

# PYLON

*Incorporated in 1894 to unite, represent, promote and enhance the profession and practice of architecture in the borough of Brooklyn.*

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OCTOBER 2015

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## CUBA

### "ROME IN THE CARIBBEAN"

The Capitol in  
Havana, Cuba

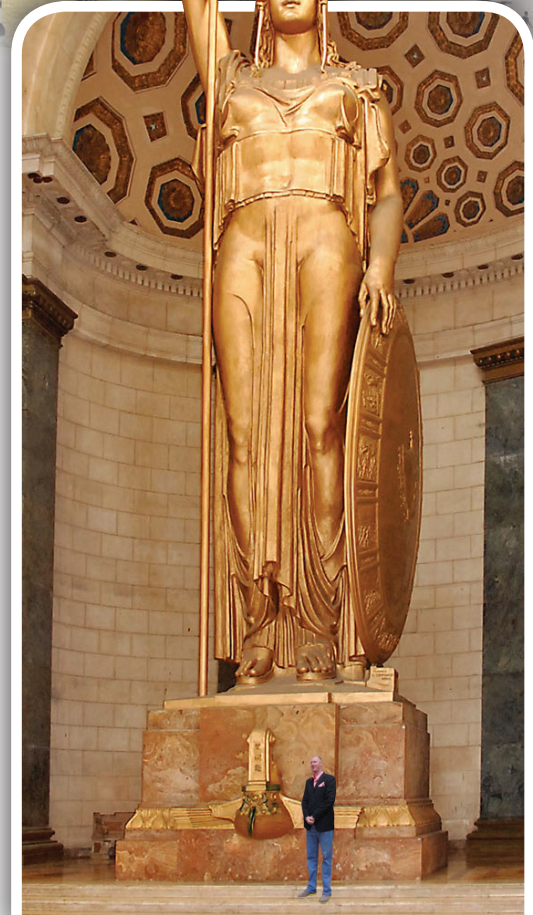


What has Cuba to do with classical Athens or ancient Rome? Not too much or nothing at all you might think. But you will be surprised how various remnants of classical antiquity still survive in such an unlikely place...a tropical island in the Caribbean, 90 miles from the continental USA .

In the capitol city of Havana, Greek and Roman antiquity continues to live in the 19th and 20th century neo-classical architecture and sculpture. In Havana thousands of Corinthian, Ionic and Doric columns support the arcades that provide shade and a respite from the intense tropical sun. Such an abundance of columns that Havana was referred to as the "City of the Columns".

Many provincial towns, among them Matanzas and Cienfuegos have also preserved their classical character. References to Ancient Rome and Greece are evident in colonnaded avenues, monuments, town halls and even cemeteries.

Classical antiquity is represented in Havana's National Museum of Fine Arts. The collection includes, Greek vases and many antique sculptures, Roman copies of Hellenistic masterpieces.



*continued on page 3*

50 foot high statue of the Republic in Havana



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Classic cars standing in front of the old theatre, Havana



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*Deadline for submission to the Pylon is the second Wednesday of each month.*

*Articles or notices may be submitted to the Editor by e-mail, fax or on disc. Handwritten articles or verbal comments are cheerfully received.*

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# CUBA

## “ROME IN THE CARIBBEAN” cont.

*continued from page 1*

Most prominent are the monumental buildings which refer directly to Classical Rome or Classical Athens, such as the Capitol or the University of Havana,

The Capitol (Capitolio) Designed by Architects Eugenio Rayneri and Raoul Oterowas completed in 1929, a building to portray Cuba as a new republic. It's 300 foot high dome is modeled after the Pantheon in Paris (1790), and the US Capitol in Washington DC (1867). In the main hall is the 50 ft. high gilded bronze statue representing the Spirit of the Republic. In a pose similar to that of the statue of Athena “Goddess of Athenian Democracy” which stood in the Parthenon in ancient Greece, the figure, in battle dress, stands erect, grasping a spear and at her side, a large round circular shield. This statue and many others in the capitol precincts are the work of Angelo Zanelli an Italian sculptor who also created many of the sculptures for the King Victor Emmanuel monument in Rome popularly referred to as the “Wedding Cake”. Presently, a renovation project begun in 2010 is underway at the Capitol. Upon completion the building will reopen as the home of the National Assembly.

