

Law Offices of
MARVIN B. MITZNER LLC

November 29, 2012

VIA HAND DELIVERY

Toni Matias
Appeals Examiner
City of New York Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007

Re: Response to Notice of Comments
CAL. No. 245-12-A
515 East 5th Street, Borough of Manhattan ("Site")

Dear Ms. Matias:

Submitted herewith is our response to your Notice of Comments ("Notice") dated August 27, 2012 regarding the above-referenced application. Enclosed is a formal response (and supporting documents) that recites each of your comments, followed by our response.

We thank you for your time and look forward to appearing at the initial public hearing of this matter.

Respectfully submitted,



Marvin B. Mitzner

MBM/ir

Enclosures

cc: Mona Sehgal, General Counsel, NYC Department of Buildings
David Karnovsky, General Counsel, City Planning Commission

Response to Notice of Comments

BSA Comment in italicized type. Response is normal type.

1. *The July 10, 2012 determination letter from Department of Buildings does not identify which provisions of the MDL the building does not comply with. Please return to the Department of Buildings for a new determination that identifies the sections of the MDL you are seeking to be waived.*

Submitted herewith is an MDL objection sheet issued by the Department of Buildings ("DOB") on January 12, 2009 that identifies each of the separate MDL provisions for which a waiver is sought. These provisions are also individually cited in the introduction of the enclosed Statement of Facts and Findings (at page 1), and are discussed in great detail in the discussion of the waivers sought at (at pages 7–14).

2. *Provide evidence that the Department of Buildings has done a full Zoning and MDL review of the plans you have submitted with you application. If not done, please return to the Department of Buildings for such review.*

The above referenced MDL objection sheet (see comment #1), as well as the zoning objection sheet also submitted herewith (dated January 16, 2009), serve to document that this project has undergone a full zoning and MDL review by Manhattan DOB plan examiner David Jimenez, R.A.

3. *Revise your Statement to describe separately, each of the following findings (1) the practical difficulties and unnecessary hardship, and (2) spirit of the law is maintained, public health safety and welfare are preserved; and (3) substantial justice is done in complying with the MDL.*

Submitted herewith is a revised Statement of Facts describing separately (1) the practical difficulties or unnecessary hardship; (2) spirit of the law is maintained, public health safety and welfare are preserved; and (3) substantial justice is done in complying with the MDL, as they relate to each of the individual provisions of the MDL for which a waiver is sought (see comment #1). This discussion is found at pages 7–14 of the enclosed statement.

4. *Provide an itemized cost analysis of the expenditures that would be incurred in complying with the strict letter of the MDL provisions for the subject building.*

Provided herewith is an itemized cost analysis of the expenditures that would be incurred in complying with the strict letter of the MDL provisions. This analysis, prepared by McQuilkin Associates, LLC, estimates the costs of the several improvements that would be required to achieve MDL compliance at approximately 1.2 Million Dollars (\$1,200,000). (Not including the additional \$167,878 estimated cost of removing the erroneously approved penthouse.)

5. *Revise your Statement to discuss all the fire safety measures that (1) have already been installed and (2) proposed to be installed.*

The revised Statement of Facts discusses all the fire safety measures that (1) have already been installed and (2) are proposed to be installed; see discussion at pages 7–14. These improvements include: Installation of fire-proof self-closing doors from dwelling units into common area; Installation of 2 layers of fire retardant gypsum board on the walls of the egress stairwell; Installation of 2 layers of fire retardant gypsum board in entrance hall; Installation of 2 layers of fire retardant gypsum board on cellar ceiling; Replacement of cellar stair with fire-retardant stair; Cladding of main stairwell with fire retardant treads / risers and placement of fire retardant gypsum underneath; and Sprinklering of the entire building, including egress stairwell, public halls, and all residential units.

6. *Revise your Statement of Facts to discuss what construction work has been done and what construction is still left to be completed including the removal of the penthouse.*

Submitted herewith is a revised Statement of Facts which states that 100% of the construction work has been done and that the constructed penthouse will be removed.

7. *Provide photos of the exterior and interior work completed.*

Submitted herewith are photographs of the completed exterior and interior work.

8. *Provide copies of the original approved plan by the Department of Buildings.*

Submitted herewith is a copy of the original plans approved by the Department of Buildings.

9. *Provide a zoning analysis on a separate sheet explaining (1) the pre-enlargements as the legal condition, (2) the existing and (3) the proposal.*

Submitted herewith is a zoning analysis explaining (1) the pre-enlargements condition, (2) the existing condition and (3) the proposed condition.

10. *Provide a report from a Fire Safety Expert that discusses the alternative fire safety measures to be installed and how they are providing a comparable level of fire protection and life safety for the building occupants.*

Submitted herewith is a statement by James T. Bullock, President of NY Fire Consultants, Inc. which provides a detailed explanation for his finding that the proposed alternative improvement constitute a significant increase in fire safety for the building's occupants.

CITY OF NEW YORK
BOARD OF STANDARDS AND APPEALS

-----X

In the Matter of the Application of

515 East 5th Street (the "Site")

Premises: BSA Cal. No. 245-12-A
Block: 401; Lot: 56
Borough of Manhattan
Zoning District: R7B

-----X

STATEMENT IN SUPPORT OF APPLICATION

This application is filed pursuant to Section 310 of the Multiple Dwelling Law ("MDL") and requests that your Board vary the strict application of several sections of the MDL as they relate to the building located on the Site (the "Building"). This application was directed by, and filed with, a final determination by letter dated July 10, 2012 by DOB Manhattan Commissioner Derek Lee, R.A. The MDL non-compliances referenced in that letter are listed on the objection sheet dated January 12, 2009 which was produced by DOB (shortly after BSA Cal. Nos.: 81-08-A and 82-08-A were decided) for the purpose of facilitating an MDL §310 appeal for the Building, and which is filed hereto. (The MDL has not since changed.) Specifically, variances of the following MDL sections are requested: MDL 211.1 (Building Height), MDL 102.1 (Required Fireproof Public Corridor), MDL 52.3 (Required Stair Dimensions), MDL 150.2 (Stairway Vestibule), MDL 148 (Enclosed Stairway), MDL 149.2 (Fireproof Entrance Hall), and MDL 143 (First Floor Construction). (Objections pursuant to MDL 51.6 [Required Elevator], and MDL 141 [Building Height], are listed, but are resolved by the proposed removal of the penthouse.)

The predicate objection under MDL Section 211 is that increasing the height of the building, originally five (5) stories, to include a sixth floor and penthouse requires that the building be made to comply with Article 5 of the MDL. Due to the construct of the MDL, absent a modification of MDL Section 211, several other related objections arise when the hereafter

requirements are applied. The remainder of the objections generally enumerates those features of the building that do not meet the requirements of Article 5 of the MDL.

