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www.nyc.gov/buildings

Complaint & Violation Summary for 335 East 91st Street:

Since construction began in July 2007, there have been a total of 22 complaints (not including the complaint entered into the system today to document the accident) and 14 ECB violations related to the new building under construction at 335 East 91st Street. No violations had been issued in relation to the tower crane.

Of the 22 complaints, 8 were generated by the Buildings Department and 14 were received through 311. The Department generates complaints to document conditions observed by inspectors and to initiate additional inspection requests.

Department records indicate that of the total number of complaints, 6 were related to the tower crane. Two of these complaints were generated by the Buildings Department and 4 were received via 311.

The remaining complaints for the site were related to alleged illegal after-hours work (11 complaints), and other issues unrelated to the tower crane, including: falling debris, working on a standpipe without a permit, working beyond the scope of approved plans, storing diesel fuel on site without a permit and an open fence. The Department also received 1 complaint about a mobile crane that was previously at the site.

While the Department has not issued any violations for the tower crane installed at the site, it had issued two Stop Work Orders during initial load tests that took place before the crane was in operation.

The first Stop Work Order was issued on April 22, 2008 after the tower crane failed the load test, which it must pass to go into operation. Buildings inspectors determined that the crane was incorrectly calibrated. The Stop Work was lifted the next day on April 23, 2008 after the tower crane was re-calibrated.

A second Stop Work Order was issued on April 23, 2008 during the second load test. During this test, the tower crane operator lowered the boom incorrectly, damaging the tower crane's limit switch (a safety switch on the tower crane that stops the motor from running when the boom gets too low). Buildings Inspectors also noted that hydraulic fluid was leaking from the drum of the tower crane. On April 26, 2008, the Stop Work Order was lifted after the damaged limit switch was replaced, the drum was re-sealed to prevent any leaking and the tower crane passed the load test.

Complaint and Violation Background:

- 05-29-08 Inspection requested by DOB to inspect whether the tower crane was hoisting loads above workers.
- Site was inspected 05-29-08 and Buildings inspectors did not observe loads being hoisted above workers.
- This inspection request has not yet been data entered into the online system, BISWeb.
- 05-20-08 Complaint received from 311 that the tower crane was approximately 12 stories up and there is a platform that extends across the sidewalk and well into traffic with equipment on it. Complaint # 1225283.
- Site was inspected 05-20-08 and the conditions cited in the complaint were not observed.
- 05-20-08 Complaint received from 311 that there is a tower crane that is hanging and barriers do not go past the street. Complaint #1225223.
- Site was inspected the 05-20-08 (under the same inspection for Complaint # 1225283) and the conditions cited in the complaint were not observed.
- 05-15-08 Inspection requested by DOB to inspect whether the tower crane's counter weights were swinging over 1st Avenue in an unsafe manner.
- Site was inspected 05-15-08 and Buildings inspectors determined that the tower crane's counterweights were not swinging over 1st Avenue in an unsafe manner. Inspectors performed a visual inspection of every bolt in the mast and a visual inspection of the drum. Inspectors also oversaw the crane operator as they performed approximately 5 picks with the tower crane. Inspectors determined that the picks were satisfactory.
- This inspection request has not yet been data entered into the online system, BISWeb.
- 05-13-08 Complaint received from 311 that the construction site is unsafe and bricks, sand and wood are falling from the site onto the street. Complaint # 1224444.
- Site was inspected 05-17-08 and the conditions cited in the complaint were not observed.
- 5-12-08 Complaints generated by DOB that hazardous conditions were observed at jobsite. Complaint #1224322.

Site was inspected 05-12-08 and Buildings inspectors found that work on the standpipe was in process without a permit for the work. A Stop Work Order for all work on the standpipe was issued.

The Stop Work Order for work on the standpipe was lifted on 05-16-08 after a permit was obtained for the work.

The Buildings Department issued an ECB violation to Leon D. Dematteis Construction for working on the standpipe without a permit. A hearing in ECB Court to adjudicate the violation is July 3, 2008.

