Structural and Rehabilitation Assessment of

Twenty-One Vacant Structures

On Behalf of the
City of Newburgh
Orange County, New York

July 24, 2015

Chazen Project No. 31561.00

THE Chazen COMPANIES®
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Engineers
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Environmental & Safety Professionals
Landscape Architects

Prepared for:

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APPENDICES

1.0 BACKGROUND AND PURPOSE

1.1 City of Newburgh – Vacant Structures

The City of Newburgh (hereafter referred to as the "City") is located approximately 60 miles north of New York City in the Mid-Hudson region of New York State. Newburgh is a small, densely populated City with a population of approximately 29,000 people and covering a surface area of 3.8 square miles that is bounded by the Town of Newburgh to the north and west, the Hudson River to the east and the Town of New Windsor to the south.

The economic downturn has left numerous properties abandoned and in various states of condition within the City limits. Recently, the City has been negatively impacted both financially and socially, by the collapse of several of these vacant, deficient properties. These recent collapses have revealed the need for a comprehensive structural evaluation of the stability of these properties to prevent future impacts to the public's health and safety, and to allow the City to plan financially for the burden of stabilizing and/or demolishing these unstable structures.

1.2 Request for Proposal No. 2.15

In February of 2015, the City issued a request for proposal (RFP) entitled, "RFP No. 2.15 for Professional Engineering Services Related to the Structural Evaluation of Vacant Buildings In and For the City of Newburgh, New York." A copy of this RFP is provided for reference in Appendix B. The RFP focused on twenty vacant residential properties (twenty-one street addresses) listed in Table 1 and identified six scopes of work:

1. Evaluation: Conduct structural evaluation of each property and determine the threat posed to the community's health and safety from a structural perspective.

2. Notification: Alert the City immediately of any impending collapse or other dangerous conditions which require emergency action.

3. Other Hazards: List other conditions which may be encountered or impact in the stabilization or in demolition of the property. (Note that hazardous building material testing is not required as part of this project.)

4. Report: Prepare a report for each property listing the potential threats to the public's health and safety. Provide recommendations for either stabilizing or demolishing the structure based upon a review of possible costs and benefits.

5. Opinion of Probable Costs: Provide approximate cost estimates for both remediation and demolition for the City's planning and early budgeting purposes.

6. Priority Action List: Prepare a priority action list for the City's use.

Table 1 – List of Vacant Structures Part of This Assessment

2 Liberty Street	98 Lander Street	115 Johnston Street
260 Liberty Street	86 Lander Street	139 Johnston Street
290 Liberty Street	33 Lander Street	169 Johnston Street
109 Chambers Street	9 Carson Street	128 Dubois Street
161 Lander Street	82 Carson Avenue	16 Maple Street
137 Lander Street	187 Carson Avenue	143 Washington Street
139 Lander Street	68 Campbell Street	191 South Street

1.3 Project Approach

To meet the objectives of the RFP, Chazen approached the project as follows:

1. Structural Evaluation: Chazen structural engineers visited each property and performed a visual assessment of the building structural system.

2. Notify City: Chazen notified the City of unsafe conditions that we observed during our assessment and prepared placarding recommendations for the City's use.

3. Perform a rehabilitation assessment: Chazen engaged the services of an experienced community restoration firm to perform a rehabilitation assessment for buildings that appeared structurally salvageable.

4. Develop Recommendations: Chazen prepared recommendations for the City's use. Based upon our assessment of the structures and their rehabilitation potential.

5. Develop opinion of probable cost figures: Chazen prepared opinion of probable costs to rehabilitate or demolish structures based upon past experience and industry-provided standards for the City's preliminary planning and budgeting use.

6. Report Findings: Chazen prepared an individual report for each property and compiled them into a single report package for the City's review and use.

Our observations, assessments and recommendations are provided herein.

2.0 OBSERVATIONS AND ASSESSMENTS

2.1 Structural Assessment

Chazen performed a visual assessment of the twenty vacant building structures (twenty one street addresses) listed in Table 1. This initial structural assessment was performed by two Chazen representatives on May 18, 2015. This assessment was focused primarily on assessing the overall stability and safety of the building structural system. Chazen was escorted during this assessment by members of the Newburgh Fire Department.

2.2 Initial Findings and Recommendations

Chazen provided initial findings of our assessment to the City in a letter dated May 19, 2015. The purpose of this letter was to immediately notify the City of any unsafe conditions, in accordance with the requirements of the RFP. This letter is provided for reference in Appendix C. Our preliminary findings were as follows:

- Each building structure is structurally deficient and can pose a hazard to first responders (i.e. fire fighters, emergency medical technicians, police officers, etc.). Structural hazards may include missing or deteriorated floor structures, unstable walls, unsecured structural elements, deteriorated or collapsed staircases and/or piles of combustible debris.

- As such, Chazen categorizes each building as “unsafe” in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS).

- Chazen recommends that the City immediately notify first responder departments of our preliminary assessment so they are aware of the unsafe nature of these structures.

- All vacant premises that are categorized as “unsafe” must be marked with placards in accordance with FCNYS Section 311.5.

- In addition, Chazen recommends that every entrance of each building be marked with a second “unsafe” placard that contains a summary of the unsafe conditions observed in the structure and the date and approximate time of our assessment.

- Chazen smelled a natural-gas-like odor in the basement of 16 Maple Street. An uncontrolled natural gas leak may pose a significant hazard to this and adjacent structures. Chazen recommends the City engages the appropriate utility / authority to assess this condition.

2.3 Customized Placards

Chazen prepared a customized "unsafe" placard for each subject structure and forwarded PDF copies to the City on June 1, 2015. Chazen recommended that each placard be printed on red cardstock, laminated and mounted to each exterior door on each subject structure. These placards are intended to satisfy the intent of Section 129-4 of the Newburgh Municipal Code. An electronic copy of each customized placard is attached to each individual building report, provided in Appendix D.

At the request of the City, Chazen produced hard-copies of each customized placard for the City's use. These placards were mailed to the City on the week of June 8, 2015. A representative sample of the printed placard is provided below in Figure 2.

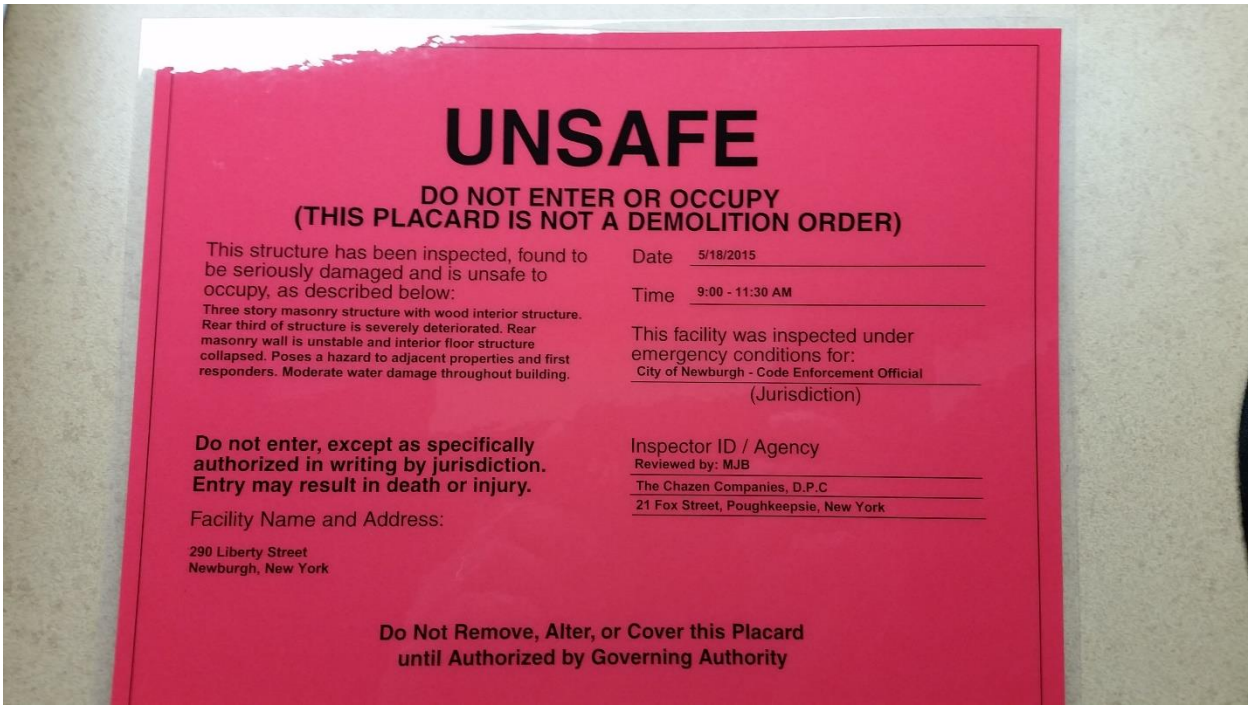


Figure 2 – Example of Customized "Unsafe" Placard

2.4 Rehabilitation Assessment

Chazen identified seven properties whose structural systems appeared stable enough where rehabilitation was economically feasible. These properties are listed in Table 2. At the request of the City, our rehabilitation assessment was limited to five of the properties.

Table 2 – Buildings Considered for Rehabilitation Assessment

137-139 Lander Street	9 Carson Street	82 Carson Street
128 Dubois Street	260 Liberty Street	
143 Washington Street*	290 Liberty Street*	
*Additional Rehabilitation Assessments not performed at request of City		

The rehabilitation assessments were performed by TAP, Inc., an architectural firm experienced with evaluating distressed structures and a firm with a 46 year history in a wide variety of neighborhood renewal projects in New York's Capital District area. The assessments were performed on June 10, 2015. TAP was escorted during these assessments by members of the Newburgh Fire Department. An electronic copy of each rehabilitation assessment is attached to each individual building report, provided in Appendix D.

2.5 Assessment Reports and Priority Action List

Chazen prepared a structural observation, assessment and recommendation report for each property for the City's use. These individual reports are provided in Appendix D.

Based upon our observations and assessments, Chazen/TAP recommends the following:

- That fifteen (15) of the subject structures be demolished due to their deteriorated condition. These structures should be demolished in the Fall of 2015, to limit the increased fall hazard caused by winter conditions. This demolition work should be performed in accordance with all applicable laws and regulations.

- That five (5) of the subject structures (six addresses) be stabilized in the near future to limit ongoing deterioration with the ultimate goal of restoration.

Chazen prepared a summary of our findings, recommendations and the requested priority action list and provided it for reference in Appendix A.

3.0 DISCUSSION

3.1 Community Revitalization

Decline of urban areas is a common problem throughout the region. Urban residential areas are commonly home to low-income families, limited economic opportunities and low property values. These areas often have homes that are vacant or poorly maintained.

The neighborhoods that we visited during our assessment are economically distressed. Several of these homes have been vacant for years and have been left open to the environment. All of the building interiors are uninhabitable and most of the structural systems are unstable and unsafe.

Current economic conditions have made rehabilitation financially unfeasible for many private and commercial developers. The high cost of rehabilitation is difficult to recoup in an area with depressed property values. The private market is demonstrating, through a high rate of abandonment, that it has limited interest in these neighborhoods in their current condition. The rehabilitation analysis performed by Chazen/TAP shows that the cost for renovation will generally exceed the probable sale price for these properties.

Due to these economic reasons, it is difficult to revitalize a neighborhood one building at a time. People move into neighborhoods as much as they move into homes. Renovation of one or two buildings on a bad block is typically not enough to turn around the economic reality of the neighborhood.

Chazen/TAP recommends that the City and its institutional partners focus on selecting a neighborhood and focusing its rehabilitation efforts there. Rehabilitation resources are often scarce, and focusing them into a tightly defined area often maximizes the chances that the housing prices in the area will rise. Rising home prices can attract private developers to the area, which can raise home prices further. Adjacent neighborhoods can then be targeted.

3.2 Property Renovation Costs

TAP has assisted in the revitalization of several vacant urban residential structures throughout the Capitals District of Upstate New York. Based upon their experience, TAP has compiled approximate opinion of probable costs to demolish, stabilize and rehabilitate vacant structures. These values are provided in Table 3. These values were used in our opinion of probable costs described in Section 4.

Table 3 – TAP Generated Opinion of Probable Costs for Upstate New York

Cost Estimates	Low cost	High cost	Extras
to properly secure the building:	Low cost for best condition buildings $6/SF.	High cost for worst condition buildings $20/SF.	Add extra for extensive shoring, dangerous conditions or massive or toxic amounts of debris.
Total cost to achieve habitability	Low cost for best condition buildings $25/SF.	High cost for worst condition buildings $165/SF.	does not include haz mat, sprinkler or elevator. Price based on proven general contractor at market rate.
Cost to demolish. Assume 10' fl to fl.	Free standing, no grade, easy access. $12.50 SF.	High cost for worst condition buildings $20/SF.	asbestos could add $10K, a bad case $30K
Sample for Typical Bldg - Two floors above grade, 25 x 40, 10 ft tall floor to floor.			
	Low cost	High cost	Extras
to properly secure the building:	$ 12,000	$ 40,000	
Total cost to achieve habitability	$ 50,000	$ 330,000	
Cost to demolish. Assume 10' fl to fl.	$ 25,000	$ 40,000	With asbestos - $50,000 to $70,000
estimates based on TAP's experience in the Capital District, working with a smaller scale contractors of good reputation.			

3.3 Municipal Codes

The Municipal Code of the City of Newburgh shall be followed when maintaining, improving or demolishing structures within the City limits. Chazen has reference and tailored many of our recommendations to this code. Relevant portions of the code referenced in this report are listed below and provided in Appendix E:

- Section 121: Buildings, Vacant
- Section 125: Buildings, Demolition of
- Section 129: Buildings, Unsafe

3.4 Demolition

Demolition of properties needs to be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

Special attention should be paid to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. Chazen recommends that the City provide a copy of this and other applicable sections to qualified contractors prior to the start of any demolition work.

Each individual assessment report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. These reports are not intended to serve as detailed demolition plans. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

3.5 Hazardous Building Materials

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. Any reference to hazardous building materials (e.g. asbestos-containing materials (ACMs), lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) in this report and its appendices are not verified.

Chazen recommends that the City and its qualified contractors assume that hazardous building materials and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in these properties. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials.

This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56), which is provided for reference in Appendix F. Special attention should be provided to the emergency notification and projects sections in Chapter 11.

3.6 Historical Significance

Chazen and TAP assessed the historical significance of five subject properties as a part of our rehabilitation assessment work. Based upon our observations, we do not believe that there is significant historical significance to these properties.

However, the City, its agencies and community partners are in the best position to assess the historical significant of all these properties based upon their local knowledge, contacts and understanding of the community. Chazen recommends that the City coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition. Chazen does not believe the possible historical significant of these structures should overrule the safety concerns contained herein.

4.0 OPINION OF PROBABLE COSTS

Based upon our recommendations and those of our engaged sub-consultants, Chazen has developed an opinion of probable costs to both implement our recommended course of action for each property (immediate stabilization or demolition), and an option of cost to rehabilitate the stabilized properties to habitatable condition. A summary of our opinion of probable costs is provided in Table 4.

Table 4: Opinion of Probable Cost Study

			For Initial Recommendation			For Future Rehabilitation		
Building Name	Approx.Area (sqft)	Initial Recommendation	OPC*	Cost Range		OPC*	Cost Range	
2 Liberty Street	3,600	Demolish	$12-20/sqft	$ 43,200	$ 72,000			
260 Liberty Street	1,500	Stabilize	$6-20/sqft	$ 9,000	$ 30,000	$60-$150/sqft	$ 90,000	$ 225,000
290 Liberty Street	2,100	Stabilize	$6-20/sqft	$ 12,600	$ 42,000	$60-$150/sqft	$ 126,000	$ 315,000
109 Chambers Street	700	Demolish	$12-20/sqft	$ 8,400	$ 14,000			
161 Lander Street	500	Demolish	$12-20/sqft	$ 6,000	$ 10,000			
137 Lander Street	3,000	Stabilize	$6-20/sqft	$ 18,000	$ 60,000	$60-$150/sqft	$ 180,000	$ 450,000
139 Lander Street	3,000	Stabilize	$6-20/sqft	$ 18,000	$ 60,000	$60-$150/sqft	$ 180,000	$ 450,000
98 Lander Street	3,300	Demolish	$12-20/sqft	$ 39,600	$ 66,000			
86 Lander Street	2,600	Demolish	$12-20/sqft	$ 31,200	$ 52,000			
33 Lander Street	2,100	Demolish	$12-20/sqft	$ 25,200	$ 42,000			
9 Carson Avenue	2,200	Stabilize	$6-20/sqft	$ 13,200	$ 44,000	$60-$150/sqft	$ 132,000	$ 330,000
82 Carson Avenue	1,300	Demolish	$12-20/sqft	$ 15,600	$ 26,000			
187 Carson Avenue	2,800	Demolish	$12-20/sqft	$ 33,600	$ 56,000			
68 Campbell Street	3,500	Demolish	$12-20/sqft	$ 42,000	$ 70,000			
115 Johnston Street	860	Demolish	$12-20/sqft	$ 10,320	$ 17,200			
139 Johnston Street	1,300	Demolish	$12-20/sqft	$ 15,600	$ 26,000			
169 Johnston Street	2,100	Demolish	$12-20/sqft	$ 25,200	$ 42,000			
128 Dubois Street	3,200	Stabilize	$6-20/sqft	$ 19,200	$ 64,000	$60-$150/sqft	$ 192,000	$ 480,000
16 Maple Street	1,300	Demolish	$12-20/sqft	$ 15,600	$ 26,000			
143 Washington Street	5,600	Stabilize	$6-20/sqft	$ 33,600	$ 112,000	$60-$150/sqft	$ 336,000	$ 840,000
191 South Street	2,600	Demolish	$12-20/sqft	$ 31,200	$ 52,000			
Totals	**49,160**			**$435,120**	**$931,200**		**$1,854,000**	**$3,399,000**

*Opinion of Probable Cost to be used for preliminary budgeting purposes only. Costs will vary depending upon market conditions, individual site factors, schedule, municipal approvals and regulatory requirements. Costs to abate, handle and dispose of hazardous building materials, if present.

