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JULY 2016

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**BROOKLYN  
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Formed to raise funds for awarding architectural scholarships to qualified persons and to advance the architectural profession. All members that are in good standing of the AIA/Brooklyn are automatically members of the Brooklyn Architects Scholarship Foundation Inc.

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# STAYING UP TO DATE WITH FILINGS IN NEW YORK

**A** paltry \$9 could be standing between your business and good standing. Keeping your design professional business up to date can be easy to forget, but consequences can be significant, ranging from disciplinary action to the revocation of your business license.

In most cases, changes to your licensed professional service business entity, such as a new business address or updated information regarding the owners or directors, must be reported in writing within 30 days to the the NYS Education Department. However, both the Secretary of State and the Education Department give most business types opportunities to regularly ensure this information is correct. Read on below to find out about the types of ongoing filings that are required for your entity type.

## **Corporations (including PCs and DPCs)**

### **BIENNIAL STATEMENT**

**Which Entities Must File:** all Corporations, PCs, and DPCs, plus LLCs and PLLCs

**Due Date:** every two years during the month the business was incorporated in NY State

**Fee:** \$9

**Instructions:** file online , or mail/fax the paper form to the Division of Corporations

New York Business Corporation Law requires all corporations (domestic, foreign, professional, or not) to file a Biennial Statement with the Department of State every two years. For \$9, most corporations can file the Biennial Statement online , but if not, simply contact to the Division of Corporations for a paper copy..

### **PROFESSIONAL CORPORATION TRIENNIAL STATEMENT**

**Which Entities Must File:** PCs, DPCs

**Due Date:** every three years during the month the business was incorporated or qualified in New York State; every year for foreign PCs

**Fee:** \$105; \$35 (foreign)

**Instructions:** mail the required form to the NYSED Office of the Professions

Domestic PCs and DPCs must update similar

information must be updated with the NYS Education Department every three years, while foreign PCs file once every year. Professional Service Corporations must furnish name and residence information regarding shareholders, officers, and directors. The Triennial or Annual Statement is mailed to the business address listed with the NYSED before the month it is due, but the form can be also requested from the Office of the Professions.

## **Limited Liability Companies (include PLLCs)**

### **BIENNIAL STATEMENT**

**Which Entities Must File:** all LLCs and PLLCs

**Due Date:** every two years during the month the business was organized in New York State

**Fee:** \$9

**Instructions:** file online , or mail/fax the paper form to the Division of Corporations

New York Limited Liability Company Law requires all LLCs (domestic, foreign, professional, or not) to file a Biennial Statement with the Department of State every two years. For \$9, most LLCs can file the Biennial Statement online , but if not, simply contact to the Division of Corporations for a paper copy.

## **Partnerships, Sole Proprietorships, and other entities**

### **LLP 5YEAR STATEMENT**

**Which Entities Must File:** all LLPs only

**Due Date:** every five years during the sixty days prior to the date the LLP was registered

**Fee:** \$20 (domestic), \$50 (foreign)

**Instructions:** mail/fax the required form to the Division of Corporations

Both domestic and foreign Limited Liability Partnerships must file an LLP Statement every five years. The LLP 5Year Statement is mailed to the business two months before the fifth anniversary of its registration. It can also be requested by contacting the Division of Corporations.

- Jonathan Yuan, Client Liaison,  
LicenseSure LLC

June 6, 2016

The Architects Council is an “umbrella organization” representing architects belonging to five(5) constituent organizations in the City of New York. These are the Brooklyn, Queens, Bronx, and Staten Island chapters of the AIA, and SARA (Society of American Registered Architects), the Society of American Registered Architects. The objective of the Council is to act as a voice for our profession, and to represent the interests of the profession in contacts with the DOB and the government of the City of New York at all levels. In doing so we also represent the interests of the people who live in, work in, or visit the New York City.

Representing AIA/Brooklyn at this meeting were Sebastian D'Alessandro, AIA, ACNY President; Raymond J. Mellon, Esq., Hon. AIA; and myself.

