of mechanical equipment that was in those
17 spaces was reasonable for a building of that type.

18 MR. KLEIN: It's not, it's not it, it obviously the, the size of
19 the building and the requirements of the building are dialed into the equation but also the
20 equipment itself because what the Buildings Department refers to is the manufacturing
21 cut slips for the items to determine how much this is around and is necessary preventing
22 the service and things like that.

23 CHAIR PERLMUTTER: Right. Mechanical drawings do

1 that. You know?

2 MR. KLEIN: Right.

3 CHAIR PERLMUTTER: The mechanical engineer knows
4 that the workers have to get around.

5 MR. KLEIN: Well, they don't do that here. That's the
6 problem.

7 CHAIR PERLMUTTER: Right?

8 MR. KLEIN: Yeah.

9 CHAIR PERLMUTTER: So, the workers have to get
10 around and to work and there needs to be room to, to replace equipment --

11 MR. KLEIN: Sure.

12 CHAIR PERLMUTTER: -- and that kind of stuff, right?
13 And they show ductwork, they show all of that on the --

14 MR. KLEIN: Yes.

15 CHAIR PERLMUTTER: -- mechanical drawings. So that,
16 that should be adequate.

17 COMMISSIONER SCIBETTA: Should we create a
18 deadline for the owner and the Buildings Department to provide a response thereby
19 giving the appellant some time to respond to it?

20 CHAIR PERLMUTTER: Well, we'll have the owner up to
21 talk about --

22 MR. KLEIN: Sure. Thank you.

23 CHAIR PERLMUTTER: -- when he can produce all of

1 these. So okay?

2 MS. MATIAS: Mr. Karnovsky.

3 CHAIR PERLMUTTER: And Buildings Department also.

4 Mr. Karnovsky.

5 MR. KARNOVSKY: David Karnovsky. Fried, Frank,

6 Harris, Shriver, and Jacobson for owner.

7 CHAIR PERLMUTTER: Morning.

8 MR. KARNOVSKY: Morning.

9 CHAIR PERLMUTTER: So, I guess the, the question is –
10 I, I don't actually even know what the status of the mechanical drawings is. Do you have
11 that information?

12 MR. KARNOVSKY: Mechanical drawings were filed and
13 we will provide copies to the Board --

14 CHAIR PERLMUTTER: Okay.

15 MR. KARNOVSKY: -- and to the appellant. The
16 characterization of the process that was followed is grossly inaccurate and we'll provide
17 them.

18 CHAIR PERLMUTTER: Okay. So that -- it would help a
19 lot to, to clarify when they were filed and make sure that they are complete according to
20 the requirements in the Code and to gi-, and to give us a copy and Buildings Department -
21 - we'll speak to Buildings Department okay?

22 MR. KARNOVSKY: That's fine.

23 CHAIR PERLMUTTER: Great. Thank you.

1 MR. ZOLTAN: Good morning. Michael Zoltan for the
2 Department of Buildings. So just to clarify one or two things. One is the Department did
3 review the mechanical plans and found them sufficient and went through the proposed
4 equipment and have a -- I wrote up a -- I have a short synopsis of some of the equipment
5 on the mechanical floors. So for instance, mezzanine above the first floor has an
6 expansion tank, heat exchanger, a water source for heater pumps. The 15th floor
7 mechanical floor contains Thornton water detention tank, pool equipment room,
8 emergency generator, electrical switchboard. The 16th floor has the HVAC ducts and
9 equipment. It has the air handler units, span units, other equipment. The 17th floor has
10 an electrical room, mechanical and boiler equipment. The 18th floor has HVAC, air
11 handler units, and fan units. The 19th floor has electrical equipment, fire pump room,
12 fire reserve storage tank. The 39th floor has plumbing, telephone equipment, and a fire
13 proof.

14 CHAIR PERLMUTTER: Okay.

15 MR. ZOLTAN: So there was -- the Department did review
16 these. Now if the Board wants us to, to provide more, more of a synopsis, we can of
17 course.

18 CHAIR PERLMUTTER: Yes, that, that so what to model
19 what happened on *Sky House*. On *Sky House*, we had -- the Board was provided with a
20 full set of mechanical drawings so that we could kind of read along.