The subject enlargement was undertaken in good faith reliance on DOB approval of proposed alternative fire safety improvements and the issuance of permits based thereupon. Upon appeal of these permits by objectors, the Board concluded that DOB lacked authority to vary the requirements of the MDL, or approve of the alternative means of satisfying said requirements (BSA Cal Nos. 81-08-A and 82-08-A). In its resolution of that matter, the Board stated that it was the agency with whom such power was vested under MDL Section 310. Accordingly, this application requests that your Board exercise this authority.

As explained in detail within, strict compliance with the requirements of MDL Article 5 gives rise to extreme practical difficulty in this instance. Specifically, the construction cost report filed with this application estimates the cost of strict compliance at approximately 1.2 Million Dollars (\$1,200,000). Pursuant to MDL Section 310, the Board is authorized to vary said requirements, and allow the owner to provide alternative fire safety measures that are equivalent to what would be achieved by strict compliance with the MDL. We are confident that upon review of the practical difficulties of strict compliance, and the numerous alternative improvements to fire safety provided, the Board will conclude that finding is met, and a variance of the requirements is appropriate in this instance.

THE SITE AND THE BUILDINGS LOCATED THEREON

The Site is located within the East Village neighborhood of Manhattan, within Community Board #3. As shown on the enclosed site plan, the Site is located on the northern side of East 5th Street between Avenue A and Avenue B; Block 401, Lot 56. It contains approximately 25 feet of frontage, and is ninety-seven 97 feet in depth. The Site contains approximately 2,425 square feet of lot area. It is located within an R7B zoning district. (Prior to the *East Village/Lower East Side Rezoning*, and when the owner originally obtained its permit and completed construction of the enlargement at issue, the Site was located within an R7-2 district).

The Site is improved with an attached multiple dwelling building. Prior to the recent enlargement at issue in this application, the building stood at five stories (49' - 0") in height, and contained 7,000 square feet of floor area. This included a ground floor retail store, and 17 apartments.

In 2007, the subject building was enlarged with a sixth floor and rooftop penthouse, in addition to a ground floor extension. The added sixth floor includes 1,400 square feet of floor area (as do the lower floors of the building), and the rooftop penthouse (proposed to be removed) includes 419 square feet of floor area. The ground floor enlargement, which extends 11 feet into the rear yard, includes 275 square feet of floor area. As a result of the enlargement, the total number of apartments remains at 17, though these have been reconfigured.

The enlargement increased the total floor area of the building by 2,194 square feet to 9,194 square feet. However, because the penthouse floor will be removed, the proposed floor area of the building is 8,775 square feet.

PREVIOUS BSA APPLICATIONS

The building was first the subject of BSA Cal No. 67-07-A, which considered whether the enlargement of the same was contrary to ZR Sect. 23-692 (the "Sliver Law"). By resolution dated September 11, 2007 the Board granted the appeal, which reversed the DOB determination that the enlargement complied with Sliver Law. As a result of this determination, this application proposes to remove the penthouse floor of the building.

The question of whether DOB had the authority to vary the strict requirements of the MDL was presented to the Board in BSA Cal No. 82-08-A¹. By resolution dated November 25, 2008 the Board granted the appeal(s), concluding that the only the Board, and not DOB, had authority to waive the provisions of the MDL.

¹ A companion application, 81-08-A, was heard concurrently as it dealt with analogous issues about the MDL in similar buildings located at 514-516 East 6th Street.

APPEAL PURSUANT TO MDL SECTION 310

As part of the enlargement application, the owner was granted DOB approval of multiple fire safety improvements to be made in lieu of strict compliance with the MDL. As the Board is aware, prior to its resolution in 81-08-A and 82-08-A, DOB, consistent with its long-standing practice, insisted that it was authorized to vary the MDL, such that waivers were provided and the subject enlargement constructed.

Accordingly, the owner now brings this application before the Board asking that it exercise its authority pursuant to Section 310 of the MDL to vary the strict application of the MDL requirements as they pertain to the enlarged building on the Site. Section 310 (2) reads, in pertinent part:

"Where the compliance with the strict letter of this chapter causes any practical difficulties or any unnecessary hardships the board shall have the power, on satisfactory proof at a public hearing, provided the spirit and intent of this chapter are maintained and public health, safety and welfare preserved and substantial justice done, to vary or modify any provision or requirement of this chapter, or of any rule, regulation, supplementary regulation, ruling or order of the department with respect to the provisions of this chapter, as follows:

a. For multiple dwellings and buildings existing on July first, nineteen hundred forty-eight, in cities with a population of one million or more, and for multiple dwellings and buildings existing on November first, nineteen hundred forty-nine, in cities with a population of five hundred thousand or more but less than one million, provisions relating to:

- (1) Height and bulk;*
- (2) Required open spaces;*
- (3) Minimum dimensions of yards or courts;*
- (4) Means of egress;*
- (5) Basements and cellars in tenements and converted dwellings.*

As explained in the following section, which details each of the objections and proposed alternative fire safety improvements, strict compliance with the letter of the MDL gives rise to extreme practical difficulties. Furthermore, the proposed improvements maintain the intent of the law, as well as the safety and welfare of the building's residents. To be sure, it is believed that the proposed improvements are equivalent to, if not exceeding, the fire safety that would be achieved by strict compliance with the MDL. Therefore, we submit that it is indeed appropriate for your Board to vary the requirements of the MDL in this instance.

OVERVIEW OF MDL NONCOMPLIANCE AND PROPOSED ALTERNATIVE IMPROVEMENTS

MDL §310 allows for variances from the Board for provisions relating to height, bulk and egress, among others. The several objections received stem from MDL section 211, which requires buildings enlarged beyond five stories in height to comply with the more stringent requirements of MDL Article 5. The provision obviously relates to height, and indirectly egress.

With the exception of the elevator objection, which is resolved by removing the penthouse (as is proposed), the elements in question all relate to protecting the integrity of egress in buildings of a certain height. The subject building was built over 100 years ago, bringing it well within the jurisdiction of MDL §310(2)(a). A predicate for granting the relief sought is finding that strict compliance with the letter of the MDL “causes any practical difficulties or any unnecessary hardships”. As shown below, there are clearly such difficulties and hardships.