#### **President's Report:**

##### **Proposed Amended DOB Filing Fees**

The New York City Council has introduced a proposed Bill which would amend the DOB's filing fees. Filing fees would be reduced for jobs involving 1-, 2-, or 3-family homes, but they would be increased for complex jobs such as tall buildings and multiple dwellings with more than three apartments. Please refer on-line to the NYC Council's "Intro. No. 831-A" for more information about these proposed DOB filing fee changes.

##### **Could Manhattan's Iconic Buildings Be Built Today?**

An article published on 5/20/16 by the New York Times at [www.nytimes.com](http://www.nytimes.com) stated that at least 40% of existing buildings in Manhattan could not be built today because they don't comply with current zoning and/or other building laws. They are too tall, or they have too many apartments, or too many businesses, but “they made New York great (sometimes).” Similar articles were published on 5/24/16 in [www.ny.curbed.com](http://www.ny.curbed.com) and in [www.therealdeal.com](http://www.therealdeal.com) on 5/26/16.

##### **Lobbying Laws**

The City of New York has announced an “Amnesty Period” during which architects and engineers can register for amnesty and thus avoid civil penalties and possible criminal prosecution for failure to register as lobbyists between 12/10/06 to the present. Our legal counsel, Raymond T. Mellon, Esq., advised us to sign up for that “amnesty” prior to June 30th, which is the final date the Amnesty Period will be in effect. The City has announced that there will be no extensions of that date. The initial civil penalty for not signing up, if we are later found to have engaged in lobbying activities at any time from 12/10/06 to the present, is \$30,000. Additional civil penalties will then begin to accrue in the months following the imposition of the initial civil penalty if we are found to have engaged in lobbying activities. Mr. Mellon stated that there is no downside to our registering for amnesty at this time. Registration for amnesty must be followed by registration as a lobbyist. New York State has a similar Lobbying Law, and if we register as a lobbyist in New York City we will be required to register with the State of New York as well.

Organizations, such as the ACNY, AIA, and SARA are not required to register for amnesty or as a lobbying organization. “Adjudicatory” issues are considered to be lobbying activities; “judicial” issues, such as testifying in court as an expert witness, are not considered to be lobbying activities.

We are advised to thoroughly familiarize ourselves with the New York City and New York State Lobbying Laws. Extensive information is available on-line from the Lobbying Bureau of the Office of the City Clerk regarding the definition of lobbying activities, and the responsibilities these lobbying laws impose upon us as architects. Weekly amnesty training sessions are being made available to us by the City's Lobbying Bureau and by professional organizations. Amnesty training videos and an amnesty brochure are available, as is the Application for Amnesty. We should immediately avail ourselves of the opportunity to become thoroughly informed about the implications of these lobbying laws.

NOTE: Since the writing of this report, additional information is available at the Lobbying Bureau of the Office of the City Clerk.

##### **Legislative Impact Committee – Robert Strong, R.A.**

Three (3) bills have recently been introduced at the New York City Council, as follows:

**Sub-Meters: Intro. No. 1160** is a proposal for a Local Law to amend the Administrative Code of the City of New York in relation to the installation of sub-meters in certain tenant spaces. This proposed legislation defines the affected “covered buildings” and “covered tenant spaces,” and then requires that one or more sub-meters for electrical consumption be installed by the owner or lessor of such spaces prior to January 1, 2025.

**Benchmarking: Intro. No. 1163** is a proposal for a Local Law to amend the Administrative Code of the City of New York in relation to expanding the list of buildings required to be benchmarked for energy and water efficiency. This proposed legislation defines the affected “city buildings” and “covered buildings” and then states that benchmarking is required for covered buildings “**other than for city buildings**” [emphasis as in original document]. The threshold for buildings to be benchmarked will be reduced from 50,000 square feet to 25,000 square feet.

**Lighting Systems: Intro. No. 1165** is a proposal for a Local Law to amend the Administrative Code of the City of New York in relation to upgrading lighting systems in certain buildings. This proposed legislation defines the affected “covered buildings” and then states that the installation or modification of the lighting system of a covered building must comply with the NYC Energy Conservation Code, and that existing lighting systems in covered buildings must be upgraded no later than January 1, 2025.

Each of these three bills can be referenced on-line. No news was reported about other legislative issues we've been discussing.

