

NEW YORK CITY BOARD OF STANDARDS & APPEALS

TRANSCRIPTION

Calendar Number: 2019-94-A

36 West 66th Street, Borough of Manhattan

Public Review Session

December 16, 2019

1 MR. COSTANZA: We will begin with the appeals  
2 calendar, continued hearings. Item number one, calendar number 2019-94-A. 36 West  
3 66th Street, Manhattan.

4 COMMISSIONER OTTLEY-BROWN: Madame Chair, I  
5 must recuse myself.

6 CHAIR PERLMUTTER: Okay. Before, before we start, I  
7 just want to remind everybody if you speak, you must speak into the mic loudly. It's been  
8 hard to understand people in the videos, okay. That goes for everyone. Okay. So, I just  
9 want to go through the submissions because I, I know that appellant had some concerns  
10 about the order of things and I just want the commissioners to be aware of the order of  
11 things. So, DOB submitted on October 17th, uh, certain drawings, mechanical drawings  
12 and others, which, and accompanied by a letter saying there was enough mechanical  
13 equipment to justify the floor area deduction.

14 The owner then submitted on October 21st, adding drawings to DOB submission,  
15 which includes mechanical overlays and the schedule of mechanical equipment, um, for  
16 all the floors. So, it completed the review, which I thought was very helpful, because  
17 when I was looking at DOB's drawings, I didn't understand how anyone could tell  
18 enough about the mechanical. So obviously there was more to it than that.

19 The DOB submission, uh, submitted then on, which according to schedule, on  
20 November 4th, even though when we look at our materials in the folder, it's marked as  
21 submitted December 2nd, but the, the actual date on the materials is November 4th and  
22 that's actually when it was submitted. And it, the DOB submission acknowledges the  
23 additional drawings that were submitted by the owner and agrees that they're the same

1 drawings as were approved by DOB.

2 Then the appellant, according to schedule, submitted on November 7th, providing  
3 a color diagram of mechanical plans showing equipment, a certain area around equipment  
4 that should be included for mechanical deduction, but showing especially on the 15th  
5 floor that most of the space is not mechanical. That was the point of their diagrams. They  
6 provide also an unreleased technical policy and procedure notice or bulletin from 2013,  
7 that's actually as a stamp that says approved from -- but the, it's the standard stamp you  
8 get when you're getting an interpretation from a commissioner. So, I was confused while  
9 I was seeing that, and that was later explained by the owner.

10 It's a, it's the technical notice conce- is concerned with how to calculate  
11 mechanical deductions and in that notice requires 90 percent of mechanical space in, on  
12 the floor in order to allow full floor deduction.

13 The owner then submitted on December 2nd and argued first that the Board has  
14 no authority to consider this aspect of the appeal, which I want to go through. Its, among  
15 its arguments, the owner's arguments, are that the Board decided to consider the  
16 mechanical equipment issue because the DOB stated in hearing that it would not issue a  
17 determination on that question if asked to do so by appellant in a separate action. So  
18 originally, we thought we would close and vote the questions of the mechanical void of  
19 the height, um, and the lot coverage. And, um, and then, if appellant wanted to pursue the  
20 mechanical space, that they would go to DOB and get a new objection. And DOB told us  
21 they will not decide on that objection. So, we realized we had to take it on in this kind of  
22 separate hearing.

23 The owner states the DOB has the right to refuse to issue a determination and

1 cites to *Matter of New York City Yacht Club* for the proposition that the petitioner could  
2 not demonstrate a clear legal right to the determination. However, the facts in that case  
3 are, case are inap- inapposite. Um, there petitioner demanded that DOB is- issue a  
4 violation and DOB refused after determining upon inspection that none was warranted. It  
5 was really a different discretionary action.

6 In the case of *Willows Condominium v. Town of Greenburgh*, it explains that a  
7 mandamus order, and that's a case referred to in *Yacht Club*, it explains that a mandamus  
8 order applies not to discretionary acts but to ministerial ones, such as the Buildings  
9 Department issuing a permit, right, which are described as "envisioning direct adherence  
10 to a governing rule or standard, with a compulsory result". So, the idea of DOB  
11 reviewing the mechanicals according to some kind of standard would be a ministerial  
12 action.