Like most buildings from the later 19th and early 20th Centuries, the subject building was constructed with combustible (wood) elements and without segregated corridors. The deficiencies in the subject building, as compared with 2012 standards, relate to the lack of segregated corridors, egress stairs and vestibules; the lack of non-combustible separations between the cellar and first floor; and the lack of a non-combustible stairwell system. The extreme difficulty in retrofitting the Building to modern standards is somewhat obvious and based upon multiple issues including the lack of space to compartmentalize, the need to significantly alter the base wooden structure of the Building and the difficulties in undertaking major alterations in an occupied residential building.

The practical difficulties and extreme hardship imposed by strict MDL compliance are quantified by the construction cost estimate provided by McQuilkin Associates, LLC dated September 11, 2012 (the “McQuilkin Report”), which is part of this application. Specifically, the McQuilkin Report estimates the costs of the several improvements that would be required as follows:

New/Replace Stairwells	\$760,066
New/Replace Stair Vestibules	\$135,187
Reconstruct First Floor (Noncombustible)	\$331,984
<hr/>	
Total	\$1,227,237

In addition, the McQuilkin Report estimates that the proposed removal of the penthouse will cost \$167,878, which was created when DOB erroneously issued permits for the enlargement (although the Board has indicated it will not consider such cost towards the hardship created by the MDL).² Were the owner denied any of the relief sought by this application, an alternative means of compliance would be achieved by removing the sixth floor as well, at an estimated cost of \$329,930. That figure, however, does not account for the loss of all income to be derived from the new sixth floor units, without which, this project would be a devastating financial loss to the owner.

As part of the enlargement, significant alterations are proposed for the original areas of the subject building. These alterations significantly upgrade the existing fire safety aspects of the building, particularly with regards to egress. The proposed alterations include:

- Installation of fire-proof self-closing doors from dwelling units into common area;
- Installation of 2 layers of fire retardant gypsum board on the walls of the egress stairwell;
- Installation of 2 layers of fire retardant gypsum board in entrance hall;

² The McQuilkin Report also finds that if the penthouse was to remain, and an elevator made necessary by MDL §51.6, that installing an elevator would cost \$423,884 (not accounting for the loss of rentable floor area that would result).

- Installation of 2 layers of fire retardant gypsum board on cellar ceiling;
- Replacement of cellar stair with fire-retardant stair;
- Cladding of main stairwell with fire retardant treads / risers and placement of fire retardant gypsum underneath; and
- Sprinklering of the entire building, including egress stairwell, public halls, and all residential units.

The proposed upgrades will significantly enhance the fire safety of the Building, particularly with regards to the egress. As explained by the statement by James T. Bullock, President of NY Fire Consultants, Inc., the combination of the added gypsum to the hall, fire-proof self-closing doors and sprinklers represent “significant building upgrades.” His statement, submitted with this application, continues:

The likelihood of fire spread is greatly reduced by these enhancements, with the combination of water and retardant materials significantly diminishing chances for fire growth. Additionally, the upgraded stairs, floor, sprinklers and FPSC doors will help ensure that the building residents will have safe egress in the event of a fire emergency. Maintaining a fire safe egress area will also enhance the ability of fire fighters to enter the building to rescue persons and access/fight the area(s) of fire.

By comparison to the modest enlargement that is proposed, Bullock’s statement concludes that “[t]he addition of one floor with four residential units present very little additional burden from a fire-fighting standpoint. The need to access one additional story presents no appreciable physical burdens for firefighters... using conventional firefighting apparatus. The increased occupancy is so low that it would not present any real burdens on the existing Building egress.”

MDL OBJECTIONS

The following discussion details each of the objections under the MDL, and how strict compliance with the requirements thereof gives rise to practical difficulties, and how the proposed improvements provide an alternative, equivalent level of fire safety.

(The following numbered objections reference the MDL objection sheet produced by DOB dated January 12, 2009, which has been filed with the application.)

1. MDL 211.1 / MDL 4.35(a)(d) / MDL 4.36

Examiner Comment

"Increase in bulk / height is not permitted for 5-story building."

Response

The enlargement of the subject building, which added a 6th floor and rooftop penthouse, gives rise to an objection under MDL Section 211.1. That section prohibits non-fireproof buildings (which predate the MDL) from exceeding five (5) stories, or alternatively, requires that where such buildings are enlarged to exceed five (5) stories, that they be made to comply with MDL Article 5. This is the general objection which gives rise to all of the remaining objections.

2. MDL 51.6 / MDL 4.36

Examiner Comment

"Any building which exceeds 6 'stories' or sixty feet in height, shall be equipped with one or more passenger elevators."

Response

This application proposes the removal of the rooftop penthouse. Therefore, the proposed building will not exceed six stories or sixty feet in height, and the objection will thus be resolved.

3. MDL 102.1 / MDL 103.5 / MDL129.2 / MDL 144.3 / MDL 146 / MDL 149

Examiner Comment

"A public corridor with FPSC doors is required to separate the (elevator and) egress stair from the residential unit(s)."

Response

Renovation of the existing building to include a public corridor separating each residential unit from the egress stair would give rise to severe practical difficulty. Because the floor plans of the building are not arranged to provide for such a public hallway, each floor of the building would necessarily have to be redesigned and reconstructed to meet this requirement. This would require a near complete demolition of the building's interior, at an enormous cost to the owner. This alteration would also require that the existing residents of the building be vacated during the renovation.

Proposed Improvement

In the alternative, it is proposed that the following improvements be made so as to achieve an equivalent, if not greater, level of fire safety. First, the doors of the residential units which open onto landings of the egress stairs will be replaced by fireproof self-closing doors ("FPSC" doors). Second, the walls of the egress stairwell will be improved with a double layer of fire retardant gypsum board. Finally, the egress stairwell of the building will be completely sprinklered, as will the building's public halls and residential units.

By comparison to the required public corridor, it is believed that these improvements (most notably the installation of a sprinkler system) achieve an equivalent, if not greater, level of fire safety than would strict compliance with the MDL.

4. MDL 52.3

Examiner Comment

"Stairs must be - Treads 7.75" max; Risers 9.5" max; $70 \leq \text{risers} \times \text{tread} \leq 75$."

Response

The staircase violating the MDL 52.3 is that which has existed in the building, without issue, since the time of its construction. Renovation of the existing building to replace the stairs at every floor would give rise to severe practical difficulty. First, the configuration of the landings and openings at each floor would need to be adjusted in order to house a compliant staircase. This comprehensive physical change at each floor would prove extremely costly. Additionally, this alteration would require that the existing residents of the building be vacated

during the renovation as they would be without access to their apartments, or have any means of egress. Again, vacating tenants would also result in substantial lost rental income.

6. MDL 150.2 / MDL 150.5 / MDL 4.25

Examiner Comment

"Stair from cellar to first floor is prohibited unless stair enclosure is noncombustible 3-hour rated, with provisions for intervening vestibule with two rated doors required at public entrance to stair from public hall and cellar. (Cellar to public hall and cellar to business (community) occupancy."