The classical world also lives on in the precincts of the University of Havana. Sited in similar fashion to

the Campidoglio Plaza in Rome, one hundred twenty two steps that seem to rise up to the sky lead to the temple-like entrance portico of the University.

Will big changes take place on the Island now that Cuba and the US have reopened embassies and resumed diplomatic relations? Will there be a rush to renovate, restore and revivify Cuba's historic architecture? Should we expect to see new modern buildings designed by some of today's “Starchitects”? What the answers will be, to these questions and others yet to come...time alone will tell !!!

- Anthony Marchese, AIA



Terminal Siera Maestra on Lonja del Comercio in Havana, Cuba



Havana University, Cuba



# INDUSTRY CODE OF CONDUCT

## STANDARDS FOR CONSTRUCTION PROFESSIONALS

### LICENSING STANDARDS

The Department issues licenses to eligible individuals in the construction trades and when necessary, seeks to discipline licensees that compromise public safety or public trust.

Individuals engaged in construction-related activities regulated by the Department are responsible for ensuring the public's safety as they perform their work. Licensees must comply with all applicable requirements set forth in the City's Administrative Code, including the City's Construction Codes, as well as applicable rules, regulations, and federal and state laws.

**Failure to comply could result in denial, revocation and suspension of licenses; probation for a licensee; removal of privileges; fines or other actions; referral for criminal prosecutions; or any combination of these actions.**

### CRIMINAL CONVICTIONS

When an applicant for licensure or current licensee has a criminal conviction, the Department will analyze the criminal case and determine a course of action. This includes possible denial of licensure or renewal, or sanctions brought during the license term. The Department considers the following before making a determination—as set forth in the New York State Correction Law:

1. The public policy of the State of New York is to encourage the licensure of people previously convicted of one or more criminal offenses.
2. The specific duties and responsibilities necessarily related to the license sought or held by the person.
3. The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties or responsibilities.
4. The time which has elapsed since the occurrence of the criminal offense or offenses.
5. The age of the person at the time of occurrence of the criminal offense or offenses.
6. The seriousness of the offense or offenses.
7. Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
8. The legitimate interest of the Department in protecting property, and the safety and welfare of specific individuals or the general public.

### OFFENSES SUBJECT TO DISCIPLINARY ACTION

Convictions for specific types of offenses do not automatically disqualify an individual from holding a Department-issued license. However, certain offenses are serious and directly relate to the license, so that a conviction may warrant action. These offenses are generally classified as felonies or misdemeanors.

### OTHER MISCONDUCT

Aside from criminal convictions, if a licensee engages in misconduct as enumerated in the City's Construction Codes, the Department may seek to impose a fine up to \$25,000, and suspend, revoke, or place a licensee on probationary status. Examples of misconduct include:

- Fraud/deceit in obtaining or renewing a license;
- Making a false or misleading statement in any document filed with the Department;
- Negligence or incompetence;
- Disregard of the City's Construction Codes and other laws that govern construction
- Conviction of a criminal offense where the underlying act arises out of the individual's professional dealings with the City;
- Noncompliance with a Department investigation;
- Failure to comply with an order issued by the Commissioner.

### EXAMPLES OF CONDUCT WARRANTING DISCIPLINARY ACTION

The following are examples of the types of activities that have resulted in enforcement action against licensees:

- A licensee who failed to disclose a conviction in his/her license renewal application;
- A licensee whose actions contributed to a serious construction accident;
- A licensee who performed work without first obtaining the required permit(s);
- A licensee who sold scaffold safety cards or other training cards to unqualified individuals;
- A hoisting machine operator convicted of a drinking and driving related offense;
- A licensee who allowed workers who were not on company payroll to perform work under the company's permit;

All disciplinary actions are published on the Department's website at: [www.nyc.gov/html/dob/html/safety/pera.shtml](http://www.nyc.gov/html/dob/html/safety/pera.shtml).