These opinions of probable cost figures should be used for preliminary budgeting and planning purposes only. The final costs to demolish, stabilize and rehabilitate these structures will vary depending upon the schedule of the work, the type of contract used to perform the work, the amount of professional services required to permit the work, and market conditions. Chazen recommends that the City consult with qualified contractors familiar with the market conditions of the area to review these properties and our recommendations, and prepare detailed estimates for the City's use.

These opinions of probable cost exclude costs to abate hazardous materials, should they be present in these buildings. Abatement costs can be significant. Based upon TAP's experience in the Capital District, abatement of a single family, residential home can cost an additional $10,000 to $30,000 to the cost of a rehabilitation project. Chazen recommends that the City perform a hazardous building material survey to determine the amount of hazardous materials present in these properties, consult with a qualified abatement contractor familiar with the market conditions of the area, to develop detailed cost estimates for the City's use.

5.0 RATING SYSTEM AND DECISION DOCUMENT

The decision to rehabilitate or demolish an existing structure requires consideration of several factors. Based upon TAP's experience assisting Capital Region communities rehabilitate hundreds of deteriorated structures, they have found the best decision making systems are those that are flexible and incorporate buy-in from several interested parties.

TAP has provided a decision making approach that has been used successfully to rehabilitate of homes, neighborhoods and communities, and is provided in Table 5.

6.0 LIMITATIONS

Our observations were limited to those portions of the subject structures that were visible and accessible at the time of our visit. No destructive investigation, laboratory testing or hazardous building material survey, pest studies or code-compliance studies were performed, no assessment of the building mechanical, electrical or plumbing systems was performed, and no equipment was disassembled and no furniture or stockpiled materials were moved unless where explicitly described in this report or its appendices.

Chazen makes no express or implied warranties concerning the components of the structure or building systems. This report constitutes the completed and exclusive expression of the opinions of Chazen and TAP, Inc.

Table 5: Rating System and Decision Document

Rating System / Decision Making	Suggested Priority and Activity
1. Is this building in a state of physical decline so severe that it is self-evidently beyond renovation?	Highest priority. Proceed with demolition to protect the community.
2. Is this building safe and near a state in which it is habitable?	Consider offering it as is, or engage a qualified contractor to perform minor repairs, and then offer it for sale. If not selling, assess the property yearly and ensure that it is weather-tight and stable.
3. Might a moderate rehab, subsidized with outside funds, bring this building to a point where it would be saleable, even though it was not yet habitable?	Develop a list of prescreened investor owners with good track records who might be willing to submit a bid on the building. Consider a grant program which offers a portion of the money saved by not demolishing the building to a developer who will renovate it to the point of habitability. We suggest that the grant be contracted at sale and paid after the project has been completed to the point of occupancy.
4. Is this building part of a planned, targeted redevelopment block?	Buildings located on target blocks should be the first choice for substantial rehabilitation and offer for sale. If there are no planned target redevelopment blocks, we recommend that they should be considered to assist in redevelopment efforts.
5. Is the building in poor condition but does not fit any of the above criteria?	1. Stabilize the structure and building envelope to limit future deterioration. Remove collapsing additions, rebuild and patch the roof and secure all windows and doors. Install vents to promote air circulation of the upper floors. Clear the building of all debris. 2. Seek funding to abate lead and asbestos to promote development. 3. Offer the upgraded shell to the adjacent owner with the same grant program as suggested in line 4 above. 4. Offer it to prescreened investor list. 5. Offer it to the public via a proposal process.
6. Evaluate special circumstances	Note that several issues can arise that would make a building more or less of a candidate for rehabilitation, stabilization or demolition. Every building is a special case. Engage adjacent property owners and community leaders in assessing each property.

7.0 CLOSING

The Chazen Companies completed a structural and rehabilitation assessment of twenty vacant residential structures (twenty-one addresses) located in the City of Newburgh, Orange County, New York.

Chazen and TAP, Inc. welcome the opportunity to discuss our assessments, share our observations and to assist in the revitalization of these communities in the City of Newburgh at any time.

Thank you for the opportunity to assist you in this matter. Please feel free to call this office with any questions, comments or need for further assistance.

Sincerely,

Michael J. Baron, P.E.
Project Manager / Structural Engineer

Reviewed and Approved By:

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

8.0 APPENDICIES

Appendix A: Summary and Planning Document
Appendix B: Request for Proposal (RFP) No. 2.15
Appendix C: Preliminary Findings Letter Dated May 29, 2015
Appendix D: Condition Assessment Reports

D.01:	2 Liberty Street	D.02:	260 Liberty Street
D.03:	290 Liberty Street	D.04:	109 Chambers Street
D.05:	161 Lander Street	D.06:	137-139 Lander Street
D.07:	98 Lander Street	D.08:	86 Lander Street
D.09:	33 Lander Street	D.10:	9 Carson Avenue
D.11:	82 Carson Avenue	D.12:	187 Carson Avenue
D.13:	68 Campbell Street	D.14:	115 Johnston Street
D.15:	139 Johnston Street	D.16:	169 Johnston Street
D.17:	128 Dubois Street	D.18:	16 Maple Street
D.19:	143 Washington Street	D.20:	191 South Street

Appendix E: Excerpts from City of Newburgh Municipal Code
Appendix F: Excerpts from Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (12 NYCRR Part 56)

Appendix A:
Summary and Planning Document

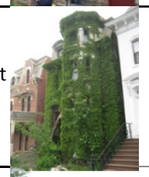
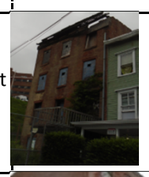
Structural Condition Assessment - Summary of Observations

City of Newburgh, New York

Chazen Job #: 31561.00

Last Issued Date: **7/24/15**

Rev. Date	Revision Description

Priority Order**	Address	Vacant?	Assessment?	Recommendation	Approx. Area	Preliminary Opinion of Probable Cost to Perform Recommendation*	Hazardous Materials Present?	Placard	Photograph	Summary of Structural Observations	Observed Date	Observed Time
1	16 Maple Street	Yes	Dangerous to Public - Unstable Structure	Demolish	1,300	$57,600 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at stree + "Unsafe" at doors		Two story wood structure. Severe fire and water damage throughout house. **Natural gas-like smell in basement -- needs to be immediately investigated.** Poses hazard to adjcant structures.	5/18/2015	AM
2	169 Johnston Street	Yes	Dangerous to Public - Unstable Structure	Demolish	2,100	$33,600 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure. Complete collapse of interior structure. Exterior walls are unstable. **Poses fall hazard to adjacent property.**	5/18/2015	AM
3	191 South Street	Yes	Dangerous to Public - Unstable Structure	Demolish	2,600	$56,000(+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure. Complete collapse of interior structure. Exterior walls are unstable. **Poses fall hazard to adjacent property.**	5/18/2015	AM
4	290 Liberty Street	Yes	Possible Salvage Value - Significant Structural Deterioration in Rear	Stablize	2,100	$30,000 (+/-35%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure with wood interior structure. Rear third of structure is severely deteriorated. Rear masonry wall is unstable and interior floor structure collapsed. **Poses a hazard to adjacent properties and first responder without stabilization.** Moderate water damage throughout building.	5/18/2015	AM
5	187 Carson Avenue	Yes	Dangerous to Public - Unstable Structure	Demolish	2,800	$44,800 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Two story wood structure with walk-out basement. Severe fire damage throughout upper story. Severe water damage throughout structure.	5/18/2015	AM
6	68 Campbell Street	Yes	Dangerous to Public - Unstable Structure	Demolish	3,500	$56,000(+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Four story masonry structure. Partial Collapse of northern portion of building at all floors. South elevation cornice is unstable. Building is unstable. Significant water damage throughout building.	5/18/2015	AM
7	33 Lander Street	Yes	Dangerous to Public - Unstable Structure	Demolish	2,100	$33,600 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three-four story masonry structure. Nearly complete collapse of interior floors. Significant water damage throughout the building.	5/18/2015	AM

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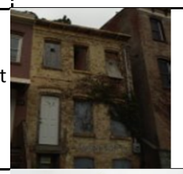
Structural Condition Assessment - Summary of Observations

City of Newburgh, New York

Chazen Job #: 31561.00

Last Issued Date: 7/24/15

Rev. Date	Revision Description

Priority Order**	Address	Vacant?	Assessment?	Recommendation	Approx. Area	Preliminary Opinion of Probable Cost to Perform Recommendation*	Hazardous Materials Present?	Placard	Photograph	Summary of Structural Observations	Observed Date	Observed Time
8	86 Lander Street	Yes	Dangerous to Public - Unstable Structure	Demolish	2,600	$41,600 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure. Interior of roof and floor structures collapsed. Front entrance steps collapsed. Structure covered with climbing plants.	5/18/2015	AM
9	115 Johnston Street	Yes	Dangerous to Public - Unstable Structure	Demolish	860	$13,750 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure. Complete collapse of interior structure. Exterior walls are unstable.	5/18/2015	AM
10	2 Liberty Street	Yes	Dangerous to Public - Unstable Structure	Demolish	3,600	$57,600 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure. Partial collapse of most interior framing. Significant water damage throughout the building.	5/18/2015	AM
11	98 Lander Street	Yes	Dangerous to Public - Unstable Structure	Demolish	3,300	$52,800 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure. Interior of roof and floor structures collapsed. Rear carriage house roof and mezzanine wood structures collapsing. Brick masonry over front entrance collapasing. Yard overgrown and structures covered with climbing plants. Chainlink fence present around site.	5/18/2015	AM
12	161 Lander Street	Yes	Dangerous to Public - Unstable Structure	Demolish	500	$8,000 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Formerly two (or three) story masonry structure. Complete collapse of interior structure. All that remains is two unsecured masonry walls. Large trees grow inside of building footprint. Structure shares party wall with adjacent structure.	5/18/2015	AM
13	139 Johnston Street	Yes	Dangerous to Public - Unstable Structure	Demolish	1,300	$20,800 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure. Partial collapse of west portion of floor framing. Poses a hazard to adjacent properties and first responders.	5/18/2015	AM
14	82 Carson Avenue	Yes	Dangerous to Public - Unstable Structure	Demolish	1,300	$20,800 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Two story wood structure. Fire damage and deteriroated roof structure at north/ east corer of building. Unsupported framing at north/ east corner of building. Localized water damage throughout the building.	5/18/2015	AM

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Structural Condition Assessment - Summary of Observations

City of Newburgh, New York

Chazen Job #: 31561.00

Last Issued Date: **7/24/15**

Rev. Date	Revision Description

Priority Order**	Address	Vacant?	Assessment?	Recommendation	Approx. Area	Preliminary Opinion of Probable Cost to Perform Recommendation*	Hazardous Materials Present?	Placard	Photograph	Summary of Structural Observations	Observed Date	Observed Time
15	109 Chambers Street	Yes	Severe interior damage	Demolish	700	$11,200 (+/-25%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Two story wood framed structure. Local roof collapse in center of building. Severe deterioration in center of building. Unsafe interior staircase. Interior has piles of combustable debris.	5/18/2015	AM
16	137 Lander Street	Yes	Possible Salvage Value - Local Structural Deterioration	Stablize	3,000	$25,000 (+/-35%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure that shares a party wall with 139 Lander Street. Two apartment units. Bottom unit is water damaged and contains debris. The upper unit was not accessible at the time of our visit. Front entrance staircase is unsecured and unsafe.	5/18/2015	AM
17	139 Lander Street	Yes	Possible Salvage Value - Local Structural Deterioration	Stablize	3,000	$25,000 (+/-35%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure that shares a party wall with 137 Lander Street. Two apartment units. Bottom unit is severely water damaged and contains debris. There is evidence of a fire in the upper unit and charring on the third floor staircase and appeared unsafe. The third floor interior was not observed . The front part of the roof is partially collapsed and open to weather.	5/18/2015	AM
18	128 Dubois Street	Yes	Possible Salvage Value - Significant Structural Deterioration at upper floors	Stablize	3,200	$41,600 (+/-35%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Two story masonry structure Paritial collapse at roof and 2nd floor. Moderate water damage throughout the building. Front terrace brickwork unstable.	5/18/2015	AM
19	143 Washington Street	Yes	Possible Salvage Value - Significant Structural Deterioration at upper floors	Stablize	5,600	$40,000 (+/-35%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Three story masonry structure. Parital collapse of roof structure. Moderate water damage throughout the building.	5/18/2015	AM
20	9 Carson Street	Yes	Possible Salvage Value - Localized Deterioration at roof and foundation setback	Stablize	2,200	$28,600 (+/-35%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Two and a half story wood structure. Localized deterioration/ partial collapse at roof along south elevation, foundation setback along north elevation, and at front entry walking surface and canopy. Localized water damage throughout the building	5/18/2015	AM
21	260 Liberty Street	Yes	Possible Salvage Value - Local Structural Deterioration	Stablize	1,500	$15,000 (+/-35%)	Assumed Yes (No Survey Performed)	"X" Reflective Placard at street + "Unsafe" at doors		Two story wood framed structure. Roof missing in front portion of building. Severe water damage localized to front of building and moderate damage to finishes throughout. Local roof collapse in front of building and deteriorated floor in front. Front steps are unsecure. Recommend removing / securing loose wood on front elevation to limit fall hazards.	5/18/2015	AM

* Excludes costs to abate, handle or dispose of hazardous building materials, if present. ** All buildings should be addressed in recommended timeframes. Order number is for listing purposes only.

Appendix B:
Request for Proposal (RFP) No. 2.15

City of Newburgh
City Comptroller's Office
City Hall – 83 Broadway
Newburgh, New York 12550

Tel. (845) 569-7322
Fax (845) 569-7490

John J. Aber
City Comptroller
jaber@cityofnewburgh-ny.gov

NOTICE

REQUEST FOR PROPOSALS

RFP No. 2.15
for
Professional Engineering Services
related to the
Structural Evaluation of Vacant Buildings
In and for the City of Newburgh, New York

Sealed Proposals will be received by the City Comptroller in his office at City Hall, 83 Broadway - 4th Floor, Newburgh, New York, until 4:00 p.m., local time, Friday, February 27, 2015 for Professional Engineering Services related to the structural evaluation of vacant buildings located in the City of Newburgh.

The Request for Proposals (RFP) Document, becoming available to the public Friday, February 13, 2015, may be obtained by visiting the Empire State Purchasing Group website at: www.empirestatebidsystem.com, selecting the "Open Bids" tab and title of the solicitation. Vendors may have to register if visiting this site for the first time.

Proposals must be submitted in accordance with the requirements and provisions stated in the RFP Document and submitted on or before the specified due date and time. Proposals submitted after the deadline will not be considered. Facsimile or electronic mail submissions will not be accepted. ***Vendors are responsible for timely delivery of their Proposals.*** There will be no exceptions.

The City of Newburgh is exempt from payment of Federal and State taxes on all materials supplied to the owner pursuant to this contract.

Proposals shall not be withdrawn for a period of forty-five (45) days subsequent to the submission deadline without the consent of the City of Newburgh Comptroller.

The City of Newburgh reserves the right to reject any or all Proposals and to waive any informality or technicality in any Proposal deemed to be in the best interest of the City. Contract award may be subject to approval by the City Council.

By Order of the City of Newburgh:

By: _____
John J. Aber, City Comptroller

Dated: Wednesday, February 11, 2015

Advertisement Date:	Hudson Valley Black Press:	Wednesday, February 11, 2015
	Mid-Hudson Times:	Wednesday, February 11, 2015
	The Sentinel:	Friday, February 13, 2015

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City of Newburgh
Engineering Department
City Hall – 83 Broadway
Newburgh, New York 12550
www.cityofnewburgh-ny.gov

TEL: (845) 569-7448 FAX: (845) 569-7349

Request for Proposal (RFP)

RFP No. 2.15

for

Professional Engineering Services

related to the

Structural Evaluation of Vacant Buildings in the City of Newburgh

City of Newburgh Overview

The City of Newburgh (hereinafter "City") is an enthusiastic participant in the ongoing efforts to revitalize the Mid-Hudson Region. The City is located approximately 60 miles north of New York City on the west side of the Hudson River in Orange County New York. Newburgh is a small, densely populated City with a population of approximately 29,000 people and covering a surface area of 3.8 square miles that is bounded by the Town of Newburgh to the north and west, the Hudson River on the east and the Town of New Windsor to the south.

Statement of Intent

This Request for Proposal (hereinafter "RFP") and consultant selection process is being conducted to engage a lead firm that specializes in structural engineering to perform and subcontract an array of professional services for the purpose of evaluating the structural stability and potential impacts to the public health and safety of a pre-selected list of 21 vacant properties with known deficiencies located in the City of Newburgh.

Background

The previous economic downturn has left numerous properties abandoned in various states of condition within the City limits. Recently, the City has been negatively impacted both financially and socially, by the collapse of several of these vacant, deficient properties. These recent collapses have revealed the need for a comprehensive structural evaluation of the stability of these properties to prevent future impacts to the public's health and safety, and to allow the City to plan financially for the burden of stabilizing and/or demolishing these unstable structures.