13 And so, and there's a, this concept of clear legal right standard, which was  
14 established by the Court of Appeals in 1981. It applies to mandamus relief by the court  
15 and not to whether appellant has a right to obtain a determination from DOB, which  
16 questions and, questions in that, uh, *Matter of Legal Aid v. Sheinman*, it questions  
17 whether there is adequate -- oh, I'm sorry. So that was that case that was referred to, uh,  
18 about the mandamus relief by the Court.

19 But here we're asking for the appellant to simply question whether there is  
20 adequate mechanical equipment on the floor sufficient to justify the deduction of the  
21 entire floor with its more than ample floor-to-ceiling heights from floor area calculations  
22 which was relevant in *Sky House*, and I think is relevant in this case.

23 Then, so having gotten that basic objection out of the way, we may have more to

1 say about the, the letter that objects to the Board's authority to review this. I reviewed the  
2 drawings that were provided by DOB and the owner and went through the equipment  
3 schedule. While I'm not a mechanical engineer, I actually can understand the location of  
4 equipment, and where horizontal ductwork and piping travels from the equipment.

5 To understand better what type of equipment actually would be located on each  
6 concrete housekeeping pad, where model numbers matched with online available  
7 manufacturers cut sheets for the 18th floor, I, I actually downloaded that information so I  
8 have visuals on what those things are that sit on those pads. The appellant's diagram  
9 shows that floor, the 18th floor, to be the one with the most qualifying equipment and less  
10 so-called white space. So that's one reason I picked the 18th floor because it seemed to  
11 be the most crowded.

12 Given the generous ceiling heights on these floors, I'm assuming, but I don't  
13 know, there's ample head clearance under most, if not all of the ductwork, and, and  
14 piping, so that -- perhaps that wouldn't count towards a deduction under the draft bulletin  
15 that's provided by appellant because arguably the ductwork would be high. Uh, so I  
16 actually I would like to hear from a mechanical engineer about where the ductwork is in  
17 terms of that height.

18 Uh, but we also received a report on the history on that bulletin, uh, from owner,  
19 and it's -- and the bulletin's progeny and why these bulletins remain unpublished drafts,  
20 uh, because it is, in fact, too difficult to articulate exactly how equipment must be laid out  
21 on a mechanical floor because every building has different mechanical needs.

22 So, but nonetheless, I'm curious about, as I just mentioned, whether horizontal  
23 ductwork and piping in a space either below or above the plenum is viewed by DOB as

1 mechanical equipment occupying a mechanical room. So, for example, we saw, uh, in a  
2 prior, a recent hearing, an incredible section taken through a building that is entirely a  
3 mechanical building, and it shows all the ductwork and piping going through the building  
4 and you can barely stand there. So that's a situation where I wouldn't doubt that none of  
5 the building counts as floor area, because there's, you know, the workers are crawling  
6 around on ladders and catwalks in order to make their way through the space. And  
7 interestingly, that particular building is something like 40 feet high on the interior. So,  
8 you've got a 40-foot high gigantic mechanical structure, right.

9           So, so, it sort of makes sense to me that all that horizontal stuff would count  
10 because you can't use the space for anything else. Uh, but I would like to hear from DOB  
11 about whether they enforce anything similar to the standard that's stated in the  
12 unpublished bulletin or any of the later bulletins. I know the position of the appellant -- of  
13 the owner's experts is that it isn't applied, or it use- they use a little bit of it as guidance,  
14 but it isn't applied strictly.

15           And having said that, I'm not surprised to hear the statement of owner's architect  
16 and as demonstrated by the owner's engineer, that the drawings as filed will not  
17 ultimately represent the actual equipment layout, as it has been my own experience that  
18 so much of a project changes between Department of Buildings review, completed  
19 construction documents, shop drawings and actual construction.