- Jerry Goldstein, AIA

June 16, 2016

The meeting took place in the office of Brooklyn Borough Commissioner Ira Gluckman, AIA. Representing the DOB at that meeting were Reda Shehada, R.A., Deputy Borough Commissioner; Kazimir Vilenchik, P.E., Deputy Borough Commissioner; and Recablo Stephens.

#### **AIA Question 1: Builders' Paving Plans**

**Question:** *"The first of the AIA questions was: 'Why are Plan Examiners withholding approvals on Builders' Paving Plans (BPPs) until they see that the New Building (NB) application has been approved?'"*

**Answer:** Mr. Shehada provided the following answer in writing prior to the date of the meeting:

*"To ensure that the BPP scope of work aligns correctly with the NB approved scope of work."*

#### **AIA Question 2: Underpinning a Party Wall**

**Question:** *"When underpinning a party wall does the property owner have the right to underpin the entire width of the party wall without the consent of the adjacent property owner, or does the DOB require that consent from the other property owner be obtained before the underpinning begins?"*

**Answer:** Mr. Shehada provided the following answer in writing prior to the date of the meeting:

*"The developer/contractor must always obtain permission from the adjacent property owner to underpin a party wall."*

- Plan examiners **should not** require proof of permission. Party wall underpinning can be approved if the drawings meet code.
- Contractors can perform underpinning if the plans are approved and they have permits.
- The DOB does not check for adjoining property owner permission until we get a complaint. If we get a complaint and no proof of permission is provided a Stop Work Order (SWO) will be issued. This is strictly a Construction Enforcement / Excavation & Foundation Unit issue.
- The SWO will be lifted when proof of permission is given or the applicant re-designs the foundation plans.
- A SWO can be issued when a complaint is generated and no proof of permission is given even after the foundations are completed."

#### **AIA Question 3: Guard House**

**Question:** *"A guard house that is accessory to an existing multiple dwelling was filed as an Alt. 2 Application. The Objection was raised that the guard house must be filed as a separate NB Application. The section cited for the Objection issued was Zoning Resolution Section 12-10. Please clarify what section requires that a guard house have a Certificate of Occupancy."*

**Answer:** Mr. Shehada provided the following answer in writing prior to the date of the meeting:

*"The cited section for the Objection in Question 3 should have been Administrative Code 28-118.2 (copied below):"*

**'Section 28-118.2 New buildings or open lots.** No building hereafter constructed or open lot shall be occupied or used, in whole or in part, unless and until a Certificate of Occupancy shall have been issued certifying that such building or open lot conforms substantially to the approved construction documents and the provisions of this code and other applicable laws and rules.'

Energy and accessibility requirements shall also be met as mentioned above in 'other laws and rules.'

#### **Attendee Question 1: House Number Documents**

**Question:** *"A House Number document from the Topographical Division must be filed prior to approval and again prior to issuance of the Certificate of Occupancy. Why should we have to resubmit this document when the original document was already submitted and entered into the virtual folder? "*

**Discussion:** Mr. Stephens, who is on the staff of the Borough Manager's Office, explained that photocopies of original documents cannot be submitted when an original copy of a document is required as a condition for issuance of a C of O. House Number documents are listed as required documents to be submitted both before approval of a job and before issuance of a C of O. Neither of these documents can be a photocopy, and so a second ("original") copy of the document must be obtained from the Topographical Division Office and filed as a condition for issuance of the C of O.

#### **Attendee Question 2: Proposed Fees for Determinations**

**Question:** *"What is the justification for the proposed \$1,000 fee for a 'determination' (formerly referred to as a 'reconsideration') when an Objection cannot be resolved with the Plan Examiner who issued the Objection? Also, what is the justification for the proposed \$2,500 fee for a 'determination' when the unresolved Objection is referred to the Borough Commissioner or to the Manhattan office of the DOB for resolution? This seems particularly onerous in light of the well-established history of inappropriate or unjustified Objections issued by Plan Examiners who then refuse to remove the Objections. It also ignores the issue of the vagueness or "grey areas" which make it difficult to interpret some of the applicable laws which are poorly written."*

**Answer:** Mr. Shehada and Mr. Vilenchik explained that the DOB is being swamped with "pre-cons" and "determinations," so something must be done. Too many applicants are requesting that the DOB do research in the Building Code and Zoning Resolution requirements that it is the obligation of the professionals do for themselves. Many of the determinations (formerly known as "pre-considerations") being requested by professionals relate to issues involved in jobs which have not even been filed at the DOB.