- Rick D. Chandler, PE  
Commissioner of NYC DOB



# AIA NEW YORK STATE GOVERNMENT ADVOCACY REPORT

## I. 2015 Legislative Session Highlights

Design-Build Extension: Design-Build for certain public entities was extended for a period of two years, with a public entity reporting requirement to be issued no later than June 30, 2016.

Interior Design Bill Defeated:

AIANYS was once again successful in its efforts to oppose the passage of the interior design practice expansion bill (S.1137/A.3446).

Emergency Responder/Good Samaritan Act: Both of these bills passed the Senate but failed to pass in the Assembly.

## II. Issues of Note

421-a Real Property Tax Exemption for Affordable Housing:

The extension of the 421-a tax exemption passed as part of an omnibus bill on the final day of Session. One change that will affect architects and engineers is new language which states that false certifications provided to the NYC Department of Housing Preservation and Development (HPD) shall be defined as professional misconduct. An architect or engineer accused of filing a false certification will be granted the right to the disciplinary procedures and rights granted under State Education Law. If found guilty, they will lose their right to certify an application.

Universal Visitability Tax Credit (A.1276 Lavine/S.2967-A DeFrancisco):

This bill passed both houses of the Legislature and will be sent to the governor for his signature or veto. This bill amends the Tax Law to provide a tax credit for a newly constructed principal residence not to exceed \$2,750 or for a renovated principal residence of 30% of the amount expended, not to exceed \$2,750, for universal visitability. Eligibility requirements for universal visitability would be established through guidelines by the Division of Housing and Community Renewal. This credit is effective April 1, 2015.

Green Building Credit for Construction/Rehabilitation (A.6420-A/S.3945 Avella):

This bill passed both houses of the Legislature and will be sent to the governor for his signature or veto. This bill amends the Tax Law to create a tax credit for the construction or rehabilitation of residential real property, which is certified through LEED or NAHB. The amount of the credit shall not exceed \$10,000/year and may only be claimed by the individual

taxpayer once every 10 years.

Retainage Prohibition for Material Suppliers (A.769 Braunstein/S.2931 Libous)

This bill passed both houses of the Legislature and will be sent to the governor for his signature or veto. This bill would prohibit the retention of any payment due or owing a material supplier for any private or public construction project.

## III. Project Delivery Update

Public Project Delivery Commission:

AIANYS will continue to work with Senator Martin's office during the off-Session period to develop a final draft for the introduction of a Public Project Delivery Commission bill later this year.

New Jersey Public-Private-Partnership (P3) Bill:

AIANJ was successful in passing its version of a bill (S.2489/A.3859) to authorize the use of Public-Private-Partnerships (P3) on certain building and highway infrastructure projects. The bill based on the model bill produced by AIA may also serve for NYS.

## IV. Follow-up Meeting with the Mayor's Office

Due Process for Design Professionals:

Legislative Counsel will be working with AIANYS to set-up a second meeting with counsel to the Office of the Mayor, to discuss changes to (Ch. 542 of the Laws of 2007), which authorizes the Commissioner of the Department of Buildings to revoke the filing privileges of any architect or engineer who files a false document.

AIA



# ARCHITECT EXONERATED FROM LIABILITY IN UNDERPINNING CASE

The Appellate Division overturned a Trial Court decision and exonerated an architect from strict liability under a section of the City of New York's Administrative Code which imposes absolute liability upon a "person who causes" an excavation to be made.

The architect had prepared plans and specifications for the project which called for excavating part of the adjacent property and included underpinning underneath the building on the adjoining property. When the building on the adjacent property sustained damage, the architect was sued. The Trial Court granted summary judgment against the architect, finding that the architect was absolutely liable under Administrative Code section 28-3309.4.

In *American Security Insurance v. Church of God of St. Albans*, the Appellate Division reversed the Trial Court and found that the architect established that he was neither the person who made the decision to excavate nor the contractor who carried out the physical excavation work. The appellate court went even further and also dismissed the negligence cause of action against the architect.

architect's involvement in discussions related to the means and methods to be employed during the excavation, and his general responsibilities to visit the site during construction to monitor compliance with the contract, was insufficient to hold him liable.