20           I'm also not surprised to hear that DOB's examiners look only generally at the  
21 occupancy of a mechanical room by equipment. Still, however, you would think they  
22 would want to have some standards in place to prevent abuse. There was an example of,  
23 you know, putting a mechanical equipment in a bedroom or something like that.

1 Obviously, that's an extreme version of the abuse.

2 I found the study on the range of mechanical space in various building types and  
3 sizes very interesting and helpful and with respect to 432 Park, I didn't realize there was  
4 actually 12 floors of mechanical space in that building because when you're looking at it  
5 from a distance, you only see four prominent floors that look like they are the  
6 interstitial mechanical floors. And then of course, there's floors on the top, which I  
7 wasn't counting, but I had the idea it was so many. It's a very small floor plate,  
8 that's part of the reason.

9 The appellant's engineering expert states that the equipment on the 17th  
10 floor, for example, is spread out inefficiently on that floor and provides a diagram that  
11 shows the area devoted to equipment could be condensed, so assuming that's a correct  
12 statement, I would ask the appellant's engineer could the equipment located on the 18th  
13 floor fit on the 17th floor also? In other words, combine the two into one, therefore  
14 obviating the 18th floor mechanical room.

15 And then they need to respond to the owner's, what I thought was credible,  
16 technical reasons for why the mechanical services need to be split on different floors  
17 because it does make sense, as we learned from that other case, that it's great to have  
18 adjacency to the floor that you're serving, and more efficient.

19 And so if we were to accept the appellant's engineer's analysis, because the goal  
20 here really in this whole case, is to lower the height of the building, I believe actually it  
21 wouldn't affect the ultimate height of the building by much, since there is nowhere in the  
22 Zoning Resolution applicable to this site, limiting the floor-to-ceiling heights in any  
23 space. So, if you were to count the purported excess floor space on the so named

1 mechanical floors as floor area, the amount of usable floor area in the building might be  
2 reduced but the height might not, right. If the goal is to get those apartments way up  
3 there, I doubt it's going to have an effect on the height, but the floor area might change.

4 So, my -- to summarize, I think we've dug extremely deeply and perhaps even  
5 beyond the usual in receiving and reviewing both the detailed mechanical drawings and  
6 schedules and multiple expert reports, along with DOB's own conclusions, and I believe  
7 that owner presents a credible argument to justify the presence of the number and  
8 distribution of mechanical floors shown.

9 COMMISSIONER CHANDA: I agree that, uh, the owner  
10 has provided all the necessary information, uh, that would enable DOB to do, to conduct  
11 its review and I'm going to rely on DOB and its expertise and its consistency in its  
12 review of those documents based on their standards. And I agree with you, that even if  
13 there was going to be a greater consoli- consolidation of some of the mechanical space,  
14 and as we know, that right now, it's in its construction phase, and some of the  
15 regulations, some of the technological changes that may result in different layouts, uh,  
16 uh, one may be able to shave a few floor- square footage from mechanical, but I agree, it  
17 will not result in reduction in the building height. And so, I'm satisfied with all the  
18 information that has been provided by all parties.

19 COMMISSIONER SHETA: Okay. First of all, I am, I  
20 want to thank you Chair, for the research that you've, you've done, and, uh, I, I will start  
21 with the owner's argument that the Board doesn't have the authority to look at the  
22 mechanical floor area deductions.

23 Actually, I, I believe it's my opinion that the owner contradicts himself in his own

1 submission, when he says, uh, that a timely third issue has not been presented by the  
2 appellant regarding whether the amount of floor space used for the mechanical equipment  
3 in the new building is excessive or regular. And then he continues and, and this is quote,  
4 appellant's discussion of mechanical space in the new building in their initial filings,  
5 again, in their initial findings, and instead center on the volume of the floor-to-floor  
6 ceiling height of the mechanical space. So, if the appellant raised the issue of the volume  
7 of the mechanical void at the very beginning of his submission --

8 CHAIR PERLMUTTER: Oh, I think that's a reference to  
9 the **Sky House** case, not to this case. I'm not sure. We should check that.