- Jerry Goldstein, AIA



# WINNERS **WINNERS** WINNERS

## 1-2 FAMILY RESIDENTIAL AWARDS

**Award of Excellence:** Spungen Residence - Baxt Ingui Architects, P.C.



**Award of Merit:** Knapp Residence - Baxt Ingui Architects, P.C.



## INTERIORS AWARDS

**Award of Merit:** Cumberland Packing Offices - CWB Architects



## MULTI FAMILY/MULTIPLE DWELLING AWARDS

**Award of Excellence:** 78S3 - Zambrano Architectural Design, LLC



**Award of Merit:** 3030 West 32nd Street - Corporate Design of America, P.C.



## INSTITUTIONAL AWARDS

**Award of Excellence:** Primary School 330Q - Murphy Burnham & Buttrick Architects



**Award of Merit:** The Noguchi Garden Museum - Sage and Coombe Architects



## SMALL COMMERCIAL AWARDS

**Award of Excellence:** Belle Harbor Chemists - New York Design Architects, LLP

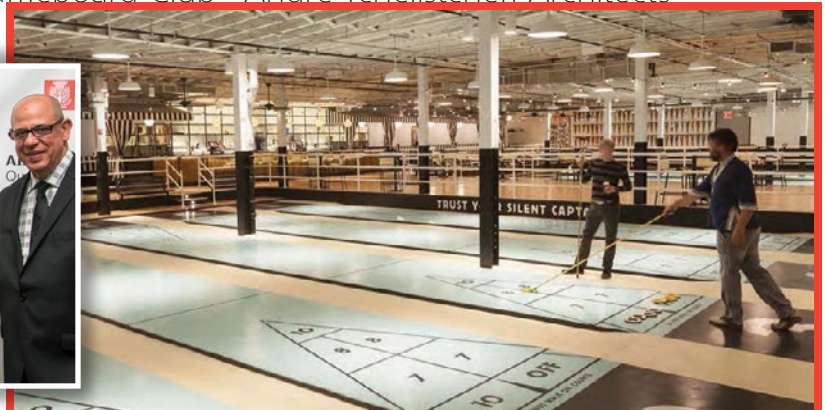


**Award of Merit:** Lot 5 Lounge - David Cunningham Architecture Planning



## LARGE COMMERCIAL AWARDS

**Award of Excellence:** Royal Palms Shuffleboard Club - Andre Tchelistcheff Architects



**Award of Merit:** Genesis Renal Services - Zambrano Architectural Design, LLC



## ADDITIONS/RENOVATIONS AWARDS

**Award of Excellence:** PorcHouse - noroof architects



**Award of Merit:** South Slope Townhouse - Etelamaki Architecture, PLLC

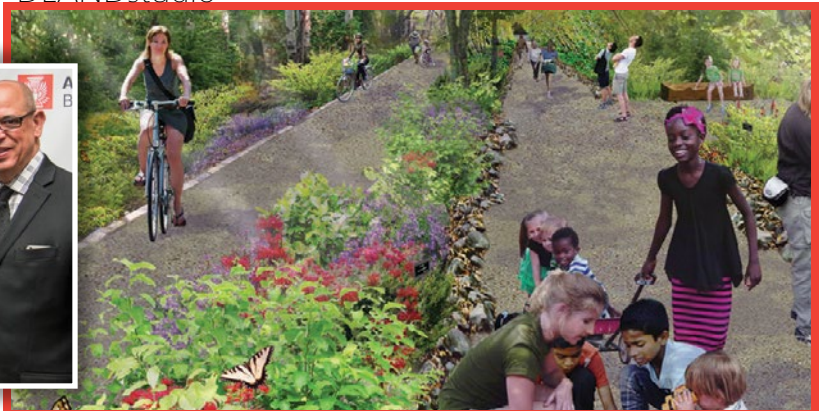


