



Lowell D. Kern
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MANHATTAN COMMUNITY BOARD FOUR

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August 16, 2021

Hon. Ben Kallos
New York City Council
244 E. 93rd Street
New York, NY 10128

Re: Scaffolding Reforms

Dear Council Member Kallos,

Manhattan Community Board 4 (MCB4) thanks you for spearheading Legislation Int. 1353, and your Legislative Director Wilfredo Lopez for attending our June Transportation Committee meeting to present it. The legislation would amend the administrative code to require that scaffolding that has been up for a year or more be subject to safety inspections by the Department of Buildings (DOB) at least once every three months at the expense of the building owner. We endorse your proposed legislation, and also suggest that you examine other actions with the same goals as described below.

Our district is not alone in being plagued with scaffolding—some remaining in place for many years—which obstructs pedestrian passages and creates other quality of life issues.

We met earlier with a representative of the DOB; while we were encouraged by some positive developments, it became clear that the codes governing the erection of scaffolding are long overdue for reform. On the positive side, the DOB had begun reaching out to building owners with scaffolding up for many years in an effort to find out what is impeding their removal. In one case, these efforts resulted in a scaffold in our district finally coming down after five years. We were also made aware of a recently revised schedule of penalties which will soon apply to owners with lagging uncured violations.

Our suggestions, voted on at MCB4's Full Board meeting by 35 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, are as follow:

- **Local Law 11 (LL11):** As currently written, LL11 requires masonry facades over six stories to be inspected every five years. This standard has been in place since 1981. The mandated regular inspection and repair of the city’s masonry facades has had the desired effect: they are overall in far better condition than before and impose less of a threat to public safety. We suggest an amendment to the code which would lengthen the period between inspections to seven or 10 years, as endorsed by building professionals. We’d also like to consider a tiered system with ratings for buildings based on facade conditions. Such a system would allow certain buildings deemed “safe” to be inspected every 10 years instead of five. Buildings assessed as “at risk” would continue to be inspected every five years until they qualify as safe. Buildings with protruding features, such as cornices, would continue the five-year schedule.
- **Inspectors:** The DOB informed us that there are fewer than 10 inspectors for the entire city, making delays inevitable. We suggest allowing the DOB to outsource inspecting work through pre-qualified third parties to both inspect sheds before the job and inspect the work at completion, so as not to delay the removal of scaffolding/sheds.
- **Permit Fees/Duration:** We recommend changes to the administrative code that would reduce the length of initial scaffolding permit from five years to one year, limit renewals, and significantly increase fees for renewals.
- **Shed Specifications:** The most common and affordable scaffolding system is the familiar steel pipe with bolted couplers system. As Wilfredo pointed out, almost all scaffolding in use in Manhattan comes from an operation in New Jersey. This system is often installed with crossbars at 3 - 4 feet off the ground, obstructing pedestrian rights of way, particularly for wheelchair users. We would like to assess the feasibility of installing crossbars higher, at a 7’ minimum off the ground. We would also advocate allowing the installation of sheds over sidewalks to locate the outermost columns within 1’-0” to the curb line, which would also increase pedestrian clearances. Assuming these changes can be made without impacting the stability of the erections, these could be quickly rolled out which would improve pedestrian rights of way under scaffolding. We would further seek to codify a prohibition on pipe columns in front of garage entrances and/or doorways.
- We would also be in favor of requiring stricter specifications for scaffolding—less ground-level obstruction, improved lighting—in locations determined to have high pedestrian volumes and/or suboptimal sidewalk clearances. These specifications would be based on the clearances and lighting offered by the recently introduced “Urban Umbrella” system.

Thank you again for your leadership on this issue.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Christine Berthet
Co-chair
Transportation Planning Committee



Dale Corvino
Co-chair
Transportation Planning Committee

cc: Hon. Brad Hoylman, NYS Senator
Hon. Robert Jackson, NYS Senator
Hon. Linda Rosenthal, NYS Assemblymember
Hon. Richard Gottfried, NYS Assemblymember
Hon. Gale Brewer, Manhattan Borough President
Hon. Corey Johnson, Speaker, NYC Council
Mr. Robert E. Cornegy, Jr., Chair, Committee on Housing and Buildings