10 COMMISSIONER SHETA: This is, this is in the new  
11 submission, like --

12 CHAIR PERLMUTTER: Yeah, in the new submission, I  
13 think, but we could check, that what the owner was saying is that in the *Sky House* case,  
14 the *Sky House* case raised the subject very clearly in their initial papers. And I think  
15 they're quoting from the *Sky House* case, whereas they're saying in this case they didn't  
16 raise it in their papers, which appellant in this case argues they think they did raise it.

17 COMMISSIONER SHETA: In, in the current, the subject  
18 case, I believe the appellant did raise the issue --

19 CHAIR PERLMUTTER: Okay.

20 COMMISSIONER SHETA: -- of that mechanical floor  
21 deductions. The reason for thinking that way is that the appellant, they talk about the, the  
22 size of the mechanical void. And the size of the mechanical void -- if you look at the  
23 mechanical void, first a void means it's something that's volumetric. It, - it has in-plane

1 dimension, and it has heights. I understand that the height issue was decided upon like in  
2 the closed case, so I'm not talking about the height anymore. But the other component of  
3 the volume is the area. And, and if somebody is arguing about the volume, he's either  
4 arguing about either the height or the area or both.

5 CHAIR PERLMUTTER: Mm-hmm.

6 COMMISSIONER SHETA: And we decided the height  
7 case. Now we're looking at the area case, which is whether the mechanical floor area was  
8 calculated correctly or not, and I believe the Board does have the authority to do so,  
9 because it was raised, this issue was raised at the very beginning.

10 CHAIR PERLMUTTER: Okay.

11 COMMISSIONER SHETA: So, I just, just wanted to  
12 make this clear.

13 CHAIR PERLMUTTER: That's a very good point, yes.

14 COMMISSIONER SHETA: The other thing is the DOB  
15 submission. I, I did look at the DOB submission, and actually I'm, I'm a bit surprised. I, I  
16 believe this submission is, for me, it, it seems to be like much weaker than many other  
17 submissions on many other cases from DOB, that DOB again, in their submission, they,  
18 they indicate that the Board did ask them to look at the mechanical floor deductions. And  
19 what they are coming back with, they are saying that we looked at this, we didn't do any  
20 study because studies typically are not done for such situation. They, what they are  
21 saying is we don't typically do that, that kind of study. And, I, I'm wondering this is, this  
22 is not a typical project, this is not a typical situation. Not every building you look at  
23 comes through the BSA, so I believe they should have done some, some research, and I

1 appreciate that the owner actually has done a good job looking at this, but I, if, if we got  
2 this kind of information from the DOB, I would like give him some, some more  
3 credibility because they are coming from a government agency.

4 They also stated that the mechanical floors will be devoted to be used and me- as  
5 mechanical spaces. They are not going to be used for something else. We didn't, nobody  
6 actually has raised this question from the Board side at least. We didn't ask the DOB to,  
7 like, clarify whether the mechanical space would be used for some -- we know that this is  
8 illegal. So, in, in my opinion, they have responded to a question that wasn't raised and on  
9 the other hand, they didn't respond to a question that the Board has raised.

10 I, I agree with the Chair on the issue that when looking at the mechanical space,  
11 we can do it either way. We can look at the equipment plus the ductwork. I would do so, I  
12 would consider the duc- the ductwork as an element that's occupying floor area, or not  
13 floor area, floor space, and, and should be added to the mechanical floor space if the  
14 floor, the floor height is kind of -- look, if we're talking about 15 feet, 20 feet and, and,  
15 and that existence, the presence of the ductwork would limit the use of that, like the  
16 overhead under, under the duct po- the ductwork would, would be very limited. I would  
17 include the area occupied by this ductwork in this equation.

18 CHAIR PERLMUTTER: Mm-hmm.

19 COMMISSIONER SHETA: But if, if we're talking about  
20 a floor height 40 feet, or, or something that order, I don't think the ductwork should be  
21 counted against the mechanical floor space that need to be deducted from the floor area. I  
22 would like to get clarifications on the 2013 bulletin from, from the DOB. Is this a final, is  
23 it still draft, was it ever used in any other project? If, if it was, why wouldn't we apply to

1 the subject project.