## URBAN PLANNING/DESIGN AWARDS

**Award of Excellence:** The Brooklyn Stand - WXY architecture + urban design



**Award of Merit:** The QueensWay Plan - DLANDstudio



## ADAPTIVE REUSE/HISTORIC PRESERVATION AWARDS

**Award of Excellence:** The Dudley - NV/Design Architecture, PLLC



**Award of Merit:** Liberty View Industrial Plaza - Zambrano Architectural Design, LLC



## SMALL FIRM/SOLE PRACTITIONER AWARDS

**Award of Excellence:** House in the Woods - Khanna Schultz



**Award of Merit:** NASA Orbit Pavilion - Studio KCA



## UNBUILT AWARDS

**Award of Excellence:** Tensegrity Bridge - Atelier Architecture 64

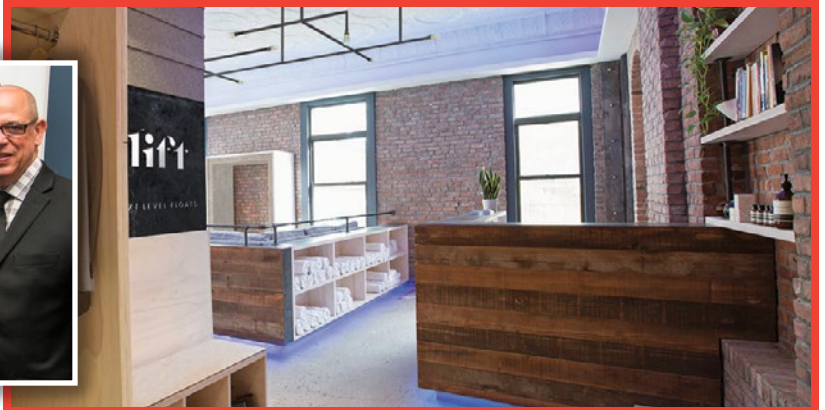


**Award of Merit:** SYNQ - 1/9d



## LOCAL FIRM/LOCAL PROJECT AWARDS

**Award of Excellence:** LIFT Next Level Floats - 590BC



## PRO BONO AWARD

**Award of Excellence:** Gelsey Kirkland Arts Center - Andre Tchelistcheff Architects



# BQDA DESIGN OF THE YEAR

78S3 - Zambrano Architectural Design, LLC



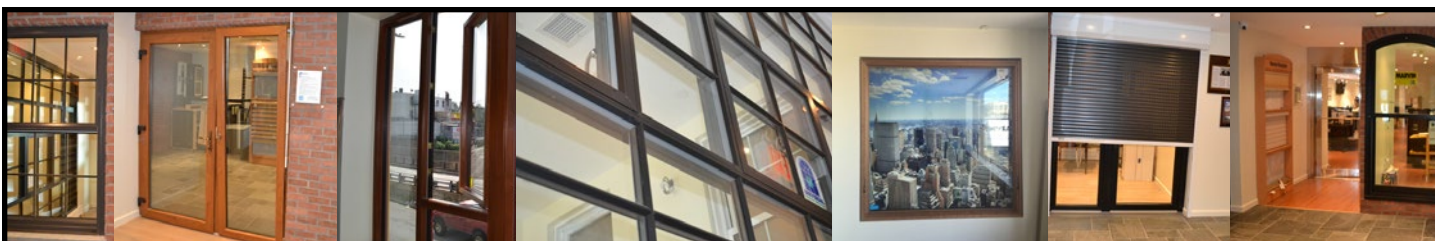
## THE AIA BROOKLYN CHAPTER MEMBERS ARE FOREVER CHANGING

Tarek Alam is now Ameritus AIA  
Everald Colas was recently licensed  
Sean Douty was recently licensed  
Marshall Shuster was recently licensed

Since the last membership roster, there are 12 new  
AIA members and 19 Assoc. AIA members.  
As follows:

Alberto Anastasio, AIA  
Melissa Braxton, Assoc. AIA  
Katalina Co, Assoc. AIA  
Erinsson Colon, AIA  
Kristina Cowger, Assoc. AIA  
Travis Creighton, Assoc. AIA  
William Erhard II, AIA  
Zakiya Franklin, Assoc. AIA  
Ninad Garware, AIA  
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