SCOPE OF SERVICES

Proposals are being sought to include, at a minimum, the following services:

1. Conduct detailed structural evaluations of each of the vacant, deficient properties listed at the end of this RFP to determine if any aspects of the structure pose a threat to the community's health and safety from a structural perspective.

2. Prepare a report for each property address listing the potential threats to the public's health and safety along with recommendations for either stabilizing or demolishing the structure based upon a cost-benefit analysis accounting for costs of remediation, demolition, future value, public benefit and historic significance. The consultant shall prepare a rating system, with input provided by City staff, containing weighted factors for each of these variables to be used in assessing the feasibility of recommended alternatives for each of these deficient structures.

3. Provide approximate cost estimates for both remediation (if possible) and demolition.

4. List any other factors which may be encountered in demolition of the property (i.e. asbestos, hazardous waste, limited site access, connected adjoining buildings, known utility conflicts, etc.). Asbestos and other environmental testing is not required as part of this proposal.

5. Create a priority action list with the highest priority representing the property with greatest potential impact to the health and safety of the community.

6. Alert the City immediately of any impending collapse or other dangerous conditions which require prompt emergency action. These alerts shall be directed to the Engineering Department immediately upon discovery.

CONTENT OF PROPOSALS

Proposals shall contain the eight items listed below and arranged in the following order for ease of review by the City:

1. Description of professional engineering firm, including resume information of principals and professionals who are to be assigned to this project, and present staffing and management of firm.

2. Description of proposed availability for work on this project, if awarded, including, reference to present and anticipated workload in sufficient detail to determine respondents ability to undertake this project in a timely and efficient manner.

3. Description of firm's experience and expertise on previous projects of similar and relevant scope.

4. Statement which would describe the firm's understanding of the scope of the proposed project.

5. General description of respondent's proposed methods and a detailed schedule of project services with specific task completion timelines from date of award of contract.

6. Description of services to be provided "in-house" by the respondent and what service will be subcontracted.

7. Description of professional liability and general insurance.

8. Proposed fee and payment schedule for professional services proposed.

9. Non-Collusive Bidding Affidavit (*see form attached)*

ADDITIONAL SERVICES

Any other information which the respondent determines may be relevant to the City's review and selection process for this project. The City reserves the right to require additional information as deemed necessary to complete the review of proposals resulting in selection of the consultant. The City may opt to interview one or several of the respondents after the initial review but prior to final selection.

EVALUATION CRITERIA

Proposals will be examined and evaluated by City staff and scored according to the criteria outlined below to determine whether the requirements of this RFP are met. An award will be made to the qualified consultant that submits a proposal that best meets the City's needs. Proposals will be evaluated on the following criteria:

- Proposer's comprehension of the required/proposed Scope of Services 30%
- Proposer's professional qualifications, prior experience in similar projects and demonstrated capabilities 40%
- Firms Logistics and familiarity with the project area 10%
- Proposed price/fee 20%

SUBMISSION OF PROPOSALS

Qualified firms licensed to practice Professional Engineering in New York State are required to submit one (1) original and seven (7) copies of their proposal to the City Comptroller in a sealed envelope that clearly references the title of this RFP, on or before 4:00 p.m., local time, Friday, February 27, 2015. Proposals shall be delivered to the attention of John J. Aber, City Comptroller, City of Newburgh, 83 Broadway – 4th Floor, Newburgh, NY 12550 by hand, mail or other courier type services. Late proposals will not be accepted by the City of Newburgh and will be returned to the Proposer unopened. Facsimile and electronic mail submission of Proposals will be rejected.

A compact disc (CD) containing a duplicate digital file of the proposal shall also be included in the package.

Proposals shall be suitably bound and organized so that required mandatory information is first, followed by any supplementary information which the respondents wish to include following. To the greatest extent possible, the submitted format shall be limited to 8 ½" x 11" format.

The cover of the proposal shall clearly indicate name, address, telephone number and electronic mail address of the firm and designated contact person. Proposals shall be delivered to the City of Newburgh by hand, mail or other courier type services. A compact disc (CD) containing a duplicate digital file of the proposal shall also be included in the package. Facsimile or electronic email submittals are not permitted, and will be rejected.

Right to Reject Proposals

The City of Newburgh reserves the right without prejudice, to reject any or all proposals, to waive any informalities or minor irregularities in proposals, and to accept the proposal deemed, in the opinion of the City, to be in the best interest of the City.

Questions

Questions shall be submitted electronically in writing on or before 12:00 p.m., local time, Friday, February 20, 2015 and addressed to City Engineer Jason C. Morris, P.E. at jmorris@cityofnewburgh-ny.gov. Any response to questions, as appropriate, shall be presented publically as Addenda to the original solicitation posted on the Empire State Purchasing Group website.

Consultants are responsible for visiting each of the 21 property sites contained herein as necessary for the preparation of their proposal and may viewed from the street or sidewalk. Furthermore, and for the purposes of the preparation of work proposals, the City of Newburgh will not be providing interior site visits of said properties.

Iran Divestment Act

By submission of a Proposal in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, selected Proposer, or any assignee, certifies that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerors pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted on the O.G.S. website at:

http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf

The selected Proposer further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, the selected Proposer is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

The City of Newburgh reserves the right to reject any Proposal from an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

By submission of Proposal to the City of Newburgh, Proposer thereby certifies their firm is in compliance with all aspects of this regulation.

Non-Collusive Bidding Affidavit

In accordance with Section 103-d of the State Finance Law, a Non-Collusive Bidding Affidavit (page 8) must be completed, signed in blue ink and submitted in original form with the sealed Proposal.

Property List

The following list consists of 21 City of Newburgh properties requiring evaluations:

1.) 2 Liberty Street
2.) 260 Liberty Street
3.) 290 Liberty Street
4.) 109 Chambers Street
5.) 161 Lander Street
6.) 137 Lander Street
7.) 139 Lander Street
8.) 98 Lander Street
9.) 86 Lander Street
10.) 33 Lander Street
11.) 9 Carson Street
12.) 82 Carson Avenue
13.) 187 Carson Avenue
14.) 68 Campbell Street
15.) 115 Johnston Street
16.) 139 Johnston Street
17.) 169 Johnston Street
18.) 128 Dubois Street
19.) 16 Maple Street
20.) 143 Washington Street
21.) 191 South Street

NON-COLLUSION BIDDING AFFIDAVIT

City of Newburgh, New York

Work: *RFP for Professional Engineering Services related to the Structural Evaluation of Vacant Buildings - RFP #2.15*

State of)
) SS:
County of)

I, _____ of the (Town, Village, City) of _____ in the County of _____ and the State of _____ of full age, being duly sworn according to law on my oath depose and say that:

I am _____, an officer of the firm of _____ the Bidder/Proposer making the Proposal for the above named work, and that I executed the said Proposal with full authority to do so; that said bidder has not, directly or independently, entered into any agreement, participated in any collusion, or otherwise in connection with the above named work; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with the full knowledge that the City of Newburgh, New York as Owner relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for said work.

I further warrant that no person or selling agency has been employed or retained to solicit or secure contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bonafide employees or bonafide established commercial or selling agencies maintained by _____.

(Name of Contractor)

Subscribed and sworn to: _____

(Signature of Affiant above in ***BLUE*** Ink***;*** type or print name/title below)

Name: _____ Title: _____

before me this _____ day of _____, 20___

AFFIX NOTARY SEAL OR STAMP IN THIS BOX

_____

Notary Public of:

My commission expires: _____

THIS AFFIDAVIT MUST BE COMPLETED BY ALL BIDDERS

Appendix C:
Preliminary Findings Letter Issued on May 29, 2015

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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

May 19, 2015

Jason C. Morris, PE
City Engineer
City of Newburgh
83 Broadway
Newburgh, New York 12550
email: jmorris@cityofnewburgh-ny.gov

Re: Structural Evaluation of Vacant Buildings (RFP 2.15)
Job # 31561.00

Dear Mr. Morris:

Chazen performed a visual assessment of twenty vacant building structures (twenty one street addresses, listed in Appendix A) in the City of Newburgh on May 18, 2015. This assessment was performed by Mr. Michael J. Baron, PE and Mr. Lanson A. Cosh, PE who are both licensed professional engineers that are experienced in the design and assessment of building structures.

In accordance with Scope of Service Item #6 of RFP 2.15, Chazen is notifying you that in our opinion each of the building structures is structurally deficient and poses a safety risk to first responders, adjacent property owners and/or the public-at-large. This letter is intended to provide you with a preliminary summary of our assessment and to provide the immediate feedback requested by City in the RFP:

- Each building structure is structurally deficient and can pose a hazard to first responders (i.e. fire fighters, emergency medical technicians, police officers, etc.). Structural hazards may include missing or deteriorated floor structures, unstable walls, unsecured structural elements, deteriorated or collapsed staircases and/or piles of combustible debris.

- As such, Chazen categorizes each building as “unsafe” in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS).

- Chazen smelled a natural-gas-like odor in the basement of 16 Maple Street. An uncontrolled natural gas leak may pose a significant hazard to this and adjacent structures. Chazen recommends the City engages the appropriate utility / authority to assess this condition.

- Chazen recommends that the City immediately notify first responder departments of our preliminary assessment so they are aware of the unsafe nature of these structures.

- All vacant premises that are categorized as "unsafe" must be marked with placards in accordance with FCNYS Section 311.5. Chazen recommends that each placard must:

    - Be designed to include an "X" symbol (Attachment B) since "structural or interior hazards exist to a degree that consideration should be given to limit fire fighting to exterior operations only, with entry only occurring for known life hazards";

    - Be applied on the front of the structure and be visible from the street, and;

    - Be 24 inches by 24 inches in size with a red background, white reflective stripes and a white reflective border. The stripes and boarder shall have a 2-inch stroke.

- In addition, Chazen recommends that every entrance of each building be marked with a second "unsafe" placard that contains a summary of the unsafe conditions observed in the structure and the date and approximate time of our assessment. A sample "unsafe" placard is provided for reference in Attachment C. Chazen is in the process of creating a customized placard for each structure and shall provide them electronically to the City for reproduction and mounting.

Chazen will provide the City with additional assessments and recommendations regarding these structures to you under separate covers. These additional assessments and recommendations shall include a list of structures that are unstable and require immediate stabilization / demolition and a recommended emergency action plan to address these unstable structures for the City's review and use.

Please do not hesitate to contact our office at (845) 454-3980 to discuss this matter at any time.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager/
Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Attachment A: List of Building Structures Assessed on May 18, 2015
Attachment B: Example of "X" Placard per FCNYS Section 311.5
Attachment C: Example of Customized "Unsafe" Placard

cc: File

Attachment A: List of Building Structures Assessed on May 18, 2015

Property List

The following list consists of 21 City of Newburgh properties requiring evaluations:

1.) 2 Liberty Street
2.) 260 Liberty Street
3.) 290 Liberty Street
4.) 109 Chambers Street
5.) 161 Lander Street
6.) 137 Lander Street
7.) 139 Lander Street
8.) 98 Lander Street
9.) 86 Lander Street
10.) 33 Lander Street
11.) 9 Carson Street
12.) 82 Carson Avenue
13.) 187 Carson Avenue
14.) 68 Campbell Street
15.) 115 Johnston Street
16.) 139 Johnston Street
17.) 169 Johnston Street
18.) 128 Dubois Street
19.) 16 Maple Street
20.) 143 Washington Street
21.) 191 South Street

Attachment B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

Attachment C: Example of Customized "Unsafe" Placard

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

The north-west corner of the building has partially collapsed.
The west elevation is in unstable condition.
Portions of the structural framing along the 1st and 2nd floor are significantly deteriorated due to water infiltration.
It is unsafe to enter the building or access the parking area to the west of the building.

Date 5/18/2015

Time 11:00am

This facility was inspected under emergency conditions for:
The City of Newburgh
(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:
xxxx Street
Newburgh, New York

Inspector ID / Agency
The Chazen Companies

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Placard to be printed on red cardstock and covered with weather-resistant plastic covering.

Appendix D.01:
Condition Assessment Report
2 Liberty Street

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 2 Liberty Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 2 Liberty Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is an approximately 3,600 square foot, three-story, brick-masonry residential building with a flat roof. The subject structure was vacant at the time of the inspection. The exterior walls are comprised of load bearing brick masonry. The roof, 2nd and 1st floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by exterior brick masonry walls.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A.

- The subject structure is in an unhabitable condition and appears to be vacant.
- The wooden roof structure has collapsed. There rear half of the structure is open to the elements and is significantly deteriorated.

- The exterior masonry walls are no longer braced by roof structure and are unstable.

- There is significant water damage throughout the structure. Several areas of the interior structure have collapsed.

- The top of small, window-like openings are visible along the ground from the exterior, which may indicate a basement. Chazen was unable to verify the presence of the basement or view all areas of the interior due to the unstable nature of the subject structure.

- The subject structure is located on the corner of Liberty Street and Renwick Street. There is a three story residential structure located approximately four feet to the north of the subject structure.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The exterior unstable walls pose a significant fall hazard to the public and adjacent property. The top of these walls are unbraced and they may collapse during a wind or seismic event or due to continued collapse of the interior framing. This condition is expected to worsen over time.

- The interior of the structure is severely deteriorated and beyond practical repair.

- The plastic fence that has already been installed to restrict access to the adjacent sidewalk is prudent, but it may be insufficient to enclose the area, should a wall collapse occur.

- A wall collapse may also affect the adjacent structure on Liberty Street.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than November 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit fire fighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- Special care should be taken to safeguard the existing adjacent structure. While the two structures do not appear attached, they are close to each other (within four feet). Demolition will need to be performed in a controlled manner. It is also unknown whether either building has a full basement or the location of the existing utilities are located. The adjacent structure shall also need to be protected against dust and other hazards during demolition. Refer to the "demolition" section of this report for additional recommendations.

- Chazen could not determine whether the adjacent structure is currently occupied. The owner of this adjacent property should be notified of the unsafe condition of the subject structure and the owner should inform the City about any current occupants. If the building is occupied, the City should assess whether it necessary to vacate the adjacent structure until the subject structure can be abated.

- The City should consider extending the perimeter fencing outwards to limit access to a greater area around the subject structure. The unstable exterior walls are approximately twenty-five (25) high and a collapse may affect a greater area than is currently restricted. Chazen recommends enclosing an area approximately twenty-five (25) feet in each direction and/or half the travel width of Renwick Street. The City may wish to construct the perimeter fencing in accordance with Section 125-35 of the Municipal Code to facilitate demolition work.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of subject structure. Access to the adjacent sidewalk has been restricted by a plastic fence. There is an adjacent three-story residential structure to the north of the subject structure.

Photograph (2):

Right / Rear Elevation of subject structure. The roof structure has collapsed. The exterior wall along Renwick Street is no longer braced by roof structure and poses a fall hazard.

Photograph (3):

Right Elevation of subject structure. The roof structure has collapsed. The exterior wall along Renwick Street is no longer braced by roof structure and poses a fall hazard.

Photograph (4):

Exterior corner of subject structure. The downspout has been damaged and the resulting discharge has deteriorated the corner of the building. The top of windows are visible at ground level.

Photograph (5):

Representative interior view of the subject structure. The wood framing is severely water damaged and its load carrying capacity is reduced. The roof has collapsed and daylight is visible beyond.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure. Partial collapse of most interior framing. Significant water damage throughout the building.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

2 Liberty Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Appendix D.02:
Condition Assessment Report
260 Liberty Street

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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 260 Liberty Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 260 Liberty Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. The subject structure was observed by TAP, Inc. on the morning of June 10, 2015 to assess its rehabilitation potential. Representatives from the Newburgh Fire Department accompanied Chazen and TAP, Inc. during these assessments and provided access to the subject structure.

Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 1,500 square foot, two and a half story, wood structure, residential building with a gable roof. The roof and floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking).

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe some areas of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.

- Local areas of the roof in the front of the building are severely deteriorated and have partially collapsed.

- These collapsed areas allow weather to penetrate into the interior. The floor structures under these openings, from the attic level through the basement, are severely water damaged and deteriorated. The load carrying capacity of the roof and these floor structures has been degraded.

- The wood cornice and outrigger structures along the roofline in the front and sides of the subject structure are in poor condition, are unsecured and pose an overhead hazard.

- The wooden steps leading to the front entrance are in poor condition and pose an overhead hazard.

- There is significant water damage throughout the structure. The interior finishes are in poor condition.

- There is peeling paint and dark-colored organic appearing stains throughout the structure.

- The basement level is in poor condition. The ceiling is collapsing in some areas and the floor boards have deteriorated.

- There are piles of combustible materials throughout the basement area.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is “unsafe” in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in “deteriorated condition”, as defined by Chapter 129 of the City of Newburgh Municipal Code.

- Overall, the structure is stable and in fair condition. Much of the floor and wall structures appear to be serviceable.

- However, the floor and roof areas in the front portion of the subject structure are in poor condition. The roof is open, weather is allowed to enter these spaces and deteriorating the wood structures. This condition is expected to worsen over time unless it is stabilized.

- There are several loose portions of the roof and cornice structure along the roof life that pose an overhead hazard to pedestrians below. The front steps are in poor condition and pose a trip hazard. These conditions are expected to worsen over time unless they are stabilized.

- The interior finishes and the basement level are in poor condition.

Rehabilitation Assessment

Based upon our observations and condition assessments, Chazen believes that the structural system is stable enough for the City to consider stabilizing or restoring the subject structure.