2 CHAIR PERLMUTTER: Can I just ask -- I have two  
3 questions with respect to wit. The first, to add, for the last one, there were subsequent  
4 bulletins since 2013, right?

5 COMMISSIONER SHETA: Correct.

6 CHAIR PERLMUTTER: So, that part --

7 COMMISSIONER SHETA: It was 2015 as well, yeah,  
8 yeah.

9 CHAIR PERLMUTTER: Yeah. And then my other  
10 question, in terms of the ductwork. So, ductwork or piping. So let's just say you do have  
11 really, really high ceilings and you could arguably have the equipment on the ground, on  
12 the ground, and then you, but then you have to have the ductwork travel 40 feet up and  
13 travel along the ceiling of the 40-foot high space, right.

14 COMMISSIONER SHETA: Yes.

15 CHAIR PERLMUTTER: I know from having worked with  
16 engineers, where if I make the ductwork too long or the piping too long or too many  
17 bends, they yell at me, and they say it's going to whistle, the pipes won't clear properly,  
18 whatever, whatever. So, there must be also some critical distances from the equipment  
19 before it goes to the risers that, that should not be exceeded. I think that's part, that's kind  
20 of my question.

21 COMMISSIONER SHETA: To, to, this is to make the  
22 system I believe, to make the system from the hydraulics point of view, to make it more  
23 efficient. If you lengthen the pipe more than it should, you start, if we're talking about a

1 gas pipe, for example, if you lengthen the pipe, you start to implement like head losses,  
2 the pressure start to be lost and, and the system becomes inefficient. Same thing if you  
3 start, like, implementing many bends, many fittings, it starts to be inefficient when it  
4 comes to the, like the pressure and this kind of variables.

5 CHAIR PERLMUTTER: Right. Mm-hmm. Okay.

6 COMMISSIONER SHETA: Yeah.

7 CHAIR PERLMUTTER: Other stuff?

8 COMMISSIONER SHETA: Yeah, yeah.

9 CHAIR PERLMUTTER: Okay.

10 COMMISSIONER SCIBETTA: Okay. I, I don't want to  
11 be repetitive, but I do believe that we can hear this matter. I do believe the Board has the  
12 authority to revoke the permit if it, if it deems it fit. So, to those arguments, that's  
13 something I'd like to state. But also, uh --

14 CHAIR PERLMUTTER: The Board has the authority or  
15 the DOB?

16 COMMISSIONER SCIBETTA: DOB has the authority.  
17 Uh, I do, I did not find the mechanical plans for the original building that I requested on  
18 the last hearing, and I'm asking that they be, I think that they'd be helpful to see what,  
19 where things were before and compare them to where things are now.

20 COMMISSIONER SHETA: Can you clarify what you  
21 mean by the original building?

22 COMMISSIONER SCIBETTA: So, they had, they  
23 originally had mechanical plans that were originally submitted to the DOB and then they

1 changed those mechanical plans to create four floors instead of the three floors that were  
2 original.

3 CHAIR PERLMUTTER: No, no, no. DOB corrected that.

4 COMMISSIONER SCIBETTA: They did, but --

5 CHAIR PERLMUTTER: They did, you just want to --

6 apparently, they didn't create more floors. It's the same number of mechanical floors.

7 That was something that between the --

8 COMMISSIONER SCIBETTA: What was on the final --

9 CHAIR PERLMUTTER: -- prior version and this version.

10 COMMISSIONER SCIBETTA: Right.

11 CHAIR PERLMUTTER: Right?

12 COMMISSIONER SCIBETTA: I just want to see where

13 the mechanical, uh, where --

14 CHAIR PERLMUTTER: Was -- what it was before.

15 COMMISSIONER CHANDA: And may I ask, I'm still

16 trying to understand what, how would that have, in our ability to---

17 Chair Perlmutter: You have to speak up.

18 Commissioner Chanda: I'm trying to understand how that

19 would help us in our ability to make any determination. Is it for the completeness of the

20 record, or is it more to --

21 COMMISSIONER SCIBETTA: The appellant's argument

22 is, is that this is some sort of charade that these, these mechanical -- these, this

23 mechanical equipment isn't, is not -- these mechanical rooms aren't actually being used

1 as mechanical rooms, they're being used as a way to create a higher building. So, if we  
2 could then see where the mechanical, where all the mechanical equipment was originally,  
3 I think it would at least lend us some, some understanding of whether or not this is some  
4 sort of charade, as the appellant says it is.