05-07-08 Complaint generated by DOB that hazardous conditions were observed on the job site. Complaint # 1223919.

Site was inspected on 05-07-08 and Buildings inspectors determined that work had been performed beyond the scope of approved plans, specifically the chimney on the adjacent building had been demolished, which was not indicated on the plans. Buildings inspectors also determined that compressed gases were being stored on site without a permit from the FDNY.

On 05-07-08, the Buildings Department issued a Stop Work Order for the use of the compressed gases and the work on the adjacent building.

The Buildings Department issued 4 ECB violations to the Leon D. Dematteis Construction for:

- Storing and using compress gases without an FDNY permit;
- Failing to protect the roof of the adjacent property;
- Failing to provide a standpipe at the site; and
- Working contrary to approved plans.

Hearings in ECB Court to adjudicate these violations are scheduled for June 26, 2008.

The Stop Work Order for the storage of the gases and the work on the adjacent building are still in effect.

04-30-08 Complaint received from 311 that construction work was being performed without a permit and after hours. Complaint # 1223312.

Site was inspected 05-07-08 and the conditions cited in the complaint were not observed. Buildings inspectors did not observe construction activity at the time of inspection. The permit for the new building construction was posted at the front of the job site.

- 04-28-08 Complaint received from 311 that the tower crane was hoisting heavy metal, and concrete over pedestrians walking underneath and creating a potential hazard. Complaint # 1223036.
- Site was inspected 04-28-08 and the conditions cited in the complaint were not observed. Buildings inspectors did not observe any hoisting or concrete over pedestrians at the time of inspection.
- 04-24-08 Complaint generated by DOB that the mobile crane was working without a permit. Complaint # 1222689. This complaint does not refer to the tower crane at the site.
- Site was inspected 04-24-08 and Buildings inspectors determined that a mobile crane was being operated at the site without a permit. The Buildings Department issued a Stop Work Order for the use of this mobile crane. The Stop Work Order was lifted on 04-24-08 after the mobile crane was removed from the site.
- The Buildings Department issued two ECB violations to Regional Scaffolding and Hoist for operating the mobile crane without a permit and for assembling a personnel hoist along First Avenue without a permit. Hearing to adjudicate these violations in ECB court are scheduled for 06-12-08.
- 04-23-08 Complaint generated by DOB to stop all work on the tower crane. Complaint # 1222592.
- The Buildings Department issued a Stop Work Order for the tower crane on 04-23-08 while a second load test for the tower crane was being performed. During this test, the crane operator lowered the boom incorrectly, damaging the tower crane's limit switch (a safety switch on the tower crane that stops the motor from running when the boom gets too low). Buildings inspectors also noted that hydraulic fluid was leaking from the drum of the tower crane.
- On 04-26-08, the Stop Work Order was lifted after the damaged limit switch was replaced, the drum was re-sealed to prevent any leaking and the crane passed the load test.
- 04-22-08 Complaint generated by DOB because the tower crane did not pass the load test. Complaint # 1222454.
- On 04-22-08, the crane operator performed a load test of the tower crane which the tower crane must pass before it can go into operation. The tower crane did not pass the load test. Buildings inspectors determined

that the tower crane was incorrectly calibrated. A Stop Work Order for all tower crane operations was issued.

On 04-23-08, the Stop Work Order was lifted after the tower crane was re-calibrated.

04-17-08 Complaint received from 311 that the tower crane is up in the air with no flashing lights. Complaint #1221975

The site was inspected 04-23-08 and the conditions cited in the complaint were not observed.

03-19-08 The Buildings Department issued two ECB violations to Leon D. Dematteis Construction for failing to provide a pedestrian walkway and for failing to provide barricade around construction equipment. Hearings to adjudicate these violations were held on 05-08-08 at ECB Court. The administrative law judge who heard the cases has not yet rendered a decision on these violations.