This decision is significant since it holds that the architect or engineer who merely prepares the plans and specifications for excavating and/or underpinning cannot be held strictly liable under the Administrative Code by doing so. It also reinforces the need for strong language in the architect's or engineer's contracts that the design professional is not responsible for the construction means, methods, techniques, sequences or procedures employed during the work, nor is the design professional responsible for safety precautions in connection with the work.

- Martin Schwartzberg, Attorney

\*\*\*\*\*

The original Queens lower court decision was the only reported decision which found that an architect could be a person who "causes an excavation to be made". There have already been a number of reported cases which have found that the architect was not responsible for causing the excavation/underpinning to occur. The reversal by the Appellate Division now removes the one reported decision which was contrary to all other reported decisions. However, you should not conclude that this case holds that an architect can never be held to have caused excavation to occur.

The point to remember here is that this is a fact sensitive issue. Originally, the lower court's decision emphasized various facts which the Judge believed indicated an involvement by the architect in the underpinning process. Upon appeal, the Appellate Court looked at the same facts and came to a contrary decision. Although an architect would not normally be involved in the excavation dealing with underpinning (since that really concerns engineering services), if the architect is actively involved, there could be liability. If you are practicing in this area, caution is still advised.

- Ray Mellon, Esq.  
AIA Brooklyn Chapter's Attorney  
and legal counsel



Finding that the architect's contractual obligations did not give rise to tort liability since his contract did not specifically impose any duties on him with regard to the excavation phase of the project and his contract expressly stated that the architect did not have control over, and was not responsible for, the construction means and methods or safety precautions in connection with the work. The court further found that the

September 10, 2015

DOB attendees: Rick D. Chandler, P.E., Commissioner; Ira Gluckman, AIA, Borough Commissioner; Neil Adler, P.E., Chief Plan Examiner; and William Singer, P.E., incoming Chief Plan Examiner.

#### **Fee-Exempt Jobs**

**Q:** *The fee exempt option has been removed from e-filing. How do we file a fee exempt job for not-for-profit facilities, places of worship, etc.?*

**A:** If the application was initially filed as a standard job and is now being changed to a fee-exempt job, Borough Manager Carlos Pineiro can approve the change to fee exempt status if the applicant presents him with the needed paperwork to establish that the property is in fact qualified.

#### **Access to Objections from the Plan Examiners**

**Q:** *In filings where the project architect is also the filing rep on an engineering job (such as sprinkler work), why can't the filing rep/project architect also get a copy of the Objections, or amended Objections, from the plan examiner?*

**A:** Objections are given only to persons listed on the PW-1 and to anyone with a notarized letter from the Owner authorizing DOB to make the Objections available to the filing rep/project architect.

Comm. Rick Chandler joined the meeting to discuss a number of changes which are coming to the DOB or have recently begun.

#### **HUB**

The HUB model will be expanded so that filing can be done from our offices. Sixty (60) plan examiners have been added to the DOB staff, and another forty (40) will soon be added.

#### **Schedule B**

Mr. Gluckman stated that Schedule B's will only be used for sprinkler, standpipe, and gas work. This met with a delighted and enthusiastic response from the attendees, in that the current Schedule B's have been a cause of endless problems, wasted time, and needless expense for many years..

#### **Objection Guidelines**

New Objection Guidelines will be targeted

more accurately to specific job types. With respect to transparency: Mr. Gluckman stated that everything the plan examiners do will be shared with the building owners as well as with the applicants.

#### **Inspections**

Inspectors are now being routed on-line. Mr. Chandler stated that there's a new "Inspection-Ready" program that will make it possible for inspectors to get their routing at home, and they will no longer have to come to the office every day. That will lead to increased efficiency as well as to transparency.

#### **Coordination Among Agencies**

There will be greater integration with other agencies to increase efficiency and to avoid unnecessary bottlenecks and delays.