Response

Renovation of the existing building to include a stairway vestibule at the ground floor public hall would give rise to severe practical difficulty. Because the area of the public hall, corridor and stairways at the ground floor does not contain excess space, this floor would necessarily have to be completely redesigned to meet the requirement. This would require extensive demolition and reconstruction, in addition to vacating the ground floor commercial tenants of the building during renovation. All of the above would result in extreme financial loss to the owner of the building.

Proposed Improvement

In the alternative, it is proposed that the following improvements be made so as to achieve an equivalent, if not greater, level of fire safety. First, the walls of the entrance hall will be improved with a double layer of fire retardant gypsum board. Second, the entrance hall will be completely sprinklered. Finally, the staircase from the cellar will be replaced with a fire-retardant stair.

7. MDL 148

Examiner Comment

"A 3-hour FR enclosure is required for stair. Stair shown is not fully enclosed and is open to a shared egress corridor with community facility."

Response

Renovation of the existing building to include a fire rated enclosure of the egress stair would give rise to severe practical difficulty. Because the floor plans of the building are not arranged to provide for such an enclosure/separation, each floor of the building would necessarily have to be redesigned and reconstructed to meet this requirement (by adding walls and doors at each floor of the building). This would require a near complete demolition of the building's interior, at an enormous cost to the owner. This alteration would also require that the existing residents of the building be vacated during the renovation.

Proposed Improvement

In the alternative, it is proposed that the following improvements be made so as to achieve an equivalent, if not greater, level of fire safety. First, the doors of the residential units which open onto landings of the egress stairs will be replaced by FPSC doors, in essence, an enclosed egress stairs. Second, the walls of the egress stairwell will be improved with a double layer of fire retardant gypsum board. Third, the egress stairwell of the building will be completely sprinklered, as will the building's public halls and residential units. Finally, the under-side of the existing staircase will be clad with non-combustible gypsum board.

By comparison to the required stairway enclosure, it is believed that these improvements (most notably the installation of a sprinkler system) achieve an equivalent, if not greater, level of fire safety than would strict compliance with the MDL.

9. MDL 141 / MDL 4.36

Examiner Comment

"Any building that is six stories or less may be of non-fireproof construction. Proposed penthouse addition exceeds six "stories" enlargement is not permitted."

Response

This application proposes the removal of the rooftop penthouse. Therefore, the proposed building will not exceed six stories or sixty feet in height, and the objection will thus be resolved.

10. MDL 149.2 / MDL 4.25

Examiner Comment

"Entrance hall must be 3-hour non-combustible (not wood) enclosure (walls, floor & ceiling)."

11. MDL 143 / MDL 4.25

Examiner Comment

"Cellar ceiling / first tier of beams must be non-combustible 1.5 Hr.; (beams/joist shown are wood)."

Response

The floor and ceiling joists of the entrance hall (the building's first floor) are made of wood. Replacement of these floor joists would result in extreme practical difficulty. Specifically, in order to replace these joists with a non-combustible material would require the demolition of the interior of the building's cellar, first floor and second floor. In addition to the exorbitant costs of demolition and replacement of the floor joists, the ground floor commercial tenants and second floor residential tenants would necessarily be vacated during the construction process. All of the above would result in extreme financial loss to the owner of the building.

Proposed Improvement

In lieu of replacing these floor joists, the following fire safety improvements are proposed. First, a double layer of fire retardant gypsum board will be installed between the cellar ceiling and first floor. Second, the walls of the entrance will be also have a double layer of fire retardant gypsum board. Finally, the entrance hall of the building will be completely sprinklered.

CONCLUSION

In consideration of the practical difficulties associated with strict compliance with the foregoing sections of the MDL, by comparison to the numerous alternative fire safety improvements proposed, the application meets the required findings of MDL Section 310.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Mitzner', with a long horizontal line extending to the right.

Marvin B. Mitzner

**BULLOCK
FIRE SAFETY REPORT**

Statement of James T. Bullock in Support of BSA Application
At 515 East 5th Street, Manhattan

At the request of the Board, I am submitting this statement relating to the fire safety of the expansion of the building at 515 East 5th Street, in Manhattan (hereinafter the “Building” or the “Site”). As I detail below, the expansion presents almost no increased fire safety burdens, yet incorporates significant fire safety advances, such that, if approved, the Site will be significantly improved from a fire safety standard

I am the President and co-owner of NY Fire Consultants, Inc., a company which provides advice and guidance to building owners regarding issues of fire safety. I am also the President and co-owner of NY Fire Safety Institute a company that is approved by the New York City Fire Department to provide required training to building Fire Safety Directors and Construction Site Fire Safety Managers. Prior to forming NY Fire Consultants, Inc. and NY Fire Safety Institute, I was employed by the New York Fire Department for 29 years. At the time of retirement, I held the rank of Deputy Chief of Department. As a Deputy Chief in Division One I supervised the on duty firefighting units in the southern half of Manhattan. 5 Battalions, 17 Engine Companies, 14 Ladder Companies, Total of 5 Chiefs, 7 Captains 24 Lieutenants and 720 firefighters on duty daily. My duties included the position of the Division Fire Prevention Coordinator, which included 374 Schools and Colleges, 23 Hospitals, 130 Hotels, 1300 Factories, over 20,000 total buildings. Division 1 contains some of the most expensive real estate in the world (Empire State Building, World Trade Center, New York Stock Exchange, Statue of Liberty).

I would like to note for the Board that, in addition to my extensive fire-fighting and prevention experience generally, I have particular familiarity with the Site and its surrounding area. From April 1974 to July 1978 I served as a Firefighter in Ladder Company 9 located on Great Jones Street (East 3rd Street). I also served as a Captain in Ladder Company 3 located on East 13th Street, from February 1983 to December 1983. Like the Building, many of the buildings in this area are walk-up buildings constructed in the 19th Century or very early 20th Century. As such, I have direct, firsthand experience with the issues involved in preventing and fighting fires in buildings such as the one at the Site.

Prior Conditions

The Site is comprised of a formerly five-story and cellar building that has been enlarged with a sixth floor. There are typically three residential units on each floor, with four unit on the new, fifth floor.

The Building is built at the street line on East 5th Street, with a 30’ rear yard at the first floor and 40’+ space for the upper floors. There are no setbacks for the upper floors, including the new sixth floor.

As you may be aware, the construction at the building, both the added floor and the modifications of the pre-existing spaces, has all be completed, such that I was reviewing a finished project, referring to plans for information about pre-construction conditions.