21 MR. ZOLTAN: Sure.

22 CHAIR PERLMUTTER: And the Department of
23 Buildings issued I think it was two actually very detailed letters about what it reviewed

1 and why it considered what it reviewed proper for a building of this size. So that's what,
2 that's what we're looking at here. And, and in this the if, if DOB can also give us more
3 information on what they typically view for a building of this size. I mean kind of back
4 in the day before the buildings were as big as they are, they used to be sort of a five
5 percent rule. I don't know what the rule is today because buildings don't look like those
6 buildings anymore right? So, I don't know if DOB has kind of a standard method of
7 operation to determine whether floor space devoted to mechanical is believable. Right?

8 COMMISSIONER SCIBETTA: I, I have a request. I
9 request--

10 CHAIR PERLMUTTER: Speak up.

11 COMMISSIONER Scibetta: Do you have the original
12 mech- mechanical the plans for the mechanical rooms prior to the addition to of the new
13 floor?

14 MR. ZOLTAN: I, I'm not sure right now. I only looked at
15 the current ones or not looked at them but have them looked at.

16 COMMISSIONER Scibetta: I'd ask for a production of
17 the, the original --

18 MR. ZOLTAN: Sure.

19 COMMISSIONER Scibetta: -- that were produced.

20 MR. ZOLTAN: So, one if I may, one of the questions that
21 was brought up yesterday was about the number of floors.

22 COMMISSIONER Scibetta: That's correct.

23 MR. ZOLTAN: Right?

1 CHAIR PERLMUTTER: Yes.

2 MR. ZOLTAN: So j- just looking at the two, the Z- ZD1's,
3 the Zoning diagrams that outline the, the floors. A floor it was before it was changed
4 from one, 160, 160-foot ceiling -- floor to ceiling and then split up into three different
5 floors that each that were 64, 64, 48. The number of floors containing mechanical
6 equipment were the same. It was the height of the floors was so you had two that were,
7 that were much -- had much smaller floor to ceiling and one with 160 and then that was --
8 those three were redistributed into 64, 64, and 48 so there was no additional floor
9 containing mechanical equipment. So, to go through them again, you have the
10 mezzanine, mezzanine above the first floor, the 15th floor, the 17th floor, the 18th floor,
11 the 19th floor, and then by the roof. It's the amount of floors or stories is, is the same.
12 That didn't change between the before and after. It was just the floor to ceiling height of
13 three of them specifically is what changed.

14 CHAIR PERLMUTTER: Oh, but okay. But I thought one
15 of the ways of solving the problem for Fire Department was to install these sort of
16 catwalks.

17 MR. ZOLTAN: Yes.

18 CHAIR PERLMUTTER: So that meant retaining the floor
19 to ceiling height more or less or I thought they subdivided it into different floors so that
20 they would satisfy DO -- Fire Department about the height of firefighting at the top level.

21 MR. ZOLTAN: The three -- so there were three --
22 beforehand af-, there were three stories that all contained mechanical equipment. Two of
23 them had more typical s-, floor to ceiling heights and one of them had 160, was 160 feet

1 from floor to ceiling. That was changed. We still retained three, the same three stories
2 but now one of them was 64, the next one was 64, and the next one was 48.

3 CHAIR PERLMUTTER: Oh, I see.

4 MR. ZOLTAN: So, it's the same number of stories, just
5 the, the height of the ceilings under those three stories were changed and the fire access
6 levels were added in on all three of those stories but the number of stories remained the
7 same.

8 CHAIR PERLMUTTER: Okay.

9 VICE-CHAIR CHANDA: I, I just want to make sure I
10 understand it so before the zoning lot merger.

11 CHAIR PERLMUTTER: Not the merger. No, no, no.
12 This is before the. No, no, no. This is simply.

13 VICE-CHAIR CHANDA: I'm trying to understand what is
14 the before that is being talked about.

15 CHAIR PERLMUTTER: The before the building original
16 -- the building once the zoning lot was merged and they were doing the, their project, the
17 Buildings Department --

18 VICE-CHAIR CHANDA: Okay.

19 CHAIR PERLMUTTER: -- there was an objection issued
20 by Fire Department --

21 VICE-CHAIR CHANDA: Okay.

22 CHAIR PERLMUTTER: -- that said your floor to ceiling
23 height is far too high and we'll not be able to reach the height for firefighting. So that, so