TAP, Inc., an architectural firm that specializes in rehabilitation and community revitalization projects, visited the subject structure to assess the restoration potential of the subject structure. TAP prepared a summary report of their observations, assessments and recommendations, which is included in Appendix D.

Based upon our combined assessment, we believe that it is in the interest of the City and the public to stabilize this structure and to market it to developers, homeowners or community organizations interested in restoring this property.

Refer to the "stabilization" section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- There are piles of combustible materials left in the subject structure. The City should review this condition with the Fire Department and assess the fire risk. If the Fire Department determines the piles pose an unacceptable fire risk to the community, the materials should be removed in accordance with applicable regulations.

- The City should engage a qualified contractor to stabilize select portions of the subject structure, in accordance with the general requirements of the "stabilization" section of the report and the following recommendations:

    - Remove all unsecured components of the building structure that pose an overhead hazard. This includes the loose wood cornice and outrigger structures along the roof line.

    - Remove and rebuild the steps that lead to the front entrance to eliminate the trip hazard to provide safe access to the interior.

    - Locally remove and rebuild the areas of the roof structure that have deteriorated and collapsed. Chazen envisions that at least the first eight feet, and possibly up to the ridge, of the roof along the front elevation will require reconstruction. The load carrying capacity of the roof structure should be restored to support code-required snow and other loads.

    - The weather tightness of the building envelope should be restored. This will involve at least reroofing the rebuilt areas of roof and could expand to involve the entire roof system. Open windows, joints or other penetrations should also be made weather tight.

    - The interior floor areas that are deteriorated and pose an overhead and/or trip hazard should be barricaded and clearly marked to prevent access. At a minimum, this should include the floor areas under the collapsed roof on all levels.

    - All exterior windows, doors and other openings should be secured in accordance with Section 121 of the Municipal Code.

    - There is significant peeling paint conditions, loose insulation and dark colored organic growth throughout the structure that will likely pose an environmental hazard to workers. All work shall need to be performed in accordance with the "stabilization" section of this report.

Stabilization

Stabilizing a vacant structure helps protect the public, maintains the structure's current condition and value for the owner, and improves vitality of the surrounding community. A stabilized structure is often more valuable to developers, prospective home owners and service organizations compared to a structure that is allowed to deteriorate. Stabilization work generally includes locally reinforcing deteriorated structural members, maintaining proper ventilation and restoring the weather-tightness of the building envelope.

The stabilization of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials necessary to perform this work. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property as a part of this assessment. The City should coordinate with appropriate officials, organizations and community leaders to assess the historical significance of this subject structure.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed repair and stabilization plan. The City shall coordinate with a qualified entity to develop a stabilization plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure
Appendix D: TAP, Inc. Observation, Rehabilitation Assessment and Recommendation Report

Photograph (1):

Front Elevation of the subject structure. The roof has locally collapsed in the front of the structure. Portions of the roof and cornice structures are unsecure and pose a fall hazard.

Photograph (2):

Front Elevation of the subject structure. The front steps are in poor condition and pose a fall hazard.

Photograph (3):

Right Elevation of the subject structure.

Photograph (4):

Rear Elevation of the subject structure.

Photograph (5):

Representative view of the first floor of the subject structure. The interior is water damaged and organic-appearing growth is visible throughout the structure.

Photograph (6):

Representative view of the second floor of the subject structure below the active roof leaks. The load carrying capacity of this area is significantly reduced and is not safe to walk on.

Photograph (7):

Representative view of the third floor of the subject structure below the active roof leaks. The load carrying capacity of this area is significantly reduced and is not safe to walk on. White colored insulation material is visible throughout this area.

Photograph (8):

Representative view of the third floor of the subject structure below the active roof leaks. The load carrying capacity of this area is significantly reduced and is not safe to walk on. White colored insulation material and plant growth is visible throughout this area.

Photograph (9):

Representative view of the third floor of the subject structure below the active roof leaks. Paint is peeling throughout the structure and finishes are all in poor condition.

Photograph (10):

Representative view of the basement of the subject structure below the active roof leaks. The ceiling and floor structures in this area are severely deteriorated.

Photograph (11):

Representative view of the basement of the subject structure. Piles of combustible debris are present throughout the subject structure.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Two story wood framed structure. Roof missing in front portion of building. Severe water damage localized to front of building and moderate damage to finishes throughout. Local roof collapse in front of building and deteriorated floor in front. Front steps are unsecure. Recommend removing / securing loose wood on front elevation to limit fall hazards.

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

260 Liberty Street
Newburgh, New York

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

TAP, Inc. Field Report for City of Newburgh Vacant Properties

260 Liberty Street

Field Team:	Laura Ryder, Eric Cioffi
Date:	June 10, 2015
Access:	Unable to enter the 1st and 2nd floors; only the basement.
Last Use:	2-family? Owner's unit on 1st and 2nd floor; rental basement unit with front bsmt entry.
Approx. Size:	955 SF bsmt + 1017 SF 1st + 506 SF 2nd + 506 SF finished attic = 2,984 SF (2,029 w/o bsmt).

Observations & Condition Assessment:

Weather-tight?	No. Front roofing is missing; roof deck exposed and missing; water entering front rooms.
Secured?	Partially. Most windows covered w/plywood, w/vents on upper floors. Open roof = critter entry.

Exterior:

Front/West:	Wood clapboard and trim in poor condition with some missing; wall studs with brick nogging visible in places; wood entry stoop near collapse.
R side/South:	Wood clapboard and trim in poor condition; needs replacing.
Rear/East:	Wood clapboard and trim in poor condition; needs replacing. Rear porch structure and small addition in poor condition; remove or rebuild.
L side/North:	Wood clapboard in fair-to-poor condition; needs repainting and/or replacing.
Foundation:	Brick, in good condition.
Roof:	Gable, decent pitch. Front gable portion missing roofing, deck, rafter tails at eave. Rear gable has metal standing seam roof in fair condition. Rear flat roof not visible; condition unknown.
Yard:	Large grassy yard with slab at rear from former garage. Access via lot/lane to R of house.

Interior:

Basement:	Water damage in front room, plaster and lath ceiling separating from floor structure above. All finishes deteriorated. Nothing salvageable.
1st floor:	Access denied by NFD. Chazen photos indicate existing plaster in various states of deterioration.
2nd floor:	Access denied by NFD. Chazen photos indicate deteriorated finishes.
Attic:	Access denied by NFD. Chazen photos indicate that portions of roof deck are missing over front rooms, interior finishes and floor structure are water damaged and deteriorated, and will continue to deteriorate until roof is repaired.

General Condition Assessment:

At a minimum, it is likely the front half of building requires removal and re-framing of roof structure and deck, repair of front wall, removal and re-framing of attic floor joists, removal of 1st and 2nd floor decks and possible replacement of water-damaged 1st and 2nd floor joists.

Environmental hazards include:

Testing is necessary to determine the presence of hazardous materials. General knowledge and cursory observation are the basis of the noted conditions below.

Lead paint:	assumed to be in pre-1978 dwellings
Asbestos:	possibly in roof materials; remote possibility in plaster

Mold visible in many locations

All floors would have to be gutted of all finishes and systems, down to the framing, which will allow the building to dry out and allow for a thorough structural evaluation to be done.

Rehabilitation Assessment:

The following costs are based on similar, market rate, non-governmental projects in the Albany area. Identification and remediation of environmental hazards, if present, could add $8k - $20k to total costs.

Type of Work	*Estimated costs*	*Comments*
Demo	2,029 SF x $12.5-15/SF = **$25,000 - $30,000**	Excludes basement SF.
Mothballing*	**$10,000 - $12,000**	Patch/repair damaged front roof only.
Rehab for habitability	2,029 SF x $125 - $140/SF = **$254,000 - $284,000**	Bsmt NOT finished as rental unit.

*Basic "Mothballing" includes the most minimal weatherproofing and structural stabilization to prevent further water damage and structural deterioration, as well as securing all exterior openings and removing all non-hazardous material and household debris.

Future Value/Recommendations:

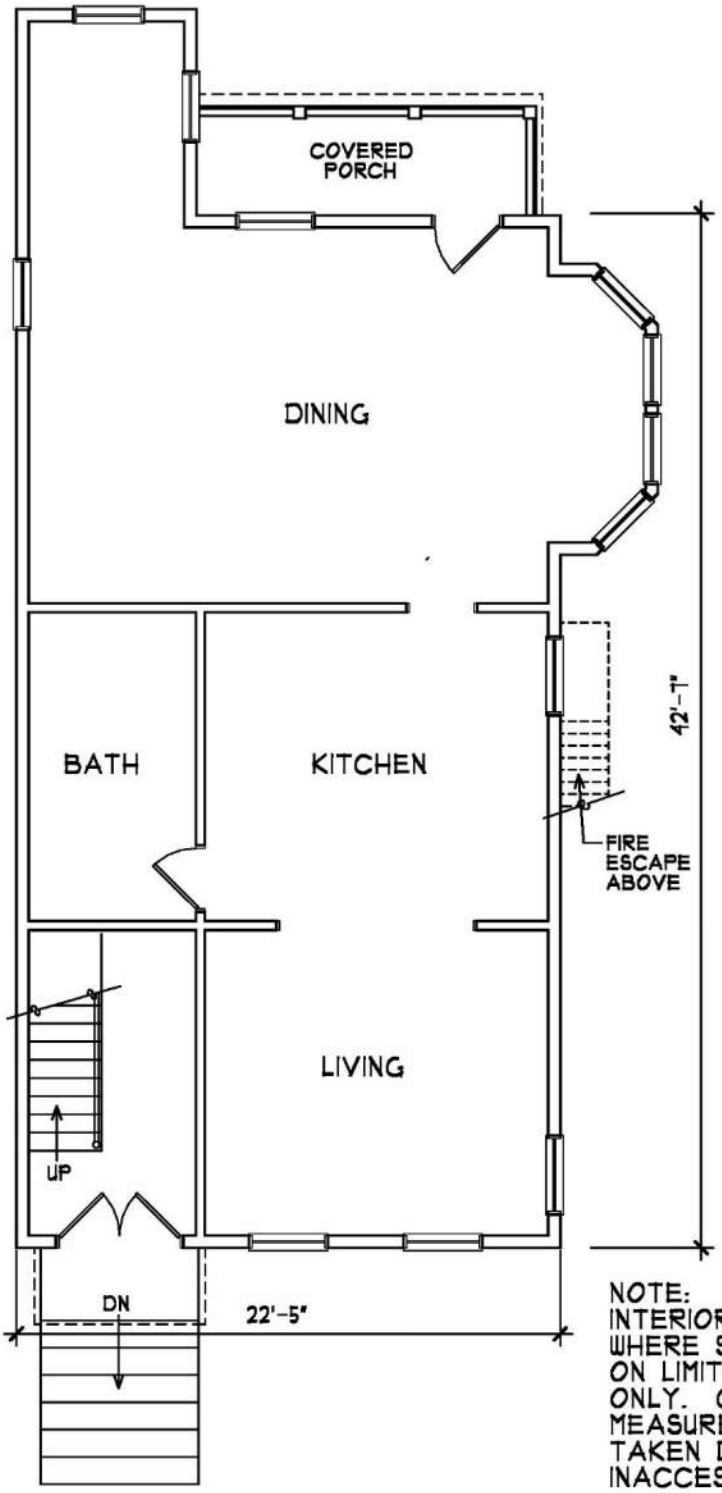
According to the NFD escorts, this block is in the general vicinity of one of Newburgh's worst neighborhoods. It is a mix of occupied and vacant structures, mostly 2- to 4-family homes, in varying degrees of upkeep. This building is still salvageable and has a charm which may appeal to the single-family owner/investor.
Conclusion = Based on the costs above, mothball as a first step in a commitment to neighborhood revitalization. Buildings must be marketed.

Front View

Rear View

Interior –
Typical Conditions

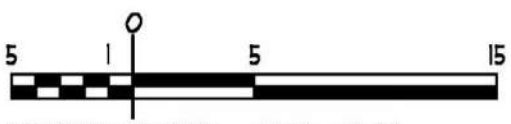
Roof Condition at
Front of Attic



NOTE:
INTERIOR WALL LOCATIONS, WHERE SHOWN, ARE BASED ON LIMITED OBSERVATIONS ONLY. COMPLETE FIELD MEASUREMENTS WERE NOT TAKEN DUE TO INACCESSIBILITY.

260 LIBERTY STREET
FIRST FLOOR

1/8" = 1'-0"



GRAPHIC SCALE: 1/8" = 1'-0"

Appendix D.03:
Condition Assessment Report
290 Liberty Street

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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 290 Liberty Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 290 Liberty Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during these assessments and provided access to the subject structure.

Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 2,100 square foot, three-story, brick-masonry residential building with a flat roof. The roof and floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by load bearing exterior brick masonry walls.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe some areas of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.
- The rear of the structure is severely deteriorated and has partially collapsed. The center of the rear exterior masonry wall has collapsed and the remaining corners are cracked and unstable.

Approximately the rear third of the interior floor and roof structures have collapsed. Weather can enter these collapsed areas and the adjacent framing structures are severely water damaged and deteriorated. The load carrying capacity of the roof and these floor structures has been degraded in these areas.

- There is a large pile of debris behind the subject structure. This debris is mainly from the collapsing rear of the structure. There is a wooden fence around this debris pile, presumably to restrict access and partially contain falling debris.

- The front half of the subject structure is in better condition. There is evidence of minor to moderate water damage in structure and finishes.

- Chazen could not access the upper floor structures due to the unsafe nature of the upper staircases.

- Several of the windows are not boarded and are open to weather. Some of the window panes are broken.

- The front façade is covered in climbing plants and its condition could not be directly observed. There are several windows that are not boarded in accordance with the municipal code.

- There are occupied residential structures on both sides of the subject structure. The structure to the south is approximately three feet away and the structure to the north is approximately eight feet away.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is “unsafe” in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in “deteriorated condition”, as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The condition of the structure varies from front to back. In the front, the subject structure is generally stable and in fair condition. Much of the floor and wall structures appear to be serviceable.

- However, the rear area of the structure is in poor condition and is in a state of dynamic collapse. The rear masonry wall is unstable and local pieces of brick are unsecured and pose an overhead hazard. Since the overall stability of this structure depends upon the exterior masonry walls, ability of this structure to resist lateral loads (wind, seismic) is reduced. This poses a significant hazard to the adjacent properties due to their proximity.

- The interior floor structures in the rear of the building are unsafe and have locally collapsed. This condition is expected to worsen over time as the interior structures become more water damaged unless it is stabilized.

- The windows and doors are not secured in accordance with the municipal code. These openings can allow weather and pests to enter and deteriorate the interior structure and finishes. Unsecured openings can also allow trespassers to enter and vandalize the building.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes that the structural system is stable enough for the City should consider stabilizing or restoring the subject structure. We believe that it is in the interest of the City and the public to stabilize this structure and to market it to developers, homeowners or community organizations interested in restoring this property. Refer to the "stabilization" section of this report for additional recommendations.

As directed by the City, Chazen did not engage TAP, Inc. to perform a rehabilitation assessment on the subject structure since it was conveyed to the Newburgh Community Land Bank on May 18, 2015.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- The City should contact the adjacent property owners and notify them of the unsafe condition of the structure. The property to the north is of particular concern since their driveway is adjacent to the structure and debris pile. To help protect this area, the City should construct a properly designed plywood wall around the debris pile to help catch falling debris.

- The City should install a fence around the sidewalk in front of the subject structure to help limit pedestrian access to the unsafe structure.

- The City should immediately engage a qualified design professional to design a temporary shoring system to stabilize the rear of the subject structure. The City should then engage a qualified contractor to install the shoring system. This is important to restore the overall stability of the structure and limit the hazard to adjacent properties.

- After the structure is stabilized, the City should engage a qualified contractor to continue stabilizing select portions of the subject structure, in accordance with the general requirements of the "stabilization" section of the report and the following recommendations:

    - Locally remove and rebuild the areas of the roof structure that have deteriorated and collapsed. The load carrying capacity of the roof structure should be restored to support code-required snow and other loads.

    - The weather tightness of the building envelope should be restored. This will involve at least reroofing the rebuilt areas of roof and constructing a temporary wall in the rear of the structure. Open windows, joints or other penetrations should also be made weather tight.

    - All exterior windows, doors and other openings should be secured in accordance with Section 121 of the Municipal Code. This would involve painting existing uncoated window boards and adding ventilation screens to the upper levels.

    - The pile of combustible debris should be removed from the premise to limit the fire risk and provide a safe working area for crews.

    - The stairway to the upper level should be reinforced to provide access to the upper levels for additional observations and stabilization.

    - The climbing plants should be removed from the subject structure and the facades be inspected. Any loose or unsecured structural components should be removed or fastened to limit potential overhead hazards.

    - There is peeling paint and dark colored organic growth throughout the structure that will likely pose an environmental hazard to workers. All work shall need to be performed in accordance with the "stabilization" section of this report.

Stabilization

Stabilizing a vacant structure help protects the public, maintains the structure's current condition and value for the owner, and improves vitality of the surrounding community. A stabilized structure is often more valuable to developers, prospective home owners and service organizations compared to a structure that is allowed to deteriorate. Stabilization work generally includes locally reinforcing deteriorated structural members, maintaining proper ventilation and restoring the weather-tightness of the building envelope.