The Building is a wood structure which I understand formerly had some plaster lathe walls. In the pre-construction state, the Building appears to have had few areas of any significant fire rating due to its wooden structure and limited fire stopping from the finished walls.

In speaking with the property owner, it appears that, prior to the construction at the Site, the walls were plaster, the stairs wooden and the building without any sprinkler system. Additionally, the dwelling units were not equipped with fire-proof self-closing (“FPSC”) doors.

The conditions at the Site as described above were largely grandfathered such that the Building was legally occupied for residential use. The conditions as described are fairly typical for buildings of similar scale and age in Manhattan.

Proposed Modifications

The proposal requests to add a new 6th floor and horizontally extend the 1st floor. The expansion adds four new units to the 6th floor.

The Site owners are proposing a number of upgrades to the existing portions of the buildings relating to enhanced fire safety, most of which are already in place. The Proposed enhancement includes:

- The upgrading of all residential unit doors with FPSC doors;
- The cladding or replacing stairs with fireproof materials;
- Sprinklering building, including interiors of residential units;
- Creation of a new 2-hour rated passage through cellar area;
- The installation of a 2-hour rated wall in common areas;
- The extension of the front fire escape to the sixth floor AND roof;
- The installation of non-combustible floors in common areas;
- The installation of hard-wired smoke detectors in all units.

The addition of one floor with 4 residential units presents very little additional burden from a fire-fighting standpoint. The need to access one additional story presents no appreciable physical burdens for firefighters responding to this Building using conventional fire-fighting apparatus. The increased occupancy is so low that it would not present any real burdens on the existing Building egress.

On the other hand, the proposed fire safety enhancements represent significant building upgrades. The adding of fire-stopping, sprinklers and fire resistant / cladded stairs to

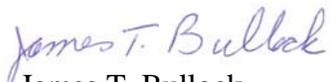
the entire Building are significant fire safety improvements. The likelihood of fire-spread is greatly reduced by these enhancements, with the combination of water and retardant materials significantly diminishing chances for fire growth. Additionally, the upgraded stairs, floor, sprinklers and FPSC doors will help ensure that the building residents will have safe egress in the event of a fire emergency. Maintaining a fire safe egress area will also enhance the ability of fire fighters to enter the building to rescue persons and access / fight the area(s) of fire.

The proposal calls for front and rear fire escapes. Having an internal stair that is protected by fire stopping and sprinklers combined with front and rear fire escapes creates a level of egress that is much greater than typically found in buildings of similar scale and age. Furthermore, the extension of the front fire escape to the building roof is a significant added amenity for responding FDNY unit. Roof access is critical for fire fighters and the extended front fire escape presents a great means of access in the event that a ladder truck is blocked or otherwise unable to operate at the Site.

Like hundreds of buildings in Manhattan, the Building was constructed without the benefit of modern fire safety controls. The proposed upgrades for the Building are dramatic and it cannot be understated how significantly fire safety will be improved if the plans are approved by the Board.

NY Fire Consultants, Inc.

By:


James T. Bullock

BSA CALENDAR NO. 245-12-A BLOCK 401 LOT 56
 SUBJECT SITE ADDRESS 515 East 5th Street, Manhattan
 APPLICANT Law Offices of Marvin B. Mitzner LLC
 ZONING DISTRICT R7-2 PRIOR BSA # 67-07-A, 82-08-A

COMPLIANT: "Y"

IF NOT: "N" and

SPECIAL/HISTORIC DISTRICT n/a * **APPLICABLE** MAXIMUM MINIMUM LEGAL PER
 COMMUNITY BOARD 3M ZR SECTION PERMITTED REQUIRED C of O or BSA EXISTING PROPOSED INDICATE AMT OVER/UNDER

LOT AREA				2,425	2,425	2,425	
LOT WIDTH				25'-0"	25'-0"	25'-0"	
USE GROUP (S)	22-00	2-4		2	2, 4	2, 4	
FA RESIDENTIAL	23-145	8,342		7,000	7,910	7,491	
FA COMMUNITY FACILITY	23-145	15,762			1,184	1,184	
FA COMMERCIAL/INDUST.	n/a						
FLOOR AREA TOTAL	23-145	15,762		7,000	9,194	8,775	
FAR RESIDENTIAL	23-145	3.44		2.89	3.26	3.09	
FAR COMMUNITY FACILITY	23-145	6.5			0.49	0.49	
FAR COMMERCIAL/INDUST.	n/a						
FAR TOTAL	23-145	6.5		2.89	3.79	3.62	
OPEN SPACE	n/a						
OPEN SPACE RATIO	n/a						
LOT COVERAGE (%)		65%		58%	58%	58%	
NO. DWELLING UNITS	23-22	10		17	17	17	
WALL HEIGHT	23-633	40-60'		49'-0"	60'-0"	60'-0"	
TOTAL HEIGHT	23-633	s.e.p.		49'-0"	69'-2"	60'-0"	
NUMBER OF STORIES				5	7**	6	
FRONT YARD	23-40			0	0	0	
SIDE YARD	23-40			0	0	0	
SIDE YARD							
REAR YARD	23-40			41'-0"	30'-0"	30'-0"	
SETBACK (S)							
SKY EXP. PLANE (SLOPE)	n/a						
NO. PARKING SPACES	n/a						
LOADING BERTH (S)	n/a						
OTHER:							

* In *Applicable ZR Section column*: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to **current R district requirements**, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to **nearest district where permitted**. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES:

"Legal per C of O" is conditions existing prior to 2007. Existing conditions include enlargement constructed
 **7th story is constructed penthouse, proposed to be removed.

**MCQUILKIN
COST ANALYSIS**

515 East 5th Street

New York, NY

Multiple Dwelling Law Compliance

September 11, 2012

McQuilkin Associates, LLC
Construction Consultants

500 Morris Avenue
Springfield, NJ 07081
Tel: 973-218-1600
Fax: 973-218-1700

MCQUILKIN ASSOCIATES, LLC
PROJECT: 515 EAST 5TH STREET
LOCATION: NEW YORK, NY

DATE: 9/11/12
REV:

ITEM	MULTIPLE DWELLING CODE COMPLIANCE	TOTAL COST
1	DEMOLISH PENTHOUSES	167,878
2	NEW STAIRWELLS	760,066
3	NEW STAIR VESTIBULES	135,187
4	RECONSTRUCT 1ST FLOOR NON-COMBUSTABLE	331,984
5	NEW ELEVATOR	423,884
6	DEMOLISH SIXTH FLOOR	329,930
	TOTAL	2,148,929