1 the project was at risk or, you know, there was an iss-, a letter of --

2 VICE-CHAIR CHANDA: Thank you.

3 CHAIR PERLMUTTER: -- notice.

4 MR. ZOLTAN: Intent to revoke approval.

5 CHAIR PERLMUTTER: Intent to revoke and then they
6 responded by changing the mechanical spacing.

7 VICE-CHAIR CHANDA: Okay. Thank you for that
8 clarification. That's.

9 CHAIR PERLMUTTER: Okay. That's helpful. Thank
10 you. I didn't realize that 'cause I also was under the impression they slipped more floors
11 in there but so and, and as I so we're talking about a total of three stories of mechanical
12 space?

13 MR. ZOLTAN: There are, I believe there are more
14 throughout the building but only three were, were reconfigured for that objection.

15 CHAIR PERLMUTTER: No, but a total of actual full -- I
16 know there's a mechanical that's spread around the building. That's always the way it is.
17 But in terms of full floors devoted to mechanical space. Do you know how many there
18 are?

19 MR. ZOLTAN: I'm not sure exactly. I don't wanna
20 misspeak at all. I can get back to you.

21 CHAIR PERLMUTTER: Okay. Okay. So that's
22 something -- well, it's for one something we need to know going forward, but we should
23 have a floor plan for all of the floors devoted to mechanical space and a general

1 description if there was mechanical rooms on the other floors. I mean the tower plate is
2 very small but the extent there is mechanical rooms on the other floors to explain what
3 those are for. That's a, that's a fairly typical thing that you find small rooms on each floor
4 but so I understand that.

5 MR. ZOLTAN: So, this is to not just to go through -- your
6 request is not just to go through the floors that were fully deducted for mechanical floors,
7 to go through all the floors of the building?

8 CHAIR PERLMUTTER: The idea is that 'cause I can, I
9 know the skepticism in the crowd, right, if you're spreading mechanical and there was a --
10 actually a woman had testified last week I think and said I don't understand why there's
11 so much mechanical space in these buildings anymore. You used to put it in the cellar.
12 So to respond to those kinds of issues that and it's easy enough to see from the zoning
13 diagram, right, that certain amount of area on each floor is allocated to mechanical space
14 just a, a general statement on those residential floors about the however many square feet
15 it is. Do you have that? Is devoted to mechanical space. I don't know if we have that
16 zoning breakdown. Just to explain like what, what goes into the typical floors to the
17 extent there is mechanical deductions there which is usually chases actually, right, so
18 therefore, not actually equipment. It's the vertical, it's the piping, it's the chases, that kind
19 of stuff. Just I don't know if we have. You have mechanical deductions on here? No.
20 Residential, you know, we don't have.

21 VICE-CHAIR CHANDA: Again, my access is.

22 CHAIR PERLMUTTER: Yeah. Okay. We, we don't have
23 that chart in front of us. So okay.

1 COMMISSIONER SCIBETTA: So, the, the recent
2 testimony --

3 CHAIR PERLMUTTER: Speak up.

4 COMMISSIONER SCIBETTA: -- the immediate
5 testimony from the Department of Buildings raises a question that I'm not sure whether or
6 not we're procedurally permitted to inquire within and that is -- I, I'd like to understand
7 when the reconfiguration if these heights were entirely arbitrary, when they reconfigured
8 each all of these, these, these mechanical rooms, did they give any reason or purpose or
9 use as to why they reconfigured it this way?

10 CHAIR PERLMUTTER: They no but so oh, you mean in
11 terms of it 'cause it was Fire Department telling them it's too high of a ceiling at 160 feet
12 or whatever it was. You have to do something so that we're -- we, Fire Department, are
13 comfortable with ceiling height that in the event of a fire we can fight a fire. And so, I'm
14 assuming that there was a Fire Department conversation where 60 whatever feet was the
15 magic number.