The stabilization of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials necessary to perform this work. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property as a part of this assessment. The City should coordinate with appropriate officials, organizations and community leaders to assess the historical significance of this subject structure.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed repair and stabilization plan. The City shall coordinate with a qualified entity to develop a stabilization plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The front façade is covered in climbing plants and its condition could not be directly observed. There are several windows that are not boarded in accordance with the municipal code. There is a pile of soil in front of the building and its purpose is unknown.

Photograph (2):

Rear Elevation of the subject structure. The rear third of the subject structure has collapsed. The center of the rear exterior wall has collapsed and is unstable. There are loose bricks and unsecured wood structures throughout this area that pose a fall hazard to adjacent structures.

Photograph (3):

Rear Elevation of the subject structure. There is a large pile of debris immediately behind the subject structure. There is a wood fence around this pile.

Photograph (4):

Interior view of the rear of the subject structure.

Photograph (5):

Interior view of water damaged and deteriorating floor boards in the rear of the subject structure. Newer appearing framing is visible near this area and may be an attempt to shore this condition.

Photograph (6):

Rear Elevation of the subject structure. The rear third of the subject structure has collapsed. The center of the rear exterior wall has collapsed and is unstable. There are loose bricks and unsecured wood structures throughout this area that pose a fall hazard to adjacent structures.

Photograph (7):

Representative interior view of the front of the subject structure. The condition of the finishes and structures in the front are in better condition than the rear.

Photograph (8):

Representative interior view of the front of the subject structure. The condition of the finishes and structures in the front are in better condition than the rear.

Photograph (9):

Representative interior view of the front of the subject structure. The condition of the finishes and structures in the front are in better condition than the rear.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure with wood interior structure. Rear third of structure is severely deteriorated. Rear masonry wall is unstable and interior floor structure collapsed. Poses a hazard to adjacent properties and first responders. Moderate water damage throughout building.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

290 Liberty Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

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Appendix D.04:
Condition Assessment Report
109 Chambers Street

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 109 Chambers Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 109 Chambers Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 700 square foot, two-story, wood framed, residential building with a gable roof. The roof and floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking).

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe the majority of the interior spaces of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.
- The wooden roof structure in the center of the subject structure has partially collapsed. The center of the structure is open to the elements and is significantly deteriorated. The second floor has collapsed to the ground level.

- The interior of the subject structure is severely water damaged. Chazen could not access the interior the subject structure beyond the front door.

- There is a three story residential structure located approximately eight feet to the north of the subject structure. There is a vacant lot to the south of the subject structure. There is an adjacent storage / garage structure to the west of the subject structure.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The center of the roof and second floor structures have collapsed. This condition is expected to worsen over time. As these structures collapse, the exterior walls will no longer be fully braced by the interior structures, can lead to a general collapse, and pose a hazard to the adjacent properties.

- The interior of the structure is severely deteriorated and beyond practical repair.

- The interior condition of the rear half of the subject structure and the upper level could not be directly observed by Chazen field teams. Based upon our general observations, it is likely that these areas are in poor condition.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- Special care should be taken to safeguard the existing adjacent structures. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. The City should notify the adjacent property owners of the unsafe condition of the subject structure. Refer to the "demolition" section of this report for additional recommendations.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

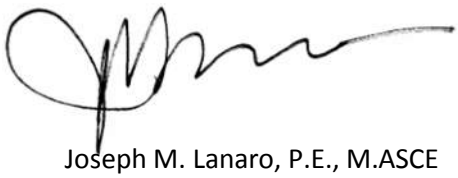
Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:



Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The center of the roof structure has collapsed.

Photograph (2):

View of the left rear corner of the subject structure. The chain link fence and masonry arch structure beyond is outside the scope of this assessment.

Photograph (3):

View of the interior staircase as viewed from the front entrance. The stairs are severely water damaged and unsafe.

Photograph (4):

Representative interior view of the subject structure. The interior is severely water damaged. Portions of the second floor structure have collapsed.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Two story wood framed structure. Local roof collapse in center of building. Severe deterioration in center of building. Unsafe interior staircase. Interior has piles of combustible debris.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

109 Chambers Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

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Appendix D.05:
Condition Assessment Report
161 Lander Street

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North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 161 Lander Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 161 Lander Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building was believed to be a two-story, brick-masonry residential building, but it is now effectively a 500 square foot pile of debris. All that remains is a portion of two unsecured masonry walls which one is a party wall with the adjacent structure. Tree growth was also present within the footprint of the structure.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A.

- The subject structure is in an unhabitable condition and appears to be vacant.
- The interior structures have completely collapsed. The subject structure is bounded by single-story tall masonry wall on the west and south elevations. This wall is not braced by any interior structures.

- The subject structure is structurally connected to the two story, residential structure at 163 Lander Street. The exterior walls appear connected and the interior floor structures shared a common "party" wall. Chazen does not know if these adjacent structures are currently occupied.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The subject structure is effectively a pile of debris, bounded by two unbraced masonry walls. Unbraced masonry walls may collapse during a wind or seismic event and may pose a hazard to adjacent structures or the public. This condition is expected to worsen over time.

- The interior of the structure is severely deteriorated and beyond practical repair.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

The City may wish to turn this into a parking area, due to the close proximity of the adjacent structures and limited parking in the area. The property may also be of value to adjacent property owners.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- The City should install a tall chain-link fence around the subject structure to limit access to the subject structure. This is intended to help safeguard pedestrians from fall hazards and the unsafe structure. The City may wish to construct the perimeter fencing in accordance with Section 125-35 of the Municipal Code to facilitate demolition work.

- The City should contact the adjacent property owners to inform them of this unsafe condition.

- The City should assess structural condition of 163 Lander Street due to the shared "party wall." The wall and former beam pockets should be repaired / patched in accordance with Section 125 of the Municipal Code. Special care should be taken to safeguard the existing adjacent structures. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include an "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The interior of the structure has completely collapsed.

Photograph (2):

Front Elevation of the subject structure. The subject structure is a row house that is structurally connected to 163 Lander Street. The subject structure appears to have been a two story structure, but the top half has been removed / collapsed inwards.

Photograph (3):

Rear Elevation of the subject structure. The subject structure is a row house that is structurally connected to 163 Lander Street. There is a tree growing in the ruble pile, imply the property has been vacant for several years. The remnants of the exterior brick walls are unbraced and unstable.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Formerly two (or three) story masonry structure. Complete collapse of interior structure. All that remains is two unsecured masonry walls. Large trees grow inside of building footprint. Structure shares party wall with adjacent structure.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

161 Lander Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

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Appendix D.06:
Condition Assessment Report
137-139 Lander Street

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 137-139 Lander Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 137-139 Lander Street in the City of Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure consists of two separate mailing addresses: 137 and 139 Lander Street. Since both addresses are contained in the same overall building structure, we are combining our observations and assessments into a single report.

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. The subject structure was observed by TAP, Inc. on the morning of June 10, 2015 to assess its rehabilitation potential. Representatives from the Newburgh Fire Department accompanied Chazen and TAP, Inc. during these assessments and provided access to the subject structure.

Our observations, assessments and recommendations are provided herein.

Building Description

The subject structure is a 6,000 square foot, four story, mutli-family residential building with a mansard roof. The roof and floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing systems are supported by load bearing brick masonry walls.

The subject structure is equally divided between both addresses: 137 on the right and 139 on the left. Each address currently contains two apartment units.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe several areas of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.

- The exterior walls generally appear to be in good condition. The doors and windows on the front elevation are generally boarded, but no ventilation screens are installed in the upper levels. The rear windows and doors are not generally secured in accordance with the municipal code.

- The front porch structure of 137 Lander is deteriorated and unsafe. There is no porch structure to provide access to the upper level of 139 Lander.

- The wooden cornice structure along the roofline is deteriorated, locally unsecured and poses a fall hazard to the sidewalk below.

- Although the roof could not be directly observed, it is likely that local areas are open to weather. These collapsed areas allow weather to penetrate into the interior. The floor and wall structures under these openings are severely water damaged and deteriorated. The load carrying capacity of the roof and these floor structures has been degraded in these areas.

- The interior finishes vary between fair to poor condition. There is peeling paint and dark-colored organic appearing stains throughout the structure.

- There is fire damage and charring in local areas of the first level of 137 Lander. The staircase that leads to the second floor is also charred. Chazen did not try (suspect un-safe conditions) and access the upper levels of the subject structure during this assessment.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is “unsafe” in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in “deteriorated condition”, as defined by Chapter 129 of the City of Newburgh Municipal Code.

- Overall, the structure is stable and in fair condition. The exterior walls appear to be stable and generally supported. Much of the floor and wall structures appear to be serviceable.

- However, local areas of the floor and roof areas are likely in poor condition. The roof is open, weather is allowed to enter these spaces and deteriorating the wood structures. This condition is expected to worsen over time unless it is stabilized.

- The extent of the fire damage is unknown. Based upon our limited observations, the interior of the structure does not appear to be substantially damaged due to a past fire.

- The front porch is unstable and in a state of collapse. This deteriorated porch is fall hazard and can damage the primary structure as they continue to collapse.

Rehabilitation Assessment

Based upon our observations and condition assessments, Chazen believes that the structural system is stable enough for the City to consider stabilizing or restoring the subject structure.

TAP, Inc., an architectural firm that specializes in rehabilitation and community revitalization projects, visited the subject structure to assess the restoration potential of the subject structure. TAP prepared a summary report of their observations, assessments and recommendations, which is included in Appendix D.

Based upon our combined assessment, we believe that it is in the interest of the City and the public to stabilize this structure and to market it to developers, homeowners or community organizations interested in restoring this property.

Refer to the "stabilization" section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- The City should engage a qualified contractor to stabilize select portions of the subject structure, in accordance with the general requirements of the "stabilization" section of the report and the following recommendations:

    - Install a fence around the sidewalk in the front to help limit access to the subject structure.

    - Remove all unsecured components of the building structure that pose an overhead hazard. This includes removing all the deteriorated porch structures and loose cornice components. Any openings in the building envelope along these porches should be patched.

    - Locally remove and rebuild the areas of the roof structure that have deteriorated and collapsed. The load carrying capacity of the roof structure should be restored to support code-required snow and other loads.

    - The weather tightness of the building envelope should be restored. This will involve at least reroofing the rebuilt areas of roof on the left elevation and could grow to involve much of the roof system. Open windows, joints or other penetrations should also be made weather tight.

    - The interior floor areas that are deteriorated and pose an overhead and/or trip hazard should be barricaded and clearly marked to prevent access.

    - All exterior windows and doors should be secured in accordance with Section 121 of the Municipal Code.

    - There is significant peeling paint conditions and dark colored organic growth throughout the structure that will likely pose an environmental hazard to workers. All work shall need to be performed in accordance with the "stabilization" section of this report.

Stabilization

Stabilizing a vacant structure help protects the public, maintains the structure's current condition and value for the owner, and improves vitality of the surrounding community. A stabilized structure is often more valuable to developers, prospective home owners and service organizations compared to structure that are allowed to deteriorate. Stabilization work generally includes locally reinforcing deteriorated structural members, maintaining proper ventilation and restoring the weather-tightness of the building envelope.

The stabilization of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials necessary to perform this work. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property as a part of this assessment. The City should coordinate with appropriate officials, organizations and community leaders to assess the historical significance of this subject structure.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed repair and stabilization plan. The City shall coordinate with a qualified entity to develop a stabilization plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

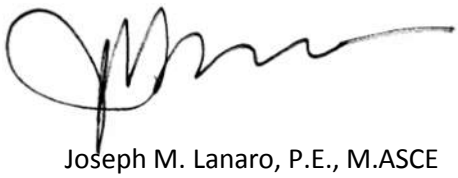
Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Reviewed and approved by:



Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure
Appendix D: TAP, Inc. Observation, Rehabilitation Assessment and Recommendation Reports

Photograph (1):

Front Elevation of the subject structure. 139 Lander is on the left and 137 Lander is on the right. The windows and doors are generally boarded but no ventilation screens are installed.

Photograph (2):

Front Elevation of the subject structure. The wooden porch structure that leads to the upper entrance of 137 Lander is unstable. No access is provided to the entrance of 139 Lander. The mansard roof in the front of 139 Lander is damaged and open to the weather. Portions of the wood cornice structure are unsecured and pose a fall hazard.

Photograph (3):

Interior view of the basement level of 139 Lander. The front windows are not secured they are open to the weather and pests. Dark colored organic growth is visible in some areas.

Photograph (4):

Interior view of the basement level of 139 Lander. The floor structures are severely water damaged and deteriorated.

Photograph (5):

Interior view of the basement level of 137 Lander. The finishes and structures are water damaged and the paint is peeling. There are piles of combustible debris in this area.

Photograph (6):

Interior view of the basement level of 137 Lander. The rear windows are not secured they are open to the weather, pests and trespassers.

Photograph (7):

Interior view of the first level of 137 Lander.

Photograph (8):

Interior view of the staircase that leads to the second level of 137 Lander. The staircase is fire damaged and its load carrying capacity is unknown. Chazen did not try and access the upper levels via this staircase.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure that shares a party wall with 139 Lander Street. Two apartment units. Bottom unit is water damaged and contains debris. The upper unit was not accessible at the time of our visit. Front entrance staircase is unsecured and unsafe.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

137 Lander Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure that shares a party wall with 137 Lander Street. Two apartment units. Bottom unit is severely water damaged and contains debris. There is evidence of a fire in the upper unit and charring on the third floor staircase and appeared unsafe. The third floor interior was not observed . The front part of the roof is partially collapsed and open to weather.

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

139 Lander Street
Newburgh, New York

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

TAP, Inc. Field Report for City of Newburgh Vacant Properties

137 Lander Street

Field Team:	G.S. Christopher/Beth Steckley and Laura Ryder/Eric Cioffi
Date:	June 10, 2015
Access:	Upper 2 floor accessed from the main entry; lower 2 floors from an open window in the rear.
Last Use:	2 –family (2 duplex units, B+1 and 2+3)
Approx. Size:	762 SF (building footprint) each of 4 floors (3,048 SF total)
Description:	4-story brick dwelling (includes walk-out bsmt and habitable attic under the mansard roof)

Observations & Condition Assessment:

Weather-tight?	No. Open windows at rear of basement; some roof leak; roof hatch not in place/wide open.
Secured?	Partially. Most windows are covered w/plywood, except rear basement windows unsecured.

Exterior:

General:	Repointing to some extent is common on brick buildings suffering from delayed maintenance. The amount of repointing needed was not assessed.
Front/West:	Painted brick including 3-story brick bay is in fair-to-good condition. Some repointing and minor repair needed before repainting. Front stair near collapse. Wood cornice and mansard roof framing and finishes missing in places; repair/rebuild, with more appropriate material replacing the asphalt shingles on mansard. Door and window frames, sashes may need replacement.
R side/South:	The windowless, unpainted, 4-story brick wall is in good condition
Rear/East:	The unpainted, 4-story brick wall and mansard roof is in similar condition to the facade.
L side/North:	Not an exterior elevation/Common wall shared with #139 Lander.
Foundation:	Brick in fair-to-good condition.
Roof:	Flat (assumed) main roof not accessible. Signs of minor leaks with most water damage at front mansard, and open roof hatch.
Yard:	Front: Approx. 9.5' to public R.O.W. with a 9'-4"concrete/slate sidewalk in serviceable condition. Remove weed trees and vines. Overhead utility wires on this side of the street. Rear: Partially fenced, level back yard. Remove weeds, debris and at least one tree.

Interior:

General:	All floors reconfigured/rehabilitated in the recent past, creating 2 duplex units (B+1, and 2+3). Condition of finishes, doors/windows, electrical and mechanicals is questionable.
Basement:	Drywall walls and ceilings in poor-to-fair condition. Ceramic and 12x12 vinyl floor tile on concrete slab. Kitchen cabinets not reusable. Stair to 1st floor is serviceable. Rear exit at grade; front door areaway slightly below sidewalk level. Filled with debris. [7'-6" ceiling ht.]
1st floor:	Similar to basement conditions; bathroom condition is suspect. [9'-9" ceiling ht.]
2nd floor:	Drywall walls and ceilings in fair condition except where water is entering building; bare sub-floor and 12x12 VCT on floor. Needs new kitchen. Some household debris. [8'-3"]
3rd floor:	Similar to 2nd floor conditions. [7'-8" ceiling ht,]

General Condition Assessment:

The 'bones' of the building are in good condition with minor deterioration of the elements noted.

Environmental hazards include:

Testing is necessary to determine the presence of hazardous materials. General knowledge and cursory observation are the basis of the noted conditions below.

Lead paint:	assumed to be in pre-1978 dwellings
Asbestos:	assume roof to contain asbestos
Mold:	visible on drywall in areas where water is entering the building.

Rehabilitation Assessment:

The following costs are based on similar, market rate projects in the Albany area. Identification and remediation of environmental hazards, if present, could add $8k - $20k to demo and rehab costs. Because these are City-owned buildings, prevailing wage rate and Wick's Law requirements could add another 15%-20% to total costs.

Type of Work	*Estimated costs*	*Comments*
Demo	3,048 SF x $14-17/SF = **$42,672 - $51,816** (#137 only)	Est. $70k - $75k for both #137 and #139.
Mothballing*	**$8,000 - $10,000**	Minor roof/cornice repair & boarding up rear windows; debris removal.
Rehab for habitability	3,048 SF x $110 - $130/SF = **$336,000 - $400,000**	Two duplex apartments

*Basic "Mothballing" includes the most minimal weatherproofing and structural stabilization to prevent further water damage and structural deterioration, as well as securing all exterior openings and removing all non-hazardous material and household debris.