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
1	<u>PENTHOUSE REMOVAL</u>				
02200	<u>SELECTIVE DEMOLITION</u>				
	Remove Roof Structure	419	SF	25.00	10,475
	Remove Roofing	600	SF	2.00	1,200
	Remove Scuppers & Downspouts	2	EA	150.00	300
	Remove Stairs	1	FLT	500.00	500
	Remove Interior Construction	419	SF	8.00	3,352
	Remove Exterior Walls	766	SF	12.00	9,192
	Remove Exterior Ladders	2	EA	250.00	500
	Remove Doors	6	EA	50.00	300
	Remove Skylight	1	EA	500.00	500
	remove Rooftop Railing	21	LF	25.00	525
	Temporary Protection	1	LS	5,000.00	5,000
	Debris Removal	120	CY	40.00	4,800
					<u>36,644</u>
05500	<u>MISCELLANEOUS IRON</u>				
	New Roof ladders	2	EA	800.00	1,600
					<u>1,600</u>
06100	<u>ROUGH CARPENTRY</u>				
	New Stair Roof Structure	210	SF	75.00	15,750
	Doors, Frames, & Hardware	4	EA	1,500.00	6,000
	Infill Roof Structure	60	SF	55.00	3,300
					<u>25,050</u>
07500	<u>ROOFING</u>				
	New Skylight	1	EA	2,500.00	2,500
	Terrace Pavers	400	SF	15.00	6,000
	Patch Roofing	600	SF	35.00	21,000
					<u>29,500</u>
07900	<u>JOINT SEALERS</u>				
	Interior Caulking	1	LS	500.00	500
					<u>500</u>
08900	<u>EXTERIOR FAÇADE</u>				
	Stucco on 8" CMU	165	SF	40.00	6,600
	Stucco on Densglass and 6" Metal Stud	761	SF	35.00	26,635
					<u>33,235</u>
09000	<u>FINISHES</u>				
	Restore Finishes within Apartments	1	EA	2,500.00	2,500
					<u>2,500</u>

MC QUILKIN ASSOCIATES, LLC
 PROJ: 515 EAST 5TH STREET
 LOC: NEW YORK, NY

DATE: 7/31/12
 REV: 1

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
------	-------------	----------	------	-----------	-------

1 PENTHOUSE REMOVAL

15500	<u>HVAC</u> Remove Heating Units and Piping	4	EA	1,500.00	6,000
					<u>6,000</u>

16000	<u>ELECTRICAL</u> Exterior Lighting	4	EA	750.00	3,000
	Remove All Devices and Safe-off	500	SF	2.00	1,000
					<u>4,000</u>

		SUB-TOTAL			139,029
General Conditions		15%			<u>20,854</u>
		SUB-TOTAL			159,883
CM Fee		5%			<u>7,994</u>
		TOTAL			<u>167,878</u>

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
2	<u>NEW STAIRWELLS</u>				
02200	<u>SELECTIVE DEMOLITION</u>				
	Remove Slab on grade	206	SF	10.00	2,060
	Remove Stairs	7	FLT	1,800.00	12,600
	Remove Stair Enclosures	4,345	SF	6.00	26,070
	Remove Floor Structure	675	SF	50.00	33,750
	Shore Existing Structure	1	LS	30,000.00	30,000
	Remove Doors	23	EA	100.00	2,300
	Cut Beam Pockets	16	EA	250.00	4,000
	Debris Removal	150	CY	45.00	6,750
					<u>117,530</u>
02300	<u>EXCAVATION/FOUNDATION</u>				
	Excavate Mat Slab	15	CY	150.00	2,250
	Mat Slab Foundation	8	CY	900.00	7,200
	Patch Slab on Grade	50	SF	15.00	750
					<u>10,200</u>
03300	<u>CONCRETE</u>				
	Concrete Fill on Metal Decking	675	SF	18.00	12,150
	Concrete Fill on Metal Pan Stairs	7	FLT	2,500.00	17,500
					<u>29,650</u>
04200	<u>MASONRY</u>				
	Infill Beam Pockets	16	EA	250.00	4,000
	New CMU Stairwalls	5,283	SF	25.00	132,075
					<u>136,075</u>
05100	<u>STRUCTURAL STEEL</u>				
	Framing for New Stairs	12,250	LBS	5.00	61,250
					<u>61,250</u>
05300	<u>METAL DECKING</u>				
	Metal Floor Decking	675	SF	5.00	3,375
					<u>3,375</u>
05500	<u>MISCELLANEOUS IRON</u>				
	Metal pan Stairs Incl Railings	7	FLT	8,500.00	59,500
					<u>59,500</u>
06100	<u>ROUGH CARPENTRY</u>				
	Re-attach existing Joists to CMU Shaftwalls	140	EA	75.00	10,500
	Doors, Frames, & Hardware	23	EA	1,500.00	34,500
					<u>45,000</u>
07250	<u>FIREPROOFING</u>				
	Spray on Fireproofing	675	SF	8.00	5,400
					<u>5,400</u>

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
2 NEW STAIRWELLS					
07900	<u>JOINT SEALERS</u> Interior Caulking	1	LS	1,000.00	<u>1,000</u> 1,000
09000	<u>FINISHES</u> Restore Finishes within Aprtments	7	FLR	3,000.00	<u>21,000</u> 21,000
09250	<u>GYPSUM BOARD ASSEMBLIES</u> Beam Enclosures Gyp Board Ceilings Two Hour Stairwalls Furring on Masonry	1,715 675 616 8,690	SF SF SF SF	25.00 15.00 12.00 5.00	42,875 10,125 7,392 43,450 <u>103,842</u>
09900	<u>PAINTING AND WALLCOVERING</u> Paint Doors Paint GB Partitions Paint Gyp Board Ceilings Paint Stairs Misc Painting	23 9,922 2,390 7 1	LVS SF SF FLT LS	75.00 1.00 1.50 1,500.00 1,500.00	1,725 9,922 3,585 10,500 1,500 <u>27,232</u>
10400	<u>IDENTIFYING DEVICES</u> Interior Signage	7	FLR	200.00	<u>1,400</u> 1,400
16500	<u>ELECTRIC</u> Lighting Stairs	14	EA	500.00	- <u>7,000</u> 7,000
				SUB-TOTAL	629,454
	General Conditions	15%			<u>94,418</u>
				SUB-TOTAL	723,872
	CM Fee	5%			<u>36,194</u>
				TOTAL	<u>760,066</u>