5 But, and, and with, with all due respect, we then have another question that what,  
6 at the end of the day, if DOB did approve this permit, is it -- they relied on it in good faith  
7 in their building. Is it something that we could then say, we could then revoke later on?  
8 Because the next application will be is that they've relied on the permit in good faith and  
9 they, they started building and like outside of them having -- if there's a -- outside of  
10 them not having some bad faith in, in, in, in moving forward, I think the permit does  
11 stand.

12 CHAIR PERLMUTTER: Mm-hmm. Based on the good  
13 faith -- the good faith concept of, which is something that the owner referred to in the  
14 review versus, uh, what was the other, appeal, right --

15 COMMISSIONER SCIBETTA: Right.

16 CHAIR PERLMUTTER: -- in the language of, of relative  
17 to the review, right. I mean I understand, I think we, we've been collectively  
18 misunderstanding some of the details --

19 COMMISSIONER SHETA: Right.

20 CHAIR PERLMUTTER: -- because we don't have the  
21 details. We were told at the beginning that there were whatever it is, three mechanical  
22 floors and, and now we're kind of understanding that there are four, but apparent- --

23 COMMISSIONER SCIBETTA: They were at different

1 places.

2 CHAIR PERLMUTTER: Yeah. But apparently, according  
3 to DOB, there were always four, but they did something with the floor-to-floor heights to  
4 satisfy fire department, and since we never really saw the drawings, we're still a little  
5 confused about that. DOB actually got up and said, no, there aren't that many, it was just  
6 they retained the same count, they just modified something else for fire department and  
7 so it's true that I'm confused about that. Uh, yeah?

8 COMMISSIONER SHETA: Yeah, I'm not sure if it was  
9 any section submitted from, by the owner to the DOB showing the, like the kind of  
10 mechanical equipment on specific floor and then what is the clearance from the  
11 equipment from the bottom of the ductwork or what is that distance, the clearance from  
12 the duct to the floor.

13 CHAIR PERLMUTTER: No, they don't submit those kind  
14 of drawings to DOB. It's always floor plans, not sections through mechanical equipment.

15 COMMISSIONER SHETA: Mm-hmm.

16 CHAIR PERLMUTTER: It's just when you're filing, you  
17 don't need to do that, you, you know, right, the same. You don't even, you don't even file  
18 electrical drawings with DOB, if I remember correctly. So, there's a lot that they don't  
19 know the details, but then DOB is not reviewing the mechanicals for the mechanical  
20 design, right. I don't actually know what the parameters are when DOB reviews the  
21 mechanicals, you know, like --

22 COMMISSIONER SCIBETTA: I think that's a good  
23 question. To that extent, I, I don't believe that -- I wasn't convinced by the owner's

1 argument that the walls surrounding mechanical rooms should be counted as floor area or  
2 that, uh, the, the circulation, the FDNY circulation should be counted as floor area.

3 CHAIR PERLMUTTER: The owner or the appellant's  
4 argument?

5 COMMISSIONER SCIBETTA: The appellant's, sorry. I  
6 was convinced by the owner's, --

7 CHAIR PERLMUTTER: Yeah. Okay.

8 COMMISSIONER SHETA: Yeah, and on that, that memo,  
9 the 2013 bulletin and, and the updated one, the 2015. I believe if these two memos are in  
10 effect, if they exist, and they are being used, I believe DOB would have something in  
11 hand to justify whether or a certain building, the mechanical floor deductions are legit or  
12 not. But if they do not, I believe that DOB would have something in hand to replace these  
13 two memos, or this -- it should be a procedure in place, should be a protocol in place that  
14 tells for this building, the mechanical floor deductions seem to be legit, okay, pass, and  
15 for that building, no, we believe they are excessive.