Future Value/Recommendations:

This is a sound building with a small footprint on a block with a rather high density of buildings and virtually no off-street parking. According to the NFD escorts, this is one of Newburgh's worst neighborhoods. The current layout with 2 duplex units works well, or combine rehabilitation horizontally with the adjoining 139 Landers St. for a maximum total of 4 units. The latter scheme would eliminate the need for a rear exit as there is an exit in each building.

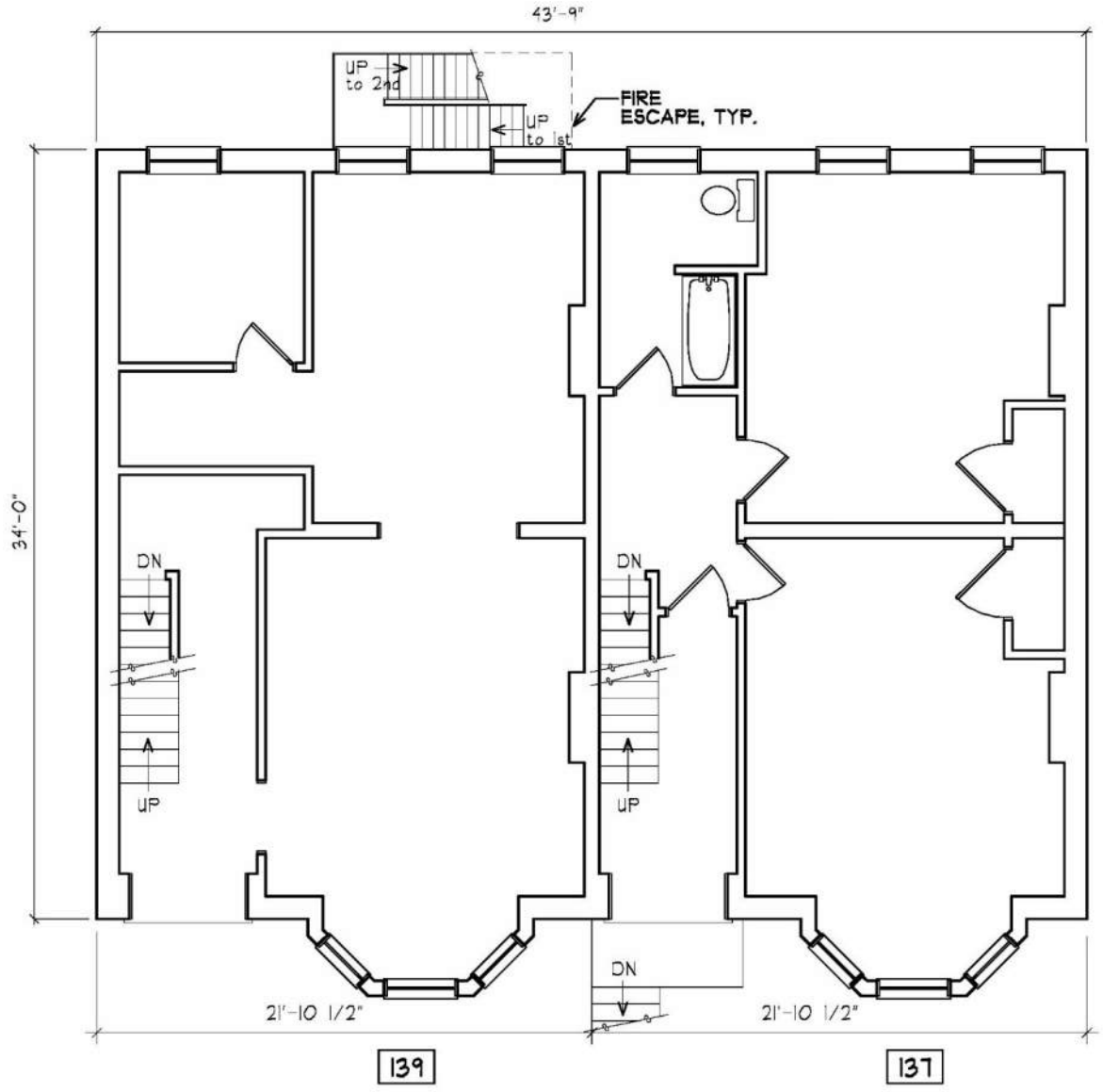
Conclusion: = The most cost-effective action is to mothball this building as a first step in a commitment to neighborhood revitalization. Buildings must be marketed.

Front View:
137 (right) & 139 (left)

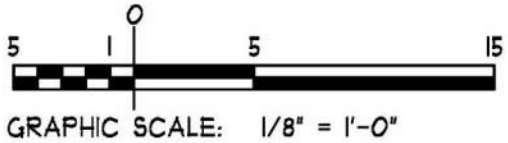
Rear View

Interior – Basement
Rear Room (Dining)

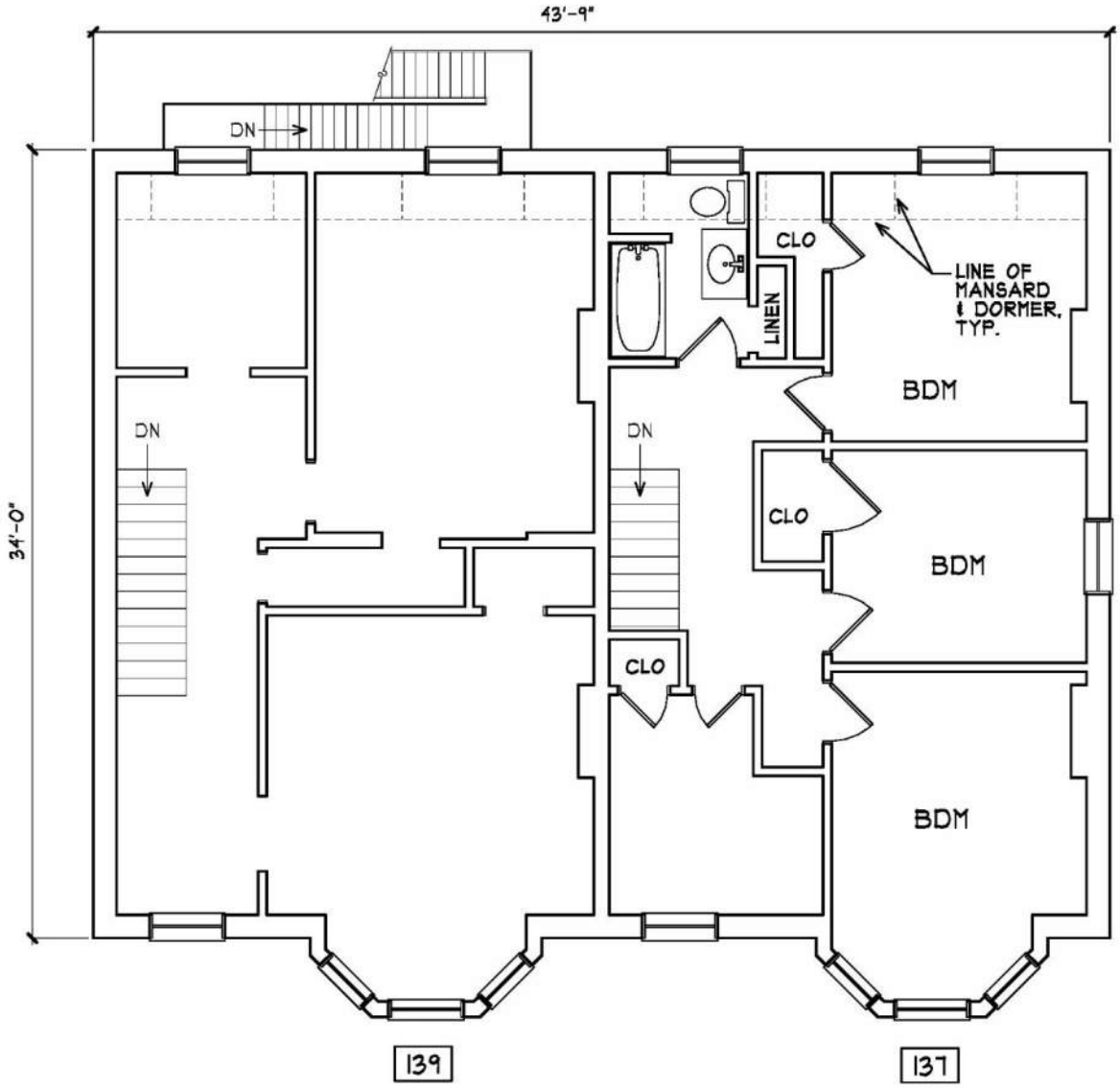
Interior –
Typical Conditions
Localized water damage



137-139 LANDER STREET
FIRST FLOOR



NOTE:
INTERIOR WALL LOCATIONS, WHERE SHOWN, ARE BASED ON LIMITED OBSERVATIONS ONLY. COMPLETE FIELD MEASUREMENTS WERE NOT TAKEN DUE TO INACCESSIBILITY.



137-139 LANDER STREET
THIRD FLOOR

GRAPHIC SCALE: 1/8" = 1'-0"

TAP, Inc. Field Report for City of Newburgh Vacant Properties

139 Lander Street

Field Team:	G.S. Christopher & Beth Steckley
Date:	June 10, 2015
Access:	Entered the 1st floor from the main entry; the entire building was accessible from the interior
Last Use:	Multi -family (# apts. unknown; kitchens removed)
Approx. Size:	762 SF (building footprint) x 4 floors = (3,048 SF total)
Description:	4-story brick dwelling (includes walk-out bsmt and habitable attic under the mansard roof)

Observations & Condition Assessment:

Weather-tight?	No…hole in the floor on the 1st floor rear at an open window and on multiple floors in the bay window from roof leak.
Secured?	No…open window on 1st floor accessed from a metal fire escape in the rear

Exterior:

General:	Repointing to some extent is common on brick buildings suffering from delayed maintenance. The amount of repointing needed was not assessed.
Front/West:	Painted brick including 3-story brick bay is in fair-to-good condition. Some repointing and minor repair needed before repainting. Front stair has been removed. Wood cornice and mansard roof framing and finishes missing in places; repair/rebuild, with more appropriate material replacing the asphalt shingles on mansard. Door and window frames, sashes may need replacement.
L side/North:	The windowless, unpainted, 4-story brick wall is in good condition.
Rear/East:	The unpainted, 4-story brick wall and mansard roof is in similar condition to the facade. The 4-story metal fire stair needs minor work including painting.
R side/South:	Not an exterior elevation/Common wall shared with #137 Lander.
Foundation:	Brick in fair-to-good condition.
Roof:	Flat (assumed) main roof not accessible. No major signs of roof leaks except at front mansard.
Yard:	Front: Approx. 9.5' to public R.O.W. with a 9'-4"concrete/slate sidewalk in serviceable condition. Remove weed trees and vines. Overhead utility wires on this side of the street. Rear: Partially fenced, level back yard. Remove weeds, debris and at least one tree.

Interior:

Basement:	Wood framed floor is rotted, with joists only inches above soil. Deteriorated plaster on the walls and ceilings. Stair to 1st floor is serviceable. Rear exit at grade; front door areaway slightly below sidewalk level. Filled with debris. [7'-6" ceiling ht.]
1st floor:	Deteriorated plaster directly on the brick exterior walls. Interior wall and ceiling finishes have been removed. Stair to 2nd floor, floor deck in rear and at front bay badly fire damaged. [9'-9"]
2nd floor:	Conditions on this floor are similar to the 1st floor. [8'-3" ceiling ht.]
3rd floor:	Conditions on this floor are similar to the 1st floor with some household debris present. [7'-8"]

General Condition Assessment:

The 'bones' of the building are in good condition with minor deterioration of the elements noted. Many of the interior partitions and ceilings on the upper floors have had their finishes (plaster/lath) removed.

Environmental hazards:

Testing is necessary to determine the presence of hazardous materials. General knowledge and cursory observation are the basis of the noted conditions below.

Lead paint:	assumed to be in pre-1978 dwellings
Asbestos:	possible in 9'x9' floor tile on the 1st floor and basement; assume roof to contain asbestos
Mold:	minor, if at all

Rehabilitation Assessment:

The following costs are based on similar, market rate, non-governmental projects in the Albany area. Identification and remediation of environmental hazards, if present, could add $8k - $20k to total costs.

Type of Work	*Estimated costs*	*Comments*
Demo	3,048 SF x $14-17/SF = **$42,500- $51,500** (#139 only)	Est. **$70-75k** for both #139 & #137.
Mothballing*	**$8,000 - $10,000**	Minor roof/cornice repair to weatherize for 3-5 yrs; boarding up rear windows
Rehab for habitability	3,048 SF x $110 - $130/SF = **$336,000 - $400,000**	Two duplex apartments.

*Basic "Mothballing" includes the most minimal weatherproofing and structural stabilization to prevent further water damage and structural deterioration, as well as securing all exterior openings and removing all non-hazardous material and household debris.

Future Value/Recommendations:

This is a sound building on a block with a high density of buildings and virtually no off-street parking. According to the NFD escorts, this is one of Newburgh's worst neighborhoods. While an investor may see a greater return by developing four small units, the greater community benefit would be to reduce the number of units in favor of units suitable for a small family, such as the two unit, two-bedroom duplexed units in 137 Lander, or combining horizontally with the adjoining 137 Lander St. for one flat on each floor, resulting in 4 units. The latter scheme would eliminate the need for the metal fire escape as there is an exit in each building.

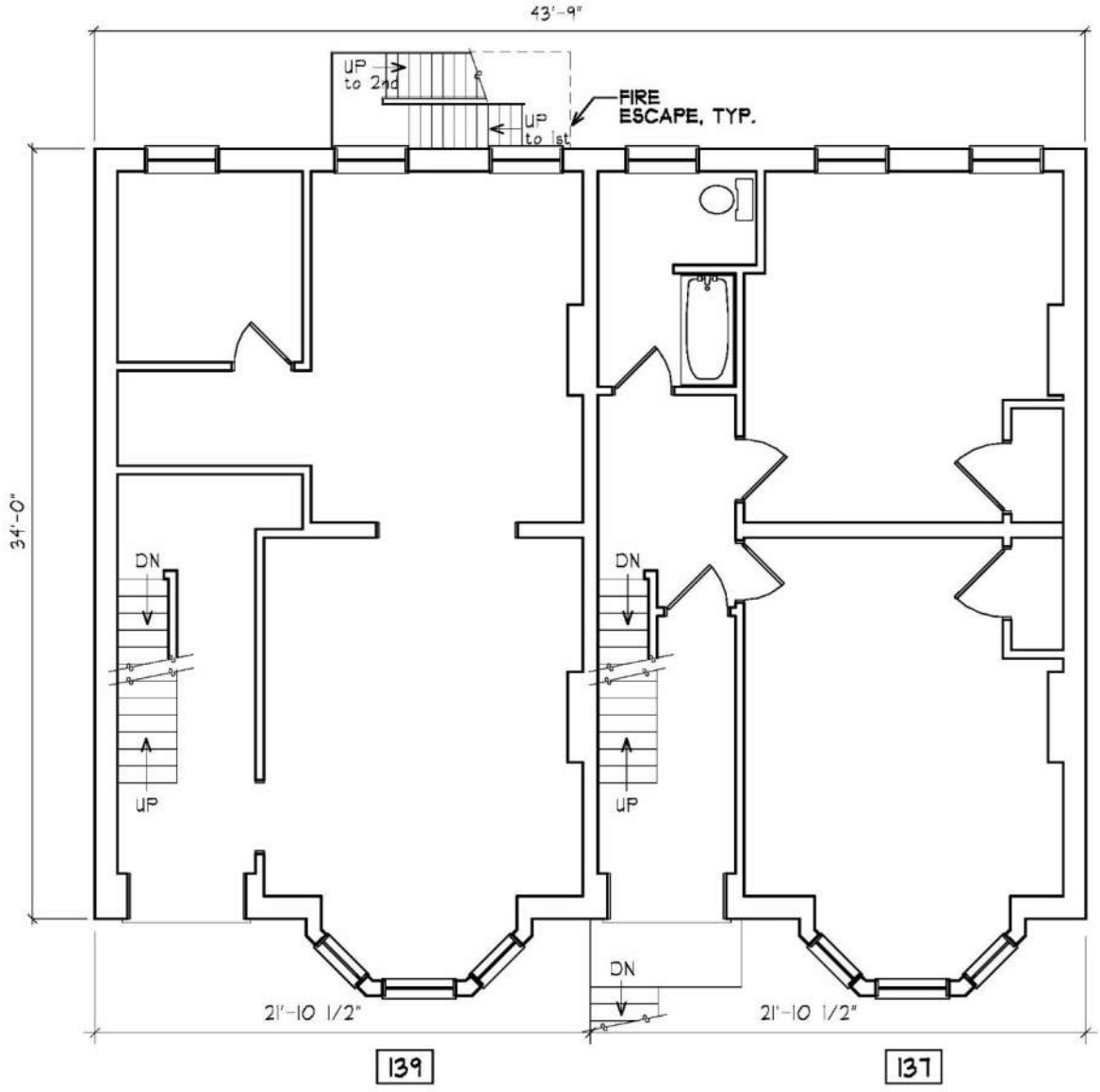
Conclusion: = The most cost effective action is to mothball this building as a first step in a commitment to neighborhood revitalization. Buildings must be marketed.