03-02-08 Complaint received from 311 that construction was taking place on both Saturday and Sunday at the construction site with no special permit posted. Complaint # 1217000.

Site was inspected 03-15-08 and the conditions cited in the complaint were not observed.

02-16-08 Complaint received from 311 that construction is being done on a Saturday starting at 9 am with no variance permit. Complaint # 1216001

Site was inspected 02-23-08 and the conditions cited in the complaint were not observed.

02-16-08 Complaint received from 311 that work was taking place without variance permits for the weekend. Complaint # 1215999

Site was inspected 02-23-08 and the conditions cited in the complaint were not observed.

02-12-08 Complaints generated by DOB that hazardous conditions were observed at the job site. Complaint # 1215692.

Site was inspected 02-12-08 and Buildings inspectors determined that diesel fuel was stored on the site without a FDNY permit. Buildings inspectors issued a partial Stop Work Order for the storage of the fuel.

On 03-20-08, the partial Stop Work Order was fully lifted after a FDNY permit was obtained.

The Buildings Department issued an ECB violation to Leon D. Dematteis Construction for failing to provide certificate from FDNY for storage and usage of hazardous materials on inspection. \$2,500 fine imposed. Buildings records indicate that this fine has not been paid.

- 01-10-08 Complaint received from 311 that there is after hours construction with a permit. Complaint # 1213229
- Site was inspected 01-11-08 and the conditions cited in the complaint were not observed. Buildings inspectors noted that there was a watchman on site with a generator to light the site.
- 12-13-07 Complaint received from 311 that there was an open gate in the fence on the sidewalk. Complaint # 1211490.
- Site was inspected 12-14-07 and the conditions cited in the complaint were not observed.
- 12-01-07 Complaint generated by DOB that there is jackhammering and are in the process of pouring the foundation without a permit for weekend work. Complaint #1210570
- Site was inspected 12-01-07 and the conditions cited in the complaint were not observed. Buildings inspectors noted that no working was ongoing at the time of inspection.
- 11-03-07 Complaint generated by DOB that there is work without an after hours variance permit. Complaint # 1208496
- Site was inspected 11-03-07 and Buildings inspectors determined that there was non-complaint after hours work. A Stop Work Order for after hours work was issued.
- On 11-19-07, the Stop Work Order for after hours work was lifted after the civil penalty was paid.
- 11-03-07 Complaint received from 311 that there is a new building being erected at the site and excavation work is currently ongoing. Complaint #1208492
- Site was inspected 11-04-07 and the conditions cited in the complaint were not observed. Buildings inspectors did not observe construction activity at the time of inspection.

10-31-07 Complaint received from 311 that construction starts before 7 am and that they start at 5 am some days. Complaint # 1208218

Site was inspected 11-02-07 and the conditions cited in the complaint were not observed. Buildings inspectors did not observe construction activity at the time of inspection.

10-29-07 Complaint received from 311 that construction starts at 5:30 am. Complaint #1207983

Site was inspected 11-04-07 and the conditions cited in the complaint were not observed. Buildings inspectors did not observe any construction activity at the time of inspection.

10-25-07 The Buildings Department issued an ECB violation to Leon D. Dematteis Construction for failure to provide approved design drawing at time of inspection. On 12-04-07, the respondent certified to the Buildings Department that the violating condition had been corrected.

10-11-07 The Buildings Department issued an ECB violation to Leon D. Dematteis Construction for failure to provide guardrails at the side of the excavation site. An \$800 fine imposed with this violation. Buildings records indicate that this fine has been paid.

09-19-07 The Buildings Department issued an ECB Violation to Leon D. Dematteis Construction for failing to have a site safety manager present as required. A \$2,000 fine was imposed with this violation. Buildings records indicate that this fine has been paid.

09-19-07 The Buildings Department issued an ECB Violation to Leon D. Dematteis Construction for storing oxygen and acetylene with no FDNY permit available at time of inspection. An \$800 fine imposed with this violation. Buildings records indicated that this fine has been paid.

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