16 CHAIR PERLMUTTER: Mm-hmm.

17 COMMISSIONER SHETA: It cannot like that.

18 CHAIR PERLMUTTER: You mean like check, check,  
19 check.

20 COMMISSIONER SHETA: Yes. If, if this protocol  
21 doesn't exist actually, for me, this is like the DOB getting structural drawing from  
22 engineer John Smith and he's just rubber stamping them and filing them. Nobody  
23 looks at them, and that, for me, this is, this is a scary scenario of if it's done like that.

1 CHAIR PERLMUTTER: Well, but I --

2 COMMISSIONER SCIBETTA: I would agree.

3 CHAIR PERLMUTTER: -- I don't know what DOB  
4 reviews when you submit mechanicals. They're not normally looking at the floor area  
5 question, other than when it's pretty obvious that the bedroom shouldn't have a chiller in  
6 it or something like that, right. But the, I, I think they're reviewing it for completely other  
7 technical purposes, and I just don't know what they are, and that would be helpful if  
8 DOB could explain to us when you submit mechanical drawings, HVAC drawings, why  
9 are you submitting them, what are they being reviewed for. They go to a different  
10 department, you know, it's all of that. I don't, I don't actually know what they're looking  
11 at them for. The sprinkler drawings, I know what they're looking at. They want to see  
12 adequate number of heads according to code, uh, is it coming off of the main, or off of a  
13 standpipe, etc., is it meeting the specifics of what's quite simple, which is the sprinkler  
14 code, right. And plumbing drawings, probably is it waste, it is properly vented or  
15 something. But I actually don't know what they look at when they, when they look at  
16 mechanicals.

17 COMMISSIONER SHETA: I would be surprised if  
18 they're not looking at it from the perspective of the floor area --

19 CHAIR PERLMUTTER: No, I don't think they, they do  
20 very much.

21 COMMISSIONER SHETA: -- the mechanical  
22 performance --

23 CHAIR PERLMUTTER: Though, though --

1 COMMISSIONER SHETA: -- that would be surprising.

2 COMMISSIONER SCIBETTA: So, what do we do from  
3 there?

4 CHAIR PERLMUTTER: -- I do know -- I do know from  
5 my own experience that I've had clients, uh, questioned about the amount of mechanical  
6 equipment in a space, and therefore not being allowed to take a deduction on a room. But,  
7 but that was like a very small project, you know, the mechanical was sort of laid out kind  
8 of all over the place.

9 COMMISSIONER SHETA: Mm-hmm.

10 CHAIR PERLMUTTER: Um, and yeah, and so with small  
11 projects, it's always easier to figure stuff out on the small projects, right. You see one  
12 room, and in it you put one something like and then you call it a mechanical room, that's  
13 very easy to point out, but on a building that's so complicated that has all of this storm  
14 water retention tanks and like all of this stuff, coje- I don't know if this has a Cogent. But  
15 the, but there's so many things that are in this building, I don't know what they look at.

16 COMMISSIONER CHANDA: Right. And, also the  
17 original plan was, did not have, uh, the original plan, the zoning lot was lot smaller than -  
18 -

19 CHAIR PERLMUTTER: Oh, no, he's not talking about  
20 that one. He's talking about the one that's just before this one.

21 COMMISSIONER CHANDA: Oh.

22 COMMISSIONER SCIBETTA: Right before FDNY made  
23 the --

1 CHAIR PERLMUTTER: Yeah, it's fire department --

2 COMMISSIONER CHANDA: Okay, okay.

3 CHAIR PERLMUTTER: -- had concerns about access and

4 so they had to --

5 COMMISSIONER CHANDA: Let's move one.

6 CHAIR PERLMUTTER: -- put like catwalks in or

7 something, right. Okay. Done, everybody? Okay. Can somebody get Dara please?

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CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of the Public Review Session of New York City Board of Standards & Appeals on December 16, 2019 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



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Date: January 13, 2021

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