

YOUR HOME

Why Build A Shed? Gravity

By JAY ROMANO

SECTION 27-1021 of the New York City Administrative Code dictates when and how sidewalk sheds should be erected to protect pedestrians when work is being done on the exterior of a building.

The laws of physics dictate why. Earlier this month, when a 48-square-foot section of masonry broke loose from a 40th-floor wall of a building on Lexington Avenue between 46th and 47th Streets, scores of falling bricks ricocheted off a lower roof and broke into thousands of fragments that rained down on pedestrians and traffic. Two bricks that didn't disintegrate punched a foot-wide hole in the roof of a commuter bus.

While no one was injured — despite the absence of a sidewalk shed or sidewalk bridging — the incident illustrates the subtleties and risks involved with repairs or maintenance on high-rise buildings.

"No building owner really wants to put up a sidewalk shed," said James G. Samson, a Manhattan lawyer who specializes in co-op and condominium law. "But hammers fall out of windows and bricks fall out of walls, and when that happens, everybody starts pointing the finger at everyone else."

Mr. Samson said that while sidewalk sheds are necessary to protect the public, they present a host of problems for building owners. The sheds are expensive to construct and unsightly, he said. They can discourage sales of apartments in a building and hurt commercial tenants whose businesses depend on visibility and accessibility. Sidewalk sheds also raise security concerns, Mr. Samson said, because they can expose second- and third-floor apartments to a greater risk of burglary.

"You wouldn't believe how many buildings will do whatever they can do to avoid having to put up a sidewalk shed," he said.

Ilyse Fink, a spokeswoman for the city's Department of Buildings, said the conditions under which sheds must be erected are clear. According to the Administrative Code, a shed must be constructed whenever

any part of a facade more than 40 feet above ground level is being altered or repaired, and when the horizontal distance between the inside edge of the sidewalk and a wall being repaired is less than one-half the building's height.

In addition, Ms. Fink said, a permit must be obtained from the department before any sidewalk shed is erected.

Alan Epstein, a Manhattan engineer, said that his advice to clients is to erect shedding — a "construction bridge" in industry jargon — at the moment the property owner or board becomes aware of any unsafe condition relating to the building facade.

"A common mistake that owners make is to wait until the work begins to put up the bridging," Mr. Epstein said. "But I tell them that as soon as they know there's a problem, the bridge should go up immediately."

Mr. Epstein added that the administrative code does not limit the requirement for sheds to sidewalks alone. "You need to protect any areas that are not totally locked off," he said, explaining that if waterproofing work is being done in the rear of a building, for example, bridging must be constructed if the area is accessible, even if the only people who might be in the area are residents or building employees.

Wayne Bellet, president of Bellet Construction in Manhattan, said that for buildings 100 feet or more in height, sidewalk sheds must also extend 20 feet beyond the walls of the building being repaired, even if that means that the extended part of the shed ends up in front of an adjacent property.

"You need to notify the next-door neighbor," Mr. Bellet said. "But you don't need his permission."

In most cases, Mr. Bellet said, property owners think of sidewalk sheds when they are doing facade restoration or waterproofing work. But owners should also check with their lawyer or engineer to determine whether a shed is necessary for things like window replacement or other exterior repair work.

"There are occasions when a sidewalk shed costs more than the work itself," Mr. Bellet said. "But if what you're doing has any possibility of hurting somebody on the ground, a shed should go up."

The cost of an eight-foot-high sidewalk shed just a few years ago averaged around

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\$45 a linear foot, Mr. Bellet said. Today, however, the cost can be as high as \$125 per foot. In addition to the installation cost, he said, most companies that build sheds also charge a monthly fee after the first three months.

"That can range anywhere from 3 to 5 percent of the initial cost per month," Mr. Bellet said.

For that reason, he said, owners and boards should insure that they negotiate the best terms possible. And since some waterproofing firms will install the shedding themselves, some will hire a subcontractor and some will leave the shed installation to the property owner, different strategies have to be used depending on the situation.

A property owner who negotiates directly with a shed contractor, for example, can often get a better price than one who allows the general contractor to hire the shed installer. At the same time, Mr. Bellet said, those who allow their general contractor to hire the shed installer may save money on rental fees by getting the contractor to agree to complete the job before any monthly fees are assessed.

"It's all a matter of negotiation," Mr. Bellet said. "And every situation is different."

Arthur Schwartz, a principal of S&H Insurance in Manhattan, said that no matter who is ultimately responsible for construction of a sidewalk shed, a property owner must insure that the shed contractor is insured.

"First of all, the contractor's certificate of insurance should name the building itself as an additional insured," Mr. Schwartz said. "And second, the building should make sure that contractor's liability coverage is adequate and that the company is admitted to do business in New York."

Contractors should have a minimum of \$5 million in liability coverage, Mr. Schwartz said. And while it is legal for insurance companies to write business in the state without being admitted by the Department of Insurance, he said, it is wise to do business with admitted companies because that places them under the supervision of the department.

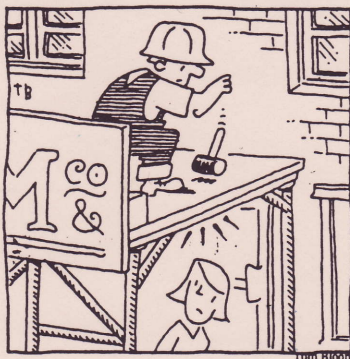
"You might get cheaper insurance from a non-admitted carrier, but that means you lose the protection afforded by the Department of Insurance," he said.

Mr. Samson, the co-op lawyer, said that boards and owners should also strive to minimize problems that a shed might cause for residents or businesses.

For example, he said, for second- and third-floor tenants who have concerns about security problems posed by a shed, it might be wise to install security cameras or razor wire to discourage access to the top of the shed. In addition, he said, it is frequently worth the expense to have exposed surfaces of the shed painted or even decorated and to insure that lighting under the shed is not only adequate, but vandal proof.

It might also be appropriate for a building with ground-floor commercial tenants to construct a shed that is 16 feet high instead of the standard 8 feet. An alternative, he said, would be to help such businesses pay for signs advertising their business and then mount the signs on the exterior of the shed. Finally, Mr. Samson said, the best thing a board can do to make life easier for residents and businesses when a shed is necessary is to insure that it comes down as quickly as possible.

Once you get a sidewalk bridge in front of your property, your No. 1 priority is getting the contractor on the fast track," he said. "Because nothing good is going to happen while that bridge is up."



With work going on above, those sidewalk structures are unsightly, expensive and necessary.