#### **Industry Code of Conduct**

Professionals should use this guide when conducting business with DOB. This Code was created specifically for industry professionals. (see September Pylon for Industry Code of Conduct "Ethical Code and Principles")

#### **Cooling Towers**

Refer to the DOB's website for information related to a new law requiring registration, inspection and maintenance of cooling towers. [nyc.gov/coolingtowers](http://nyc.gov/coolingtowers)

#### **Presentation of Drawings to the DOB**

Mr. Chandler stated that CAD drawings are now required. The DOB's objective is to make it unnecessary for professionals to come to the DOB office as often as they now have to. The old ways take too much of the DOB's time, and lead to a pattern of "design by Objection." One of the attendees asked if drawings submitted to the DOB are made available to the general public; No as it is feared the public will swamp DOB with endless frivolous complaints.

#### **Contractors Who Act Improperly**

Mr. Chandler stated that the DOB will aggressively go after contractors who act improperly and who are responsible for causing hazards. The DOB will do all in its power to shut down these companies and all their active jobs. Unsafe practices result in injuries and/or deaths and the DOB will take the strongest possible steps

to end unsafe practices.

#### **Determinations**

Determinations will soon have to be requested electronically from the professional's offices. Mr. Gluckman asked that we refer to the DOB's website for a Service Update for September 2015, it deals with this subject. Further, he stated that the DOB is not a court of law, and Determinations by this agency cannot serve as precedents. For this reason Determinations will not be published.

#### **Q-Matic**

Our Q-Matic system will be enhanced. This subject is discussed in an "Upcoming Change" Notice now available on the DOB's website.

#### **Enlargements**

Please refer to a "Reminder" notice on the DOB's website discussing "2014 NYC Construction Codes: Permit Applications for Enlargement of Existing Area." The filing fees for these jobs will no longer be based on the square footage of the enlargement. Mr. Chandler stated that in principle the DOB would wish to get out of the business of cost estimating. The RS Means publication that is the source of the unit costs cannot, in accordance with the contract between the DOB and Means, be distributed to the design professionals or to the public.

#### **Basement Apts in Multiple Dwellings**

When are basement apartments in multiple dwellings permitted? Mr. Gluckman stated that each case is individually evaluated, based upon ceiling height and other factors. If an Objection is issued, the architect can submit a CCD-1 for a Determination.

#### **DOB Concrete and Excavation Unit**

Inspectors from the Concrete and Excavation Unit are going to jobs, looking at drawings, disagreeing with what was built, and shutting down the job. Often these Stop Work Orders are for trivial items and are inappropriately issued, causing inordinate expense and delays. It was suggested that all concrete / underpinning / excavation details be reviewed and approved in advance by plan examiners during the course of routine plan examinations. This is not presently the case.

- Jerry Goldstein, AIA



*“Under the greenwood tree who loves to lie with me  
... Here shall he see no enemy  
but winter and rough weather.”  
- William Shakespeare (1564 - 1616)*

*“If we had no winter,  
the spring would not be so pleasant:  
if we did not sometimes taste of adversity,  
prosperity would not be so welcome.”  
- Anne Bradstreet (1612 - 1672)*

*“What good is the warmth of summer,  
without the cold of winter to give it sweetness.”  
- John Steinbeck (1902 - 1968)*

*“Winter is on my head,  
but eternal spring is in my heart.”  
- Victor Hugo (1802 - 1885)*

*“People don’t notice whether it’s winter  
or summer when they’re happy.”  
- Anton Chekhov (1860 - 1904)*

*“It is the life of the crystal,  
the architect of the flake,  
the fire of the frost,  
the soul of the sunbeam.  
This crisp winter air is full of it.”  
- John Burroughs (1837 - 1921)*

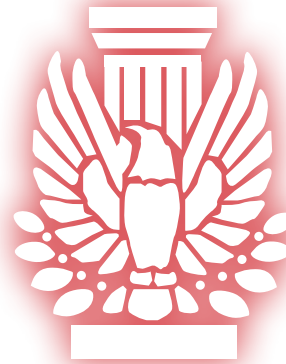
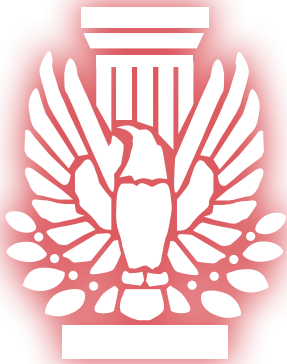
AIA BROOKLYN NEWS

OUR NEWLY TITLED AIA MEMBERS

Our former associate members are now newly licensed and members of the Brooklyn Chapter with all the rights and privileges of full vested members in good standing.