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
5	<u>NEW ELEVATOR</u>				
02200	<u>SELECTIVE DEMOLITION</u>				
	Remove Slab on grade	80	SF	10.00	800
	Remove Floor Slabs	345	SF	50.00	17,250
	Cut Beam Pockets	14	EA	250.00	3,500
	Debris Removal	60	CY	45.00	2,700
					<u>24,250</u>
02300	<u>EXCAVATION/FOUNDATION</u>				
	Excavate Pit	14	CY	150.00	2,100
	Pit Slab	2	CY	900.00	1,800
	Pit Walls	5	CY	1,200.00	6,000
	Backfill	2	CY	50.00	100
	Disposal	12	CY	25.00	300
	Patch Slab on Grade	50	SF	15.00	750
					<u>11,050</u>
04200	<u>MASONRY</u>				
	Infill Beam Pockets	14	EA	250.00	3,500
	New CMU Stairwalls	2,283	SF	25.00	57,075
					<u>60,575</u>
05100	<u>STRUCTURAL STEEL</u>				
	Framing for New Elevator	345	SF	150.00	51,750
					<u>51,750</u>
07250	<u>FIREPROOFING</u>				
	Spray on Fireproofing	345	SF	8.00	2,760
					<u>2,760</u>
07900	<u>JOINT SEALERS</u>				
	Interior Caulking	1	LS	250.00	250
					<u>250</u>
09000	<u>FINISHES</u>				
	Restore Finishes within Aprtments	7	FLR	2,500.00	17,500
					<u>17,500</u>
09250	<u>GYPSON BOARD ASSEMBLIES</u>				
	Beam Enclosures	480	SF	25.00	12,000
	Gyp Board Ceilings	-	SF	15.00	-
	Two Hour Stairwalls	-	SF	12.00	-
	Furring on Masonry	1,798	SF	5.00	8,990
					<u>20,990</u>

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
6	SIXTH FLOOR REMOVAL				
02200	<u>SELECTIVE DEMOLITION</u>				
	Remove Roofing	1,400	SF	2.00	2,800
	Remove Stairs	2	FLT	500.00	1,000
	Remove Exterior Walls	1,782	SF	12.00	21,384
	Remove Windows	120	SF	6.00	720
	Remove Doors	8	EA	50.00	400
	New Fire Escape	4	FLT	1,000.00	4,000
	Remove Interior Construction	1,400	SF	8.00	11,200
	Remove Heating Units and Piping	4	EA	1,500.00	6,000
	Remove Toilet Exhaust fans	2	EA	500.00	1,000
	Remove Electrical Panelboards	4	EA	1,000.00	4,000
	Remove Electrical Devices and Safe-off	1,400	SF	1.50	2,100
	Remove Terrace/Balcony Doors	4	EA	150.00	600
	Remove Rooftop/Balcony railings	98	LF	15.00	1,470
	Remove New 6th Floor Framing	1,400	SF	20.00	28,000
	Remove 7th Floor Framing	1,400	SF	20.00	28,000
	Remove Plumbing Fixtures & Piping	16	EA	500.00	8,000
	Remove Sprinkler System	1,400	SF	1.50	2,100
	Temporary Protection	1	LS	20,000.00	20,000
	Debris Removal	250	CY	40.00	10,000
					<u>152,774</u>
03000	<u>SUPERSTRUCTURE</u>				
	Stair Penthouse Roof Framing	220	SF	30.00	6,600
					<u>6,600</u>
07500	<u>ROOFING</u>				
	New Roofing	1,400	SF	20.00	28,000
	Skylights	-	SF	125.00	-
	Scuppers	2	EA	300.00	600
	Downspouts	20	LF	10.00	200
					<u>28,800</u>
08900	<u>EXTERIOR FAÇADE</u>				
	Brick on CMU Parapet (Street Façade)	175	SF	95.00	16,625
	Stucco on Densglass and 6" Metal Stud	960	SF	35.00	33,600
	Rooftop/Balcony railings	162	LF	100.00	16,200
	Roof Ladders	2	EA	850.00	1,700
					<u>68,125</u>

OBJECTION SHEETS



Department of Buildings
 280 Broadway
 New York, New York 10007
 (212) 566-5000 | TTY (212) 566-4769
 nyc.gov/buildings

MANHATTAN (1)
 280 BROADWAY 3RD FLOOR
 New York, NY 10007

BRONX (2)
 1932 ARTHUR AVENUE
 BRONX, NY 10457

BROOKLYN (3)
 210 JORALEMON STREET
 BROOKLYN, NY 11201

QUEENS (4)
 120-55 QUEENS BLVD.
 QUEENS, NY 11424

STATEN ISLAND (5)
 BORO HALL - ST. GEORGE
 STATEN ISLAND, NY 10301

Notice of Objections

Applicant: Ramy Issac Issac & Stern Architects, PC 25 W 31 street New York, NY	Date: January 12, 2009
	Job Application #: 104368845
	Application type: Alt 1
	Premises Address: 515 E 5 th Street
	Zoning District: R7-2
	Block: 401 Lots: 56
NYC DOB Examiner: David Jimenez, RA 	

To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the Plan Examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

Scope of Work ADDITION OF NEW SIXTH FLOOR AND PENTHOUSE, NEW PARTITIONS, FLOORING, MECHANICAL VENTS PLUMBING FIXTURES.

M.D.L. OBJECTIONS

Code Sect.	Objections	Date Resolved
MDL 211.1 MDL 4.35(a)(d) MDL 4.36	Increase in bulk / height is not permitted for 5-story building.	
MDL 51.6 MDL 4.36	Any building, which exceeds 6 'stories' or sixty feet in height, shall be equipped with one or more passenger elevators.	
MDL 102.1 MDL 103.5 MDL 129.2 MDL 144.3 MDL 146 MDL 149	A public corridor with FPSC doors is required to separate the (elevator and) egress stair from the residential unit(s)	
MDL 52.3	Stairs must be -- Treads 7 3/4" max; risers 9 1/2" max; 70<=risers x tread <=75	
MDL 53.10	Rear fire escape requires stairs to roof with balcony (no ladders)	
MDL 150.2 MDL 150.5 MDL 4.25	Stair from cellar to first floor is prohibited unless stair enclosure is noncombustible 3-hour rated, with provisions for intervening vestibule with two rated doors required at public entrance to stair from public hall and cellar. (cellar to public hall and cellar to business (community) occupancy	Date Resolved
MDL 4.35(a)(d) MDL 148	A 3-hour FR enclosure is required for stair. Stair shown is not fully enclosed and is open to a shared egress corridor with community facility	
MDL 148.3 MDL 4.25	Structural support for stair must be non-combustible in a 3-hour fire rated enclosure.	
MDL 141 MDL 4.36	Any building that is six stories or less may be of non-fireproof construction. Proposed penthouse addition exceeds six "stories" enlargement is not permitted.	