Front View:
139 (left) + 137 (right)

Rear View

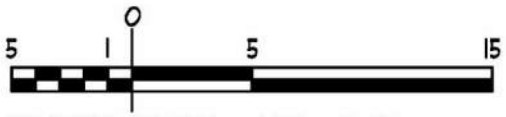
Interior – Top Floor
Mansard Condition
at Bay Window

Interior – 1st Floor
Typical Conditions



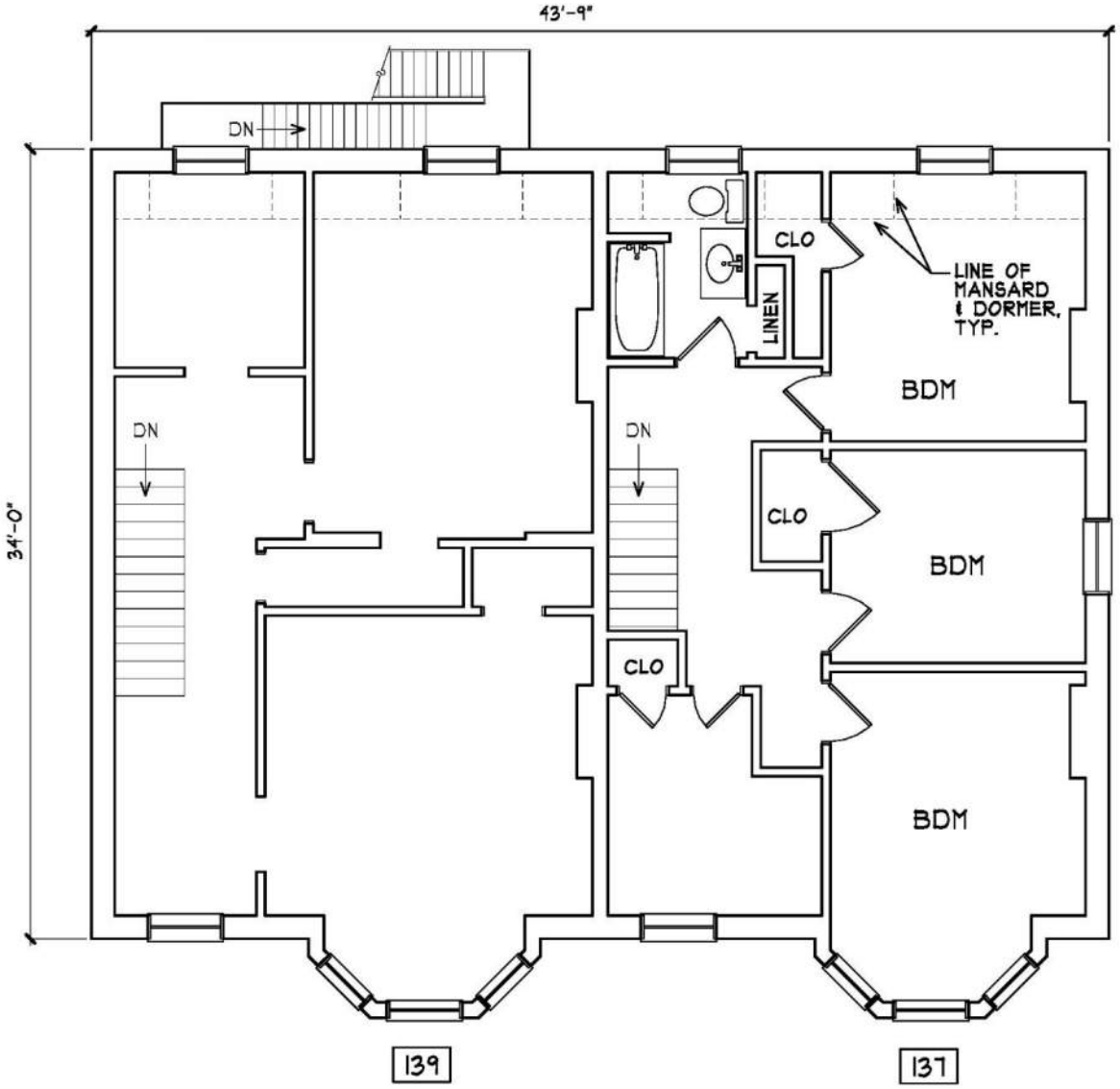
137-139 LANDER STREET
FIRST FLOOR

NOTE:
INTERIOR WALL LOCATIONS, WHERE SHOWN, ARE BASED ON LIMITED OBSERVATIONS ONLY. COMPLETE FIELD MEASUREMENTS WERE NOT TAKEN DUE TO INACCESSIBILITY.

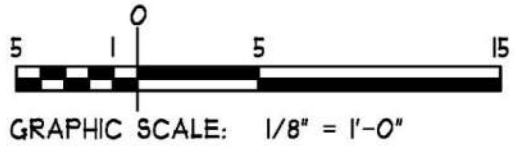


GRAPHIC SCALE: 1/8" = 1'-0"

Basement and 2nd floor are similar to 1st floor.



137-139 LANDER STREET
THIRD FLOOR



GRAPHIC SCALE: 1/8" = 1'-0"

Appendix D.07:
Condition Assessment Report
98 Lander Street

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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 98 Lander Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 98 Lander Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 3,300 square foot, three-story, brick-masonry residential building with gable roof. The roof and interior floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by exterior load-bearing brick masonry walls. There is a carriage house with wood roof and floor framing systems that are supported by exterior load-bearing brick masonry walls in the rear of the subject structure.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe the majority of the interior spaces of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.

- The subject structure is located on the corner of Lander Street and Third Avenue. There is a chain link fence installed along the sidewalk on both sides to limit access to the property. The fence is leaning at the corner and requires repair. The yard is overgrown. The carriage house is located behind the subject structure and faces Third Avenue.

- The wooden roof, floor and exterior porch structures of the subject structure have collapsed. The center of the structure is open to the elements and is significantly deteriorated. There is significant water damage throughout the structure.

- The exterior masonry walls are in fair condition, but they are no longer fully braced by roof and floor structures and are unstable. The masonry chimney structures are no longer fully braced by roof and floor structures and are unstable.

- Several window openings are no longer boarded and are open to weather. The exterior walls are generally covered in climbing plants.

- Chazen was unable to access the interior of the upper floors or the basement area due to the unstable nature of the subject structure.

- The carriage house is in poor condition. The wooden roof and mezzanine structures have collapsed. The exterior load-bearing masonry walls are no longer fully braced by the roof level and are unstable. The masonry wall above the front entrance is collapsing. The carriage house is touching an adjacent shed structure on another property.

Condition Assessment

Based upon our observations, Chazen believes the following:

- Both the subject structure and the carriage house are “unsafe” in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in “detrimental condition”, as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The exterior walls of both structures are no longer fully braced by the interior floor and roof structures and pose a hazard to adjacent property and the public. Unbraced masonry walls or chimneys may collapse during a wind or seismic event or due to continued collapse of the interior framing. This condition is expected to worsen over time.

- The interior of the structure is severely deteriorated and beyond practical repair.

- The front of the carriage house is in the process of collapsing. Since it is located on the property line, it poses an impact and overhead hazard to the shed structure and occupants on the adjacent property.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish these structures. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

This location may be an appropriate location for a community park or playground, due to the size of the lot, the corner location and absence of other parks in the immediate vicinity of this property.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- Both structures are structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 31, 2015, due to the increased likelihood of collapse during the winter months. The carriage house should be demolished immediately due to the on-going nature of the collapse and its proximity to adjacent structures. Refer to the "demolition" section of this report for additional recommendations.

- Both structures should be placarded in accordance with FCNYS Section 311.5. The placard shall include an "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of both structures should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- Special care should be taken to safeguard the existing adjacent shed structure adjacent to the carriage house. While the two structures do not appear attached, they are close to each other (within four feet). Demolition will need to be performed in a controlled manner. The owner of this adjacent property should be immediately notified of the unsafe condition of the subject structure and carriage house. Adjacent structures shall need to be protected against dust and other hazards during demolition. Refer to the "demolition" section of this report for additional recommendations.

- The City should repair the leaning perimeter chain link fence to help limit access to the site.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

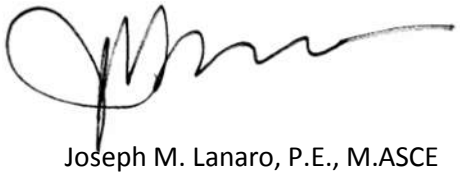
Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Reviewed and approved by:



Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The wooden roof and porch structures are severely deteriorated and partially collapsed. Several of windows are no longer boarded. There is a chain link fence around the property to limit access. The yard is overgrown and full of debris.

Photograph (2):

Rear Elevation of the subject structure. The wooden roof structure is partially collapsed. Several of windows are no longer boarded. The collapsing roof structure no longer fully braces the exterior masonry walls and chimney structures.

Photograph (3):

Right Elevation of the subject structure. The wooden roof structure is partially collapsed. Several of windows are no longer boarded. There are climbing plants growing on the exterior walls. The chain link fence is tilting on this side of the property.

Photograph (4):

Representative view of the interior of the subject structure, as viewed from the rear entrance. The center roof and floor structures have collapsed and are open to weather. The interior is severely water damaged.

Photograph (5):

Exterior view of the carriage house in the rear of the subject structure. The roof structure is severely deteriorated and partially collapsed. The masonry walls are generally unstable and pose a fall hazard to the adjacent property. he exterior wall above the entrance is collapsing and is no longer fully supported by the door lintel. The exterior masonry walls are covered in climbing plants and all areas could not be directly observed.

Photograph (6):

Interior view of the carriage house in the rear of the subject structure. The roof structure is severely deteriorated and partially collapsed. The mezzanine beams and staircase structures are severely deteriorated. The exterior wall above the entrance is collapsing and is no longer fully supported by the door lintel.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure. Interior of roof and floor structures collapsed. Rear carriage house roof and mezzanine wood structures collapsing. Brick masonry over front entrance collapsing. Yard overgrown and structures covered with climbing plants. Chain-link fence present around site.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Facility Name and Address:

98 Lander Street
Newburgh, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Appendix D.08:
Condition Assessment Report
86 Lander Street

THE Chazen COMPANIES®
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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 86 Lander Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 86 Lander Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 2,600 square foot, three-story, single-family brick-masonry residential building with a full basement and flat roof. The exterior walls are comprised of load bearing brick masonry. The roof and interior framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by exterior brick masonry walls. The subject structure is believed to have been constructed circa 1900.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe the majority of the interior spaces of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.

- The exterior facades are in poor condition and are covered with climbing plants. The top of the chimney on the left elevation is in poor condition and appears to be collapsing towards the roof. The wooden cornice structure along the roofline was partially obscured by climbing plants but appears to be in generally poor condition.

- The wooden roof structure in the rear portion of the subject structure has partially collapsed. There rear half of the structure is open to the elements and is significantly deteriorated. The first and second floor structures have collapsed into the basement level. The exterior masonry walls are no longer fully braced by roof and floor structures and are becoming unstable. There is significant water damage throughout the structure.

- The front porch structure has collapsed and access to the front entrance is difficult. Chazen could not access the front half of the subject structure, the upper level or the basement.

- There is a three story residential structure located approximately eight feet to the north of the subject structure. The driveway for the adjacent property is located between the structures. There is a vacant lot to the south of the subject structure.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The exterior walls in the rear of the structure are no longer fully braced by the interior floor structures and pose a hazard to the adjacent property. Unbraced masonry walls may collapse during a wind or seismic event or due to continued collapse of the interior framing. This condition is expected to worsen over time.

- The interior of the structure is severely deteriorated and beyond practical repair.

- The interior condition of the front half of the subject structure and the basement level could not be directly observed by Chazen field teams. Based upon our general observations, it is likely that these areas are in poor condition.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than November 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- The City should install a tall chain-link fence around the sidewalk to limit access to the front of the subject structure. This is intended to help safeguard pedestrians from the collapsed front porch and any fall hazards that may be present behind the climbing plants. The City may wish to construct the perimeter fencing in accordance with Section 125-35 of the Municipal Code to facilitate demolition work.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- Special care should be taken to safeguard the existing adjacent structure. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. The City should notify the adjacent property owner of the unsafe condition of the subject structure. Refer to the "demolition" section of this report for additional recommendations.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The front porch has collapsed and access to the interior is difficult. There are climbing plants that cover the front and side elevations.

Photograph (2):

Right Elevation of the subject structure. The driveway to the adjacent property is located near the subject structure. The top of a ground-level window is visible which likely leads to a basement level.

Photograph (3):

Left Elevation of the subject structure. There is a vacant lot adjacent to the subject structure. The exterior masonry wall is deteriorating and the cementitious covering is spalling. The top of the masonry chimney appears to be collapsing into the building. The rear portion of the subject structure appears to be one-story shorter than the front. The joint in the exterior masonry wall at the roof step is cracking and opening.

Photograph (4):

Representative view of the first floor interior as viewed from the rear entrance. The floor structure has collapsed into the basement level. There are piles of combustible debris and the interior is severely water damaged.

Photograph (5):

Representative view of the second floor interior as viewed from the rear entrance. The floor structure has collapsed into the basement level. There are piles of combustible debris and the interior is severely water damaged.

Photograph (6):

Representative view of the roof interior as viewed from the rear entrance. The roof structure is collapsing into the basement level. Daylight is visible through the roof structure and this portion of the building is open to weather. There are piles of combustible debris and the interior is severely water damaged.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure. Interior of roof and floor structures collapsed. Front entrance steps collapsed. Structure covered with climbing plants.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

86 Lander Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Appendix D.09:
Condition Assessment Report
33 Lander Street

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 33 Lander Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 33 Lander Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 2,100 square foot, four-story, brick-masonry residential building with a flat roof. The exterior walls are comprised of load bearing brick masonry. The roof and interior floor framing systems are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by exterior brick masonry walls. The subject structure is believed to be constructed circa 1900.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe the majority of the interior spaces of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.

- The rear half of the wooden roof structure is believed to have collapsed. The rear half of the third, fourth and the majority of the second floor structures are believed to have collapsed. There rear half of the structure is open to the elements and is significantly deteriorated.

- The exterior masonry walls are no longer fully braced by the roof and floor structures and are unstable.

- There are exterior steel fire escape structures mounted to the front and left elevations. The fire escapes are corroded and their load-carrying capacity is unknown.

- There is a three-story, occupied, multi-family residential structure located approximately six feet to the south of the subject structure. There is a vacant lot located to the north.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is “unsafe” in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in “detrimental condition”, as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The exterior unstable walls pose a significant fall hazard to the public and adjacent property, especially the occupied residential structure to the south. The top of these walls are believed to be unbraced and they may collapse during a wind or seismic event or due to continued collapse of the interior framing. This condition is expected to worsen over time.

- The interior of the structure is severely deteriorated and beyond practical repair.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the “demolition” section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include an "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- Special care should be taken to safeguard the existing adjacent structure. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. The City should inform the adjacent property owner of the unsafe condition of this structure. Refer to the "demolition" section of this report for additional recommendations.

- Since the majority of the subject structure could not be safely accessed by Chazen field crews, the City may wish to perform a follow-up investigation with special access equipment to verify the findings of this assessment. Chazen envisions this investigation would require a rented boom-lift to view the condition of the roof and look through the windows of the upper floors.

- The City should consider extending the perimeter fencing from the vacant lot outwards in front of the subject structure and limit pedestrian access to the sidewalk.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure.

Photograph (2):

Left Elevation of the subject structure.

Photograph (3):

Right Elevation the subject structure.

Photograph (4):

Representative view of the interior of the subject structure.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three-four story masonry structure. Nearly complete collapse of interior floors. Significant water damage throughout the building.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

33 Lander Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

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Appendix D.10:
Condition Assessment Report

9 Carson Street

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 9 Carson Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 9 Carson Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. The subject structure was observed by TAP, Inc. on the morning of June 10, 2015 to assess its rehabilitation potential. Representatives from the Newburgh Fire Department accompanied Chazen and TAP, Inc. during these assessments and provided access to the subject structure.

Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 2,200 square foot, two and a half story, single-family, wood framed, residential building with a gable roof. The exterior walls are comprised of wood frame constriction. The roof, and floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe some areas of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.

- Local areas of the roof in the side of the building are severely deteriorated and have partially collapsed.

- These collapsed areas allow weather to penetrate into the interior. The floor and wall structures under these openings are severely water damaged and deteriorated. The load carrying capacity of the roof and these floor structures has been degraded in these areas.

- The front and side porch structures are in poor condition. The roof over side porch has collapsed. The rear porch has collapsed.

- Several of the upper-floor windows are not boarded and are open to weather. The windows on the second and first floor boarded, but are not painted and vented as required by Section 121 of the Municipal Code. The rear entrance is not secured.

- There are climbing plants growing on all sides of the subject structure. Climbing plants can grow into openings in the building envelope and lead to deterioration. The climbing plants appear to be crossing over and growing on an adjacent structure.

- The interior finishes are in fair to poor condition. There is peeling paint and dark-colored organic appearing stains throughout the structure. Graffiti is visible in some areas of the interior.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is “unsafe” in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in “deteriorated condition”, as defined by Chapter 129 of the City of Newburgh Municipal Code.

- Overall, the structure is stable and in fair condition. Much of the floor and wall structures appear to be serviceable.

- However, the floor and roof areas in certain areas of the subject structure are in poor condition. The roof is open, weather is allowed to enter these spaces and deteriorating the wood structures. This condition is expected to worsen over time unless it is stabilized.

- The windows and doors are not secured in accordance with the municipal code. These openings can allow weather and pests to enter and deteriorate the interior structure and finishes. Unsecured openings can also allow trespassers to enter and vandalize the building

- The porches are in poor condition and are in a state of collapse. These deteriorated porches are fall hazards and can damage the primary structure as they continue to collapse.