16 COMMISSIONER SHETA: Oh, but I thought it was
17 another objection from the DOB stating that --

18 CHAIR PERLMUTTER: Speak up.

19 COMMISSIONER SHETA: -- in terms of height --

20 CHAIR PERLMUTTER: Uh-huh.

21 COMMISSIONER SHETA: -- that's used is, is kind of like
22 uncommon for, for that size of a building. I, I did read in, in their submission that they
23 objected to the height because the height is, is not common for, for buildings like that.

1 CHAIR PERLMUTTER: I'm not fam-, sure what you
2 mean but don't forget try not to -- we already decided on mechanical space height, right?

3 COMMISSIONER SHETA: No, no, no. I'm not, I'm not
4 going there.

5 CHAIR PERLMUTTER: Right.

6 COMMISSIONER SHETA: Yes, I understand.

7 CHAIR PERLMUTTER: Okay. Okay. Right so if yeah.
8 If you could just give us information. We're talking about mechanical equipment now,
9 right? We already talked about, we closed out the subject of how high the space is and
10 which mechanical equipment fits. We're looking at the floor space now, not the sectional
11 relationship, right? We're looking at the floor space filled with equipment. That, that's
12 our question now okay? Okay? Got it? So okay. So then I would like to hold off on
13 speakers on this question because we don't have any submissions so there's kind of
14 nothing to talk about and I wanted to, to not have a four hour hearing and so let's wait
15 until we actually have some mechanical information and mechanical experts who can
16 actually talk about whether this, what, what the situation is here okay? So how much
17 time do you need DOB to review in detail what you did for *Sky House*, the sa-, the
18 equivalent for *Sky House*? I know you need engineers to do that.

19 MR. ZOLTAN: So yeah. So, we need an engineers. The
20 Board is sort of asking for a, a more detailed report as opposed to just check and make
21 sure everything's okay which we've done. So I -- it will be a few weeks.

22 CHAIR PERLMUTTER: Okay.

23 MR. ZOLTAN: And then --

1 CHAIR PERLMUTTER: Any ideas?

2 MR. ZOLTAN: -- unfortunately run up into holidays. But
3 at this point, we're not getting any more from what I understood from appellant. We're
4 not gonna get a specific allegation of look at this floor, this is insufficient. It's just a
5 general --

6 CHAIR PERLMUTTER: Right.

7 MR. ZOLTAN: -- a general breakdown on mechanical
8 equipment. So, we're, we're not responding to anything that way. We're responding to
9 the request from the Board.

10 CHAIR PERLMUTTER: So, so the thing that we usually
11 look at the *Sky House* letters that you sent again because that's the model and that's the,
12 the basis on which we decided to, to bifurcate this case, right? So that -- those letters
13 were very clear what the engineers looked at. It explained what equipment was on each
14 floor. It explained -- it, it was accompanied by drawings so we could follow along and it
15 justified the existence of that many floors for a building of that type ,so we do want a
16 statement. This much equipment is typical of a building of this type and this many floors,
17 right? Because not I don't know how mechanical, how many mechanical floors are but in
18 the *Sky House* case there, there were three and that -- then we looked at the interstitial
19 floors that we were seeing in other buildings. We named about five other buildings
20 recently built and they all had three interstitial floors plus the, the rooftop mechanical,
21 right? So and I'm assuming some cellar mechanical because utilities are coming in unless
22 you're in a flood plain, utilities are coming in at the cellar level, right, so all of those
23 things seem to be typical of all of those buildings and so a statement about, about whether

1 or not the number of floors devoted to mechanical is typical of a building of this type.

2 [OFF MIC CONVERSATION]

3 MS. MATIAS: Uh-huh. Yeah.

4 CHAIR PERLMUTTER: Sure. Fire Department is here,
5 and they just wanted to clarify something, and it might be helpful in us understanding
6 what to do moving forward.

7 CAPTAIN RESSNER: Good morning. Captain Simon
8 Ressler for the Fire Department Operations. So, I just wanted to talk to you. You had
9 mentioned that our objection to the configuration of, of the space had to do with ceiling
10 height and ceiling height was one of, of many factors. So, I, you know, I just wanted to
11 outline if, if you want to us, we can --

12 CHAIR PERLMUTTER: Yes, please.

13 CAPTAIN RESSNER: -- outline other factors that were
14 considered here. We can also wait til the next hearing to do that.