- John Buckley, AIA
- Ilya Chistiakov, AIA
- Ruslan Goychayev, AIA

- Alpna Gupta, AIA
- Sarah Jacoby, AIA
- Casey Mack, AIA
- Julie Moskovitz, AIA
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- Hannah Ilten Robertson, AIA
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**Concrete Muscle, Steel Bones, and a Well-Coded Heart –  
NYC Planning for the Next Century**  
*Presented by Bryan Winter, RA, MBA*  
New York City, NY – November 19  
*Credits: PE [NY, NJ, & PA] - 7.0 PDHs; Architect [NY & NJ] - 7.0 LUs-HSW*

**Construction Manager-at-Risk Project Delivery**  
*Presented by Douglas D. Gransberg, PhD, PE*  
New York City, NY – October 30  
*Credits: PE [NY, NJ, & PA] - 7.0 PDHs; Architect [NY & NJ] - 7.0 LUs*

**Legal Considerations / Professional Ethics**  
*Presented by Stephen Winkles, Esq, Tesser & Cohen*  
New York City, NY – October 13  
*Credits: PE [NY, NJ, & PA] - 7.0 PDHs; Architect [NY & NJ] - 7.0 LUs-HSW*

**\$255/person/session before September 15  
\$305/person/session after September 15**  
*(Lunch is included on site for all sessions)*

**Effective Construction Administration and  
Design Professional Ethics**  
*Presented by Eli Goldstein, AIA, PP, LEED,  
Managing Partner, The Goldstein Partnership*  
Hamilton, NJ – November 6  
Parsippany, NJ – November 12  
*Credits: PE [NY, NJ, & PA] - 7.0 PDHs; Architect [NY & NJ] - 7.0 LUs-HSW*

**Advancements in Commercial Roofing Systems  
Including Changes in the IECC and ASHRAE 90.1**  
*Presented by Helene Hardy Pierce, FRCI –  
Vice President of Technical Services, Codes, and  
Industry Relations, GAF*  
Parsippany, NJ – October 8  
Hamilton, NJ – October 9  
New York City, NY – November 13  
*Credits: PE [NY, NJ, & PA] - 7.0 PDHs; Architect [NY & NJ] - 7.0 LUs-HSW*

**Cost Estimating in the Construction Industry**  
*Presented by Henry Yu, PE*  
New York City, NY – September 29  
Albany, NY – October 16  
Syracuse, NY – October 30  
*Credits: PE [NY, NJ, PA] - 7.0 PDHs; Architect [NY & NJ] - 7.0 LUs*

**Find complete program descriptions at [www.idpsessions.com](http://www.idpsessions.com)**



# LOOKING AHEAD

## REGULARLY SCHEDULED CHAPTER MEETINGS

Unless otherwise noted,  
all meetings are scheduled at:

Committee Meetings: 5:30 PM  
Cocktails: 5:30 PM  
Dinner: 6:00 PM  
Program: 7:00 PM

General Meeting  
**Wednesday,**  
October 21

**Mr. Evan Petrower**  
of the **Day Elevator Company**

Borough Hall - Community  
Room, 209  
Joralemon Street, Brooklyn, NY 11201

Executive Meeting  
**Wednesday,**  
October 14

AIA learning unit credit and certificates towards  
NYS mandatory continuing education  
will be given for each program.

