

DIRECTIVE 1 of 1985DEPARTMENTAL MEMORANDUM

DATE: March 4, 1985

TO: The Borough Superintendents

FROM: Charles M. Smith, Jr. R.A.

SUBJECT: REQUESTS FOR NEW YORK CITY BUILDING CODE INFORMATION INTERPRETATIONS, CONSULTATIONS AND RECONSIDERATION.

1. GENERAL:

- (a) Requests for information, interpretations, and consultations should be made to the Borough Superintendent at the Borough Office where the work is to be done.
- (b) The Borough Superintendent or his designee may respond to such requests concerning:
 - (1) The Building Code
 - (2) The Zoning Resolution
 - (3) The Multiple Dwelling Law
- (c) Responses shall be considered ADVISORY ONLY unless an application has been filed with the Building Department and all required fees have been paid.

2. RECONSIDERATIONS AT THE BOROUGH OFFICE:

- (a) Requests for reconsideration at the Borough Office should be directed first to the Squad Leaders, Chief Plan Examiner, next the Deputy Borough Superintendent, and then the Borough Superintendent.
- (b) Format: Amendment B Form 10
- (c) Its initial sentence should read:

"Respectfully request reconsideration of Objection No. _____ which states _____" and which cites "Section _____ of the Administrative Code, or Zoning Resolution, or Multiple Dwelling Law."
- (d) The applicant should:
 - (1) Adequately locate and describe the area subject to the objection.
 - (2) State the (specific) relief requested.

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- (3) State if the request for reconsideration concerns an interpretation of the section of law cited; or for a waiver of the section of law cited.
- (4) State the practical difficulty where a waiver of a section of law is requested.
- (5) Propose equivalencies consistent with public safety and welfare.
- (6) Cite precedents if any.
- (e) Applications and plans which should be sufficiently complete.

3. RECONSIDERATIONS TO THE BOROUGH SUPERINTENDENTS MEETING.

- (a) The Borough Superintendents meet tri-weekly.
- (b) Appeals from determinations at a Borough Office may be forwarded to the Borough Superintendents tri-weekly meeting. The following are required:
 - (1) A letter addressed to the appropriate Borough Superintendent requesting further reconsideration by the Borough Superintendents at least two weeks prior to their scheduled meeting. This letter should be given to the Borough Superintendent.
 - (2) A second letter addressed to the Commissioner tracking the information required in Sections 2(d) and 2(e) should include the following:
 - a. The location and zoning district of the premises; and its site configuration.
 - b. Present usage (per the Certificate of Occupancy); and its proposed usage.
 - c. The situation
 - d. Nature of the objection
 - e. The (specific) relief requested
 - f. The proposed equivalencies to be complied with.
 - g. Stipulations; conditions; and deed restrictions.

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4. APPEALS TO THE COMMISSIONER:

Further appeals to the Commissioner may be made as follows:

- (a) A letter should be addressed to the Commissioner requesting further reconsideration. It should mention that the matter was considered at a meeting of the Borough Superintendents. This first letter should be given to the Borough Superintendent for forwarding to the Office of the Commissioner (Attention: the Executive Engineer).
- (b) A second letter addressed to the Commissioner with the information required in Section 3(b) (2) should be enclosed.

5. OTHER APPEALS TO THE COMMISSIONER:

Appeals concerning Special projects, Local Law 5 of 1973 (Fire Safety), and Local Law 10 of 1980 (Building Facades) may be made as follows:

- (a) Address the letter to the Commissioner, (Attention: The Assistant Commissioner for Building Construction/ Special Projects). It may be forwarded directly or via the Borough Office
- (b) The letter (and any necessary plans) should contain sufficient information on which to base the appeal.



Charles M. Smith, Jr., R.A.
Commissioner

CMS/IP/jk

cc: Executive Staff
BIAC
Professional Societies
Real Estate Associations

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