15 CHAIR PERLMUTTER: No, I think it's useful because
16 then knowing it then everyone can respond.

17 CAPTAIN RESSNER: Okay. So, the, the issue for us
18 with, with any void space or with any mechanical space has to do with a number of, a
19 number of features. One is the way we fight fires in high-rise buildings is very different
20 from the way we fight fires in traditional lower buildings. We, we utilize the stairways
21 both as a point of operation but we also stage people, we store materials, we have medical
22 staff, we have air cylinders. So we utilize the core of the building for all of these
23 different operational needs and having the original, the original configuration left us in a

1 position of having 160 feet to traverse before we could get to an o-, to a floor where we
2 could have available space.

3 So our discussions with the developer were to try to ma-, have accommodations
4 made in the configuration of the floor plates that made up each individual level within the
5 space so that there'd be adequate room for all those materials and people, there would be
6 the ability to cross over from stairway to elevator shaft, both for rescue and for egress.
7 There'd be the ability to move people out of a contaminated stairway if that does happen
8 which, which it does happen often in residential high-rise. So, I don't want it to be that,
9 that the, the overall height was the only factor.

10 CHAIR PERLMUTTER: Okay.

11 CAPTAIN RESSNER: There was, there were many
12 factors.

13 CHAIR PERLMUTTER: Uh-huh.

14 CAPTAIN RESSNER: And so.

15 CHAIR PERLMUTTER: Okay. That' helpful.

16 CAPTAIN RESSNER: I can take any questions you have
17 about that but I just wanted to make clear that we, we took our high-rise firefighting
18 operational manual which we have which does exist and, and it calls out a whole bunch
19 of features including locations of command posts, locations of material, locations of radio
20 operators and so on and try to sort of graft that into, into the configuration of the building
21 that was presented to us.

22 CHAIR PERLMUTTER: Uh-huh.

23 CAPTAIN RESSNER: That was not, the, the solution that

1 we came up with was within the context of the building that we had.

2 CHAIR PERLMUTTER: Alright.

3 CAPTAIN RESSNER: Okay.

4 CHAIR PERLMUTTER: Okay. Great. Thank you very
5 much. Very helpful. Are there any questions for the chief? No? Okay. Captain. Okay.
6 No thank you.

7 CAPTAIN RESSNER: No questions?

8 CHAIR PERLMUTTER: No questions.

9 CAPTAIN RESSNER: Okay.

10 CHAIR PERLMUTTER: Thank you.

11 MS. MATIAS: Thank you.

12 CHAIR PERLMUTTER: Okay. So, let's set up a sched-, a
13 submission schedule. So, DOB four weeks to submit, is that enough?

14 MR. ZOLTAN: Date?

15 CHAIR PERLMUTTER: I don't -- sorry?

16 MR. ZOLTAN: Let's see what date is that?

17 MR. STEINHOUSE: October 15th.

18 CHAIR PERLMUTTER: I don't know when the holidays
19 are falling.

20 MS. MATIAS: The 20s-, --

21 MR. ZOLTAN: I have literally every Tuesday.

22 CHAIR PERLMUTTER: Every Tuesday. That's so
23 convenient.

1 MS. MATIAS: It's gonna be after.

2 CHAIR PERLMUTTER: 15th for a submission does that
3 work?

4 MR. STEINHOUSE: Or 16th.

5 MR. ZOLTAN: 15th. It would be 16th.

6 CHAIR PERLMUTTER: 16th.

7 MR. ZOLTAN: Okay, I can try.

8 CHAIR PERLMUTTER: Okay. Try I mean you need to
9 accomplish it so is that gonna work?

10 MR. ZOLTAN: Yes.

11 CHAIR PERLMUTTER: Okay.

12 MR. STEINHOUSE: October 16th Submission for DOB.

13 CHAIR PERLMUTTER: Right. And then I don't, does
14 owner want to respond or participate in, in that or?

15 MR. KARNOVSKY: Yes.

16 CHAIR PERLMUTTER: Okay. So, do you wanna
17 respond to DOB's submission or do you wanna wait until appellant has responded to D--

18 MR. KARNOVSKY: I think we're gonna respond to DOB.

19 CHAIR PERLMUTTER: Okay. So, then we could have a
20 simultaneous response from both you and appellant right? Okay. Is two weeks enough
21 for that or?