### AIA Brooklyn Chapter website

www.aiabrooklyn.org

## LAST PRESENTER MONTH

*Many thanks to  
last months presenters ...*

TOPIC: The Seven Principles of Universal Design  
by **Michael J. Reichert**,  
Specification and Sales rep. for "HAFELE" architectural hardware



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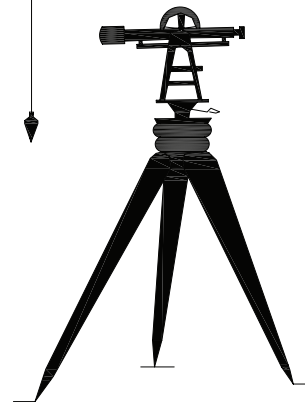
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## P Y L O N NEWSLETTER



### UPCOMING CHAPTER MEETINGS

Oct. 21, 2015  
Nov. 18, 2015

## EVENTS CALENDAR ACTIVITIES

### NY STATE AIA CONVENTION OCT. 22-25 2015

*October 22 - 23, 2015*

For 2015, the AIANYS Annual Design Conference will be held October 22-25, 2015 in Saratoga Springs. The theme for the Conference is "A Practice & Academic Partnership," an exploration of the dramatic changes architects are seeing in the Practice of Architecture and Academics.

For more information :  
[www.cvent.com/d/lrqv7j](http://www.cvent.com/d/lrqv7j)

### ARCHTOBER

*The entire month of October*

Archtober (ärk'tōbər) is New York City's Architecture and Design Month, the fifth annual month-long festival of architecture activities, programs and exhibitions taking place during the month of October.

<http://archtober.org/>

### TOUR OF THE (OFFICE OF EMERGENCY MANAGEMENT) "OEM" POST DISASTER HOUSING PROTOTYPE

*Oct. 21 @ 3:00 pm*

Visit the AIA Brooklyn website for details

### THE SIXTH ANNUAL MUNICIPAL ART SOCIETY SUMMIT FOR NYC

*October 22 - 23, 2015  
The Times Center  
242 West 41st Street*

140+ speakers and 1,000+ urban advocates debate the future of New York.  
[www.mas.org/programs/mas-summit-for-new-york-city/](http://www.mas.org/programs/mas-summit-for-new-york-city/)

### 2015 HOLIDAY PARTY

*At Liberty Warehouse  
Red Hook Brooklyn*

Dec. 10, 2015 More details to follow.

## AIA New York State

A PRACTICE & ACADEMIC PARTNERSHIP

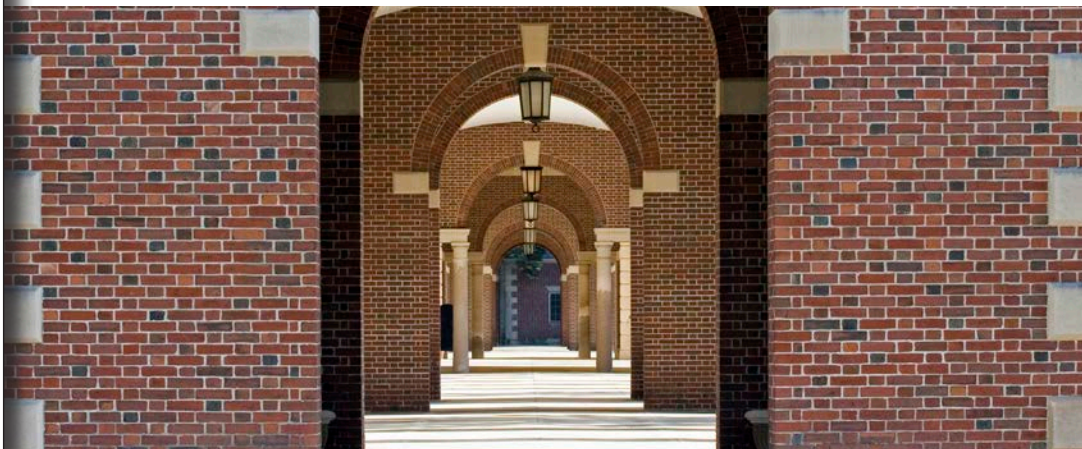
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