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MANHATTAN (1) 280 BROADWAY 3RD FLOOR New York, NY 10007
 BRONX (2) 1932 ARTHUR AVENUE BRONX, NY 10457
 BROOKLYN (3) 210 JORALEMON STREET BROOKLYN, NY 11201
 QUEENS (4) 120-55 QUEENS BLVD. QUEENS, NY 11424
 STATEN ISLAND (5) BORO HALL - ST. GEORGE STATEN ISLAND, NY 10301

Notice of Objections

Applicant: Ramy Issac Issac & Stern Architects, PC 25 W 31 st Street New York, NY	Date: January 12, 2009
	Job Application #: 104368845
	Application type: Alt 1
	Premises Address: 515 E 5 th Street
	Zoning District: R7-2
	Block: 401 Lots: 56
NYC DOB Examiner: David Jimenez, RA	

10.	MDL 149.2 MDL 4.25	Entrance hall must be 3-hour non-combustible (not wood) enclosure (walls, floor & ceiling)
11.	MDL 143 MDL 4.25	Cellar ceiling / first tier of beams must be no-combustible 1 1/2 hr; (beams / joists shown are wood)
12.	MDL 148.2	All floors; stairs must be 3'-0" wide minimum and landings must be 3'-6" minimum. Also, provide landing at top of cellar stair to first floor corridor.
13.	MDL 33.3.c	Mechanical exhaust ventilation must be provided to all kitchenettes without windows.
14.	MDL 61	Sharing of egress between commercial (community facility) and residential occupancies is not permitted. No opening is permitted between Residential and Commercial / Business egress. Occupancies within buildings must be separated. RES & COM / E
15.	MDL 52.4	Winding stairs are not permitted as egress (Second means of egress from Cellar Community facility.)
16.	MDL 82	Privacy; Access to every bedroom must be without passing through any bedroom. (4 th floor)
17.	MDL 234 MDL 217 MDL 277.10	Show compliance of skylight and ventilators at stairway.
Bring mark-up plans for next examination. Answer all comments & questions on mark-up plans. Do not write on mark-up plans.		



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New York, New York 10007
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120-55 QUEENS BLVD.
QUEENS, NY 11424

STATEN ISLAND (5)
BCIRO HALL- ST. GEORGE
STATEN ISLAND, NY 10301

Notice of Objections

Applicant:	Date: January 16, 2009
Ramy Issac	Job Application #: 104368845
Issac & Stern Architects, PC	Application type: Alt1
25 W 31st Street	Premises Address: 515 E 5 th Street
NY, NY	Zoning District: R7-2
NYC DOB Examiner: David Jimenez, RA	Block: 401 Lots: 56

To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the Plan Examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

Zoning, Code, & Administrative Objections (MDL not included)

Code Sect.	Objections	Date Resolved
1. ZR 24-10	Proposed lot coverage 69% exceeds maximum permitted 65%	
2. ZR 24-10	Proposed floor area (1,183.7 SF) for Community Facility exceeds maximum permitted (802 SF) based on proposed Residential FA	
3. ZR 15-024	Notice of filling to create dwelling units Within 10 days of filing an application with the DOB for an alteration permit for dwelling units, a duplicate copy of such application shall be sent to the DCP.	
4. ZR 22-42 ZR 74-903	Provide Community Facility Certification (health related in R district)	
5. BC27-118	Change of occupancy at cellar and first floor; proposed work must be filed under 1968 BC	
6. BC 27-157	Clarify Zoning information. Drawing A2 and drawing Z1 contradict	
7. C26-254 TPPN 1 / 00 BC 27-327 BC 27-345(d)	Tabular limits do not permit structures higher than 6 stories. Any new building addition (penthouse) must have a higher-class rating and a separate means of egress from the existing structure.	
8. BC 27-157	Provide structural plans and underpinning plans. Drawing A2 indicates adjacent building along rear yard side lot lines	
9. BC27-182(A) HMC 27-2065 (C)	Indicate exhaust at all Kitchenettes	
10. BC 27-313(a)(3)	Balcony is a Fixed projection above grade. Maximum projection permitted is 22". Indicate depth.	
11. DOB	Provide note indicating existing building structure is capable of supporting additional load of vertical enlargement.	
12. C26-273 BC 27-240	Sharing of egress between commercial and residential occupancies is not permitted. No opening is permitted between Residential and Commercial egress.	



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QUEENS (4)
120-56 QUEENS BLVD.
QUEENS, NY 11424

STATEN ISLAND (5)
BORO HALL- ST. GEORGE
STATEN ISLAND, NY 10301

Notice of Objections

Applicant:	Date: January 16, 2009
Ramy Issac Issac & Stern Architects, PC 25 W 31 st Street NY, NY	Job Application #: 104368845
	Application type: Alt1
	Premises Address: 515 E 5 th Street
	Zoning District: R7-2
	Block: 401 Lots: 56

NYC DOB Examiner: David Jimenez, RA

13. BC 27-375	Occupancies within buildings must be separated. RES & COM / E
13. C26-292.4.(d) BC 27-375(e)(3)	Winding stairs from cellar community facility are not permitted as egress.
14. LL 58/87 RS4-6 ANSI 86 BC27-292.1	Show compliance with Handicap accessibility: Entry must be HC accessible. Provide HC ramp accessible; ramp without landing not permitted Comm. Facilities; 1 st floor: doors (Maneuvering clearances) & Water closets-Lavatories (5' turnaround).
15. BC 27-333 BC:27-334	Indicate 42" rail / parapets along PH roof lot line side
16. BC 27-157	1. Clarify / identify all rooms and spaces 2. Provide drawing D2 3. Clarify gas and equipment at Comm Fac. Indicate exhaust / provide riser diagram 4. Provide building section showing foundation work and stairs at rear yard, include information on concealed space between 5 th (roof) and 6 th floor, include cellar

Bring mark-up plans for next examination. Answer all comments & questions on mark-up plans. Do not write on mark-up plans.

PHOTOGRAPHS

2006 10 9



DISHWASHER
LAVAPLATOS
LAVE

2006 10 9



DISHWASHER
LAVAPLATOS
LAVE-VAISSELLE

Benjamin
Moore
Paints

H389

JESCO LIGHTING
ITEM : TM308
COLOR : WH
HT : 24
SW : 7.74 PCS / CTN
NW : 5.28 lbs
CUFT : 0.53

ENDY CORP.
ENDY CORP.
ENDY CORP.

2006 10 9



DISHWASHER
LAVAPLATOS
LAVE-VAISSELLE

ASHER
PLATOS
SSSELLE

DISHWASHER
LAVAPLATOS
LAVE-VAISSELLE