22 MR. KARNOVSKY: Well appellant is not --

23 MS. MATIAS: David -- I'm sorry, Mr. Karnovsky.

1 CHAIR PERLMUTTER: Yeah. You have to come to the.

2 MS. MATIAS: You're gonna start talking and scatter.

3 MR. KARNOVSKY: I think we would like to be able to
4 comment on what's produced but since appellant is going to take issue with it no doubt, I
5 think we need that opportunity.

6 Chair Perlmutter: So do you wanna respond f-, also to
7 DOB or wait til appel-, --

8 MR. KARNOVSKY: I think we'll wait until appellant has
9 --

10 CHAIR PERLMUTTER: Okay.

11 MR. KARNOVSKY: -- responded to DOB.

12 CHAIR PERLMUTTER: Okay. So, then the next question
13 is, is two weeks enough time to respond for appellant to DOB?

14 MR. KLEIN: I believe we're gonna need three weeks
15 because we're going to have to review everything that they give us in the first -- it's gonna
16 be the first instanced for us.

17 CHAIR PERLMUTTER: Right.

18 MR. KLEIN: But since they're getting, you know three
19 weeks, I think it's appropriate to get three weeks also.

20 CHAIR PERLMUTTER: Okay. What's three weeks?

21 MR. STEINHOUSE: Okay. So, November 6th for the
22 appellant?

23 CHAIR PERLMUTTER: Uh-huh. And then for owner to

1 respond to that three weeks is?

2 MR. KARNOVSKY: Three weeks.

3 CHAIR PERLMUTTER: Three weeks.

4 MR. STEINHOUSE: Okay. Three weeks.

5 CHAIR PERLMUTTER: And then any kind of -- we're

6 not gonna have sur-replies so your sur-reply will be here. Okay. 'Cause otherwise this

7 goes on indefinitely.

8 MR. STEINHOUSE: Okay. So, the owner will respond by

9 November 27th.

10 CHAIR PERLMUTTER: Okay.

11 MS. MATIAS: Okay.

12 CHAIR PERLMUTTER: Okay. And so, for a hearing

13 that's like the first -- December 2nd hearing. Yeah. 'Cause it's three weeks.

14 MR. STEINHOUSE: So, for a hearing on December 17th.

15 Okay.

16 CHAIR PERLMUTTER: Okay.

17 MR. KLEIN: One quick observation.

18 CHAIR PERLMUTTER: Uh-huh.

19 MR. KLEIN: The five percent of rule was in fact the

20 standard rule of the Buildings Department but over the last 20 years because of these

21 most of these items have been miniaturized to a great extent, it's now on a, a case-by-case

22 basis depending upon the equipment that's being used.

23 CHAIR PERLMUTTER: Okay. Well, I would let DOB

1 speak to --

2 MR. KLEIN: Sure.

3 CHAIR PERLMUTTER: -- what their methodology is.

4 So, I, I don't know the answer. That's one of the questions for DOB on buildings of this
5 type, what's, what's typical and there and there may not be a typical because almost every
6 one of these buildings is kind of inventing something new each time, right? So, I don't
7 know if there's a typical but just to respond to that. Okay.

8 MS. MATIAS: Okay so to restate--

9 MR. STEINHOUSE: So just to go through the
10 submissions again.

11 MS. MATIAS: Oh.

12 MR. STEINHOUSE: October 16th for DOB, November
13 6th for appellant, November 27th for the owner, and a hearing on December 17th.

14 MR. KLEIN: That should be it. Thank you very, very
15 much.

16 CHAIR PERLMUTTER: A continued hearing. Thank you
17 very much. Thank you everyone and of course you're welcome to look at these
18 submissions at the Board office at 250 Broadway but you need to make an appointment
19 to see them okay? Okay.

20

21

22

23

CERTIFICATE OF ACCURACY

I, Devin Turpin, certify that the foregoing transcript of the Public Hearing of New York City Board of Standards & Appeals on September 17, 2019 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: November 26, 2019

GENEVAWORLDWIDE, INC
256 West 38th Street - 10th Floor
New York, NY 10018