Rehabilitation Assessment

Based upon our observations and condition assessments, Chazen believes that the structural system is stable enough for the City to consider stabilizing or restoring the subject structure.

TAP, Inc., an architectural firm that specializes in rehabilitation and community revitalization projects, visited the subject structure to assess the restoration potential of the subject structure. TAP prepared a summary report of their observations, assessments and recommendations, which is included in Appendix D.

Based upon our combined assessment, we believe that it is in the interest of the City and the public to stabilize this structure and to market it to developers, homeowners or community organizations interested in restoring this property.

Refer to the "stabilization" section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- The City should engage a qualified contractor to stabilize select portions of the subject structure, in accordance with the general requirements of the "stabilization" section of the report and the following recommendations:

    - Remove all unsecured components of the building structure that pose an overhead and/or trip hazard. This includes removing all the deteriorated porch structures. Any openings in the building envelope along these porches should be patched.

    - Locally remove and rebuild the areas of the roof structure that have deteriorated and collapsed. The load carrying capacity of the roof structure should be restored to support code-required snow and other loads.

    - The weather tightness of the building envelope should be restored. This will involve at least reroofing the rebuilt areas of roof on the left elevation and could grow to involve much of the roof system. Open windows, joints or other penetrations should also be made weather tight.

    - The climbing plants should be removed from the subject structure. The plant in the front yard should be trimmed back to clear the house.

    - The interior floor areas that are deteriorated and pose a fall hazard should be barricaded and clearly marked to prevent access.

    - All exterior windows, doors and other openings should be secured in accordance with Section 121 of the Municipal Code. This would involve painting existing uncoated window boards and adding ventilation screens to the upper levels.

    - There is a lot of peeling paint and dark colored organic growth throughout the structure that will likely pose an environmental hazard to workers. All work shall need to be performed in accordance with the "stabilization" section of this report.

Stabilization

Stabilizing a vacant structure help protects the public, maintains the structure's current condition and value for the owner, and improves vitality of the surrounding community. A stabilized structure is often more valuable to developers, prospective home owners and service organizations compared to structure that are allowed to deteriorate. Stabilization work generally includes locally reinforcing deteriorated structural members, maintaining proper ventilation and restoring the weather-tightness of the building envelope.

The stabilization of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials necessary to perform this work. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property as a part of this assessment. The City should coordinate with appropriate officials, organizations and community leaders to assess the historical significance of this subject structure.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed repair and stabilization plan. The City shall coordinate with a qualified entity to develop a stabilization plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure
Appendix D: TAP, Inc. Observation, Rehabilitation Assessment and Recommendation Report

Photograph (1):

Front Elevation of the subject structure. The wooden front porch is in poor condition and is collapsing.

Photograph (2):

Left Elevation of the subject structure. The wooden side porch has collapsed. Several of the windows are not boarded. A local area of the roof has collapsed and is open to the weather.

Photograph (3):

Rear Elevation of the subject structure. Several of the windows on the upper level are not boarded. Climbing plants are growing up the exterior and entering the interior. These plants appear to be crossing over to the adjacent structure.

Photograph (4):

Rear Elevation of the subject structure. The rear porch has collapsed. The rear door is open to the exterior.

Photograph (5):

Representative interior view of the first floor. The finishes are generally in fair to poor condition. There are localized areas of water damage throughout the subject structure.

Photograph (6):

View of a collapsing portion of the roof structure.

Photograph (7):

Representative interior view of the upper floor. The finishes are generally in fair to poor condition. There is peeling paint and dark colored organic appearing growth throughout the subject structure.

Photograph (8):

Representative interior view of the attic level.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Two and a half story wood structure. Localized deterioration/ partial collapse at roof along south elevation, foundation setback along north elevation, and at front entry walking surface and canopy. Localized water damage throughout the building.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

9 Carson Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

TAP, Inc. Field Report for City of Newburgh Vacant Properties

9 Carson Avenue

Field Team:	G.S. Christopher, Beth Steckley
Date:	June 10, 2015
Access:	Unable to enter the building, per Newburgh Fire Dept. (NFD) escort.
Last Use:	1-family
Approx. Size:	688 SF 1st + 688 SF 2nd + 688 walk-out fin. bsmt = 2,064 SF (+ 600 SF attic = 2,664 SF).
Description:	2 ½-story wood frame dwelling with walk-out basement

Observations & Condition Assessment:

Weather-tight?	No. Holes in roof; water entering some rooms.
Secured?	Partially. Most windows covered with plywood. Partially open rear basement door allows entry of people and critters. Open roof allows entry of critters.

Exterior:

Front/South:	Asbestos shingle siding in poor condition, over wood clapboard. Front porch & stoop beginning to collapse.
R side/East:	Asbestos shingle siding in poor condition, over wood clapboard.
Rear/North:	Asbestos shingle siding in poor condition, over wood clapboard. Collapsed 1-story rear porch.
L side/West:	Asbestos shingle siding in poor condition, over wood clapboard. 1-story porch roof missing; porch floor structure questionable.
Foundation:	Brick and fieldstone, in good to fair condition. Rear portion covered with asbestos shingle siding.
Roof:	Gable, medium slope, with dormer on east side. Roofing material is asphalt shingles in poor condition, over wood shingles. Chazen info indicates partial collapse.
Yard:	Small, grassy fenced front yard. Lot slopes front to rear. Over-grown rear yard is half-story below basement level. Not much side yard.

Interior:

Basement:	Access denied by NFD. Chazen info indicates localized water damage throughout.
1st floor:	Access denied by NFD. Chazen info indicates localized water damage throughout.
2nd floor:	Access denied by NFD. Chazen info indicates localized water damage throughout.
Attic:	Access denied by NFD. Chazen photos indicate finished attic.

General Condition Assessment:

Exterior walls all in sound condition. Based on Chazen info, partial collapse and water damage is localized. Chazen photos indicate some interior doors, trim, and plaster may be salvageable.

Environmental hazards include:

Testing is necessary to determine the presence of hazardous materials. General knowledge and cursory observation are the basis of the noted conditions below.

Lead paint:	assumed to be in pre-1978 dwellings
Asbestos:	exterior siding, likely in roofing materials; remote possibility in plaster
Mold:	possible due to water entering roof.

All floors would have to be gutted of finishes in water-damaged areas, down to the framing, which will allow the building to dry out and allow for a thorough structural evaluation to be done. All systems to be removed throughout.

Rehabilitation Assessment:

The following costs are based on similar, market rate, non-governmental projects in the Albany area. Identification and remediation of environmental hazards, if present, could add $8k - $20k to total costs.

Type of Work	*Estimated costs*	*Comments*
Demo	2,064 SF x $14-17/SF = **$29,000 - $35,000**	Includes above-grade basement SF
Mothballing*	**$10,000 - $12,000**	Patch holes in roof. Secure door/window openings. Remove debris.
Rehab for habitability	1,376 SF x $125 - $145/SF = **$172,000 - $200,000**	Single-family, basement unfinished.

*Basic "Mothballing" includes the most minimal weatherproofing and structural stabilization to prevent further water damage and structural deterioration, as well as securing all exterior openings and removing all non-hazardous material and household debris.

Future Value/Recommendations:

According to the NFD escorts, this block has a high percentage of vacant buildings, but is not the worst of Newburgh's neighborhoods. There is a mix of occupied and vacant structures, mostly 2- to 4-family homes, in varying degrees of upkeep. The buildings immediately adjacent are occupied and well-maintained on the exterior. Due to the abundance of vacant homes on the block, this house is not positioned well for resale and rehab. However, the prospect for rehabilitation can be better evaluated once gutted. Single-family homes have an appeal to some families interested in sweat equity investment. If demolished, the steeply sloping lot may have limited appeal to adjacent owners as a side yard.

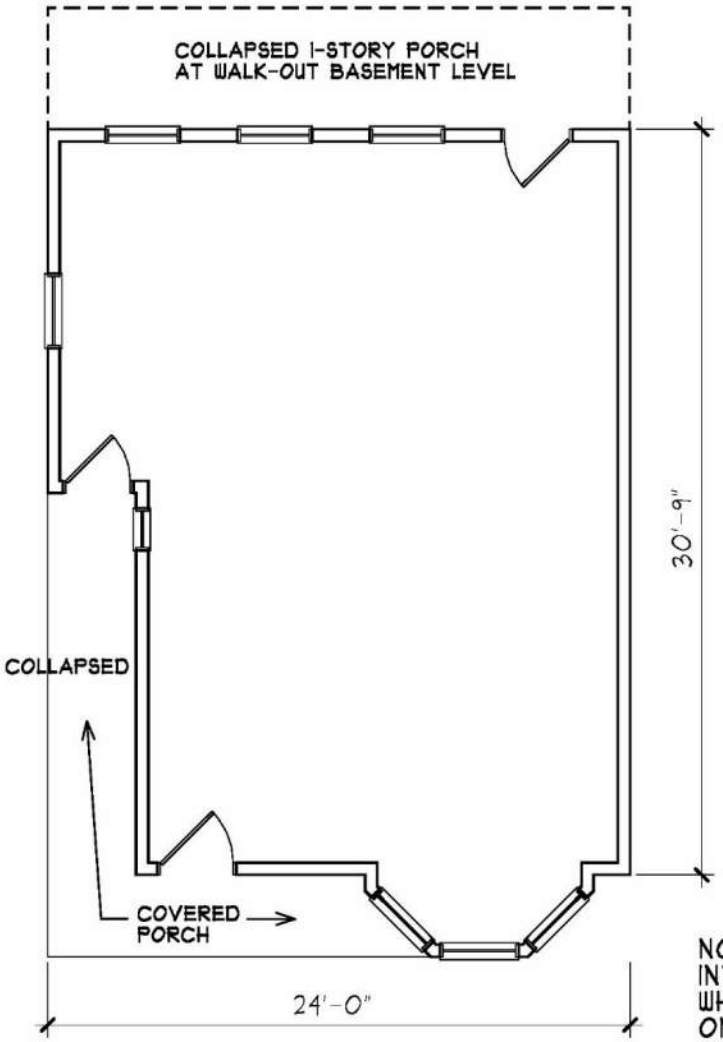
Conclusion = Mothball as a first step in a commitment to neighborhood revitalization. Buildings must be marketed.

Front View

Left Side View

Rear View

Interior --
Typical Conditions



NOTE:
INTERIOR WALL LOCATIONS, WHERE SHOWN, ARE BASED ON LIMITED OBSERVATIONS ONLY. COMPLETE FIELD MEASUREMENTS WERE NOT TAKEN DUE TO INACCESSIBILITY.

9 CARSON AVENUE
FIRST FLOOR

1/8" = 1'-0"

GRAPHIC SCALE: 1/8" = 1'-0"

Appendix D.11:
Condition Assessment Report

82 Carson Avenue

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 82 Carson Avenue, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 82 Carson Avenue in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. The subject structure was observed by TAP, Inc. on the morning of June 10, 2015 to assess its rehabilitation potential. Representatives from the Newburgh Fire Department accompanied Chazen and TAP, Inc. during these assessments and provided access to the subject structure.

Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 1,300 square foot, two story, wood structure, residential building with a low slope roof. The roof and floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking).

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe some areas of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.

- The rear half of the subject structure is signficiantly fire and water damaged. The interior framing and wall systems are charred. Portions of the wall and roof systems have locally collapsed. These collapsed areas allow weather to penetrate into the interior. The load carrying capacity of the roof and these floor structures has been degraded.

- The second floor framing structure appears to cantilever over the rear porch. The current load carrying capacity of these joists and the supporting wall is unknown.

- There is significant water damage throughout the structure. The interior finishes are in poor condition. There is peeling paint and dark-colored organic appearing stains throughout the structure. There are piles of combustible materials throughout the observed area.

- The subject structure is built next to an adjacent brick residential structure. Chazen does not believe these two structures share a common ("party") wall.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "deteriorated condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- Overall, the structure is significantly deteriorated. The fire in the rear of the building charred and likely weakened the adjacent wood structures. The rear of the structure is water damaged and this condition is expected to worsen over time.

- The interior finishes are in poor condition.

- The exterior is not secured in accordance with the municipal code and weather, pests and trespassers can access the interior spaces.

Rehabilitation Assessment

Based upon our observations and condition assessments, Chazen believes that the structural system is marginal and minor variation in opinion between demolition or stabilization.

TAP, Inc., an architectural firm that specializes in rehabilitation and community revitalization projects, visited the subject structure to assess the restoration potential of the subject structure. TAP prepared a summary report of their observations, assessments and recommendations, which is included in Appendix D.

Based upon our combined assessment, we believe that it is in the interest of the City and the public to demolish this structure. This is due to the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- The City should install a fence around the subject structure to limit access to the unsafe structure.

- Special care should be taken to safeguard the existing adjacent structures. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. The City should notify the adjacent property owners of the unsafe condition of the subject structure. Refer to the "demolition" section of this report for additional recommendations.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

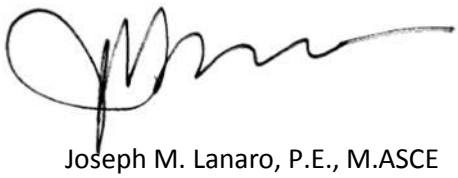
Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:



Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure
Appendix D: TAP, Inc. Observation, Rehabilitation Assessment and Recommendation Report

Photograph (1):

Front Elevation of the two story wood framed subject structure. The structure is built next to an adjacent brick residential structure. The windows and doors are not secured.

Photograph (2):

Right Elevation of the subject structure. The rear half of the structure is significantly fire and water damaged. The rear corner of the structure appears to cantilever over the porch.

Photograph (3):

Rear Elevation of the subject structure. The rear half of the structure is significantly fire and water damaged. The rear corner of the structure appears to cantilever over the porch. The windows and doors are not secured.

Photograph (4):

Rear Elevation of the subject structure. The rear half of the structure is significantly fire and water damaged. The rear corner of the structure appears to cantilever over the porch. The windows and doors are not secured.

Photograph (5):

Representative interior view of the subject structure.

Photograph (6):

Representative interior view of the subject structure.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Two story wood structure. Fire damage and deteriorated roof structure at north/ east corer of building. Unsupported framing at north/ east corner of building. Localized water damage throughout the building.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

82 Carson Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

TAP, Inc. Field Report for City of Newburgh Vacant Properties

82 Carson Avenue

Field Team:	Laura Ryder, Eric Cioffi
Date:	June 10, 2015
Access:	Entered the 1st and 2nd floors, and basement from rear door.
Last Use:	1-family.
Approx. Size:	618 SF 1st + 696 SF 2nd = 1,314 SF (+ 618 SF unfinished bsmt = 1,932 SF).
Description:	2-story wood frame dwelling

Observations & Condition Assessment:

Weather-tight?	No. Multiple holes in roof from fire-fighting operations; water entering rear rooms.
Secured?	No. Open doors and windows on 1st floor allow entry of people and critters.

Exterior:

Front/South:	Vinyl siding in fair-to-poor condition over asphalt brick siding over wood clapboard. Front porch structurally sound; finishes need repair/replacement.
R side/East:	Vinyl siding in poor condition over asphalt brick siding over wood clapboard. Siding badly burned at rear corner. Remove and replace all. Rear porch columns and beam missing so that 2nd floor is cantilevered/unsupported over porch area.
Rear/North:	Vinyl siding in poor condition over asphalt brick siding over wood clapboard. Siding badly burned at rear corner. Remove and replace all.
L side/West:	Inaccessibe; building is tight to adjacent house.
Foundation:	Brick, in good condition.
Roof:	Nearly flat, extremely low slope, pitching to both front and rear. Roofing material not visible/unknown. Several holes in roofing and deck. Eaves and rake damaged and missing either to water or fire damage. Re-framing, re-decking, and re-roofing required.
Yard:	Good sized, over-grown grassy yard with mature trees at rear.

Interior:

Basement:	Unfinished. Full of debris.
1st floor:	Deteriorated and missing plaster and lath; fire-damaged structure in rear portion of building and rear porch; fire damaged finishes throughout.
2nd floor:	Same as 1st floor.
Attic:	Virtually non-existent, due to extremely low pitch of roof.

General Condition Assessment:

At a minimum, it is likely the rear half of building requires removal and re-framing of 1st floor walls and rear porch, 2nd floor joists, subfloor, and walls, and roof structure and deck,.

Environmental hazards:

Testing is necessary to determine the presence of hazardous materials. General knowledge and cursory observation are the basis of the noted conditions below.

Lead paint:	assumed to be in pre-1978 dwellings
Asbestos:	likely in roofing materials; remote possibility in plaster
Mold:	possible due to water entering roof

All floors would have to be gutted of all finishes and systems, down to the framing, which will allow the building to dry out and allow for a thorough structural evaluation to be done.

Rehabilitation Assessment:

The following costs are based on similar, market rate, non-governmental projects in the Albany area. Identification and remediation of environmental hazards, if present, could add $8k - $20k to total costs.

Type of Work	*Estimated costs*	*Comments*
Demo	1,314 SF x $14-17/SF = **$18,500 - $23,000**	Excludes basement SF
Mothballing*	**$23,000 - $28,000**	Entire roof replacement; stabilizing rear structure by adding columns & beam at rear porch; boarding up windows; debris removal.
Rehab for habitability	1,314 SF x $135 - $150/SF = **$178,000 - $197,000**	Single-family, unfinished basement.

*Basic "Mothballing" includes the most minimal weatherproofing and structural stabilization to prevent further water damage and structural deterioration, as well as securing all exterior openings and removing all non-hazardous material and household debris.

Future Value/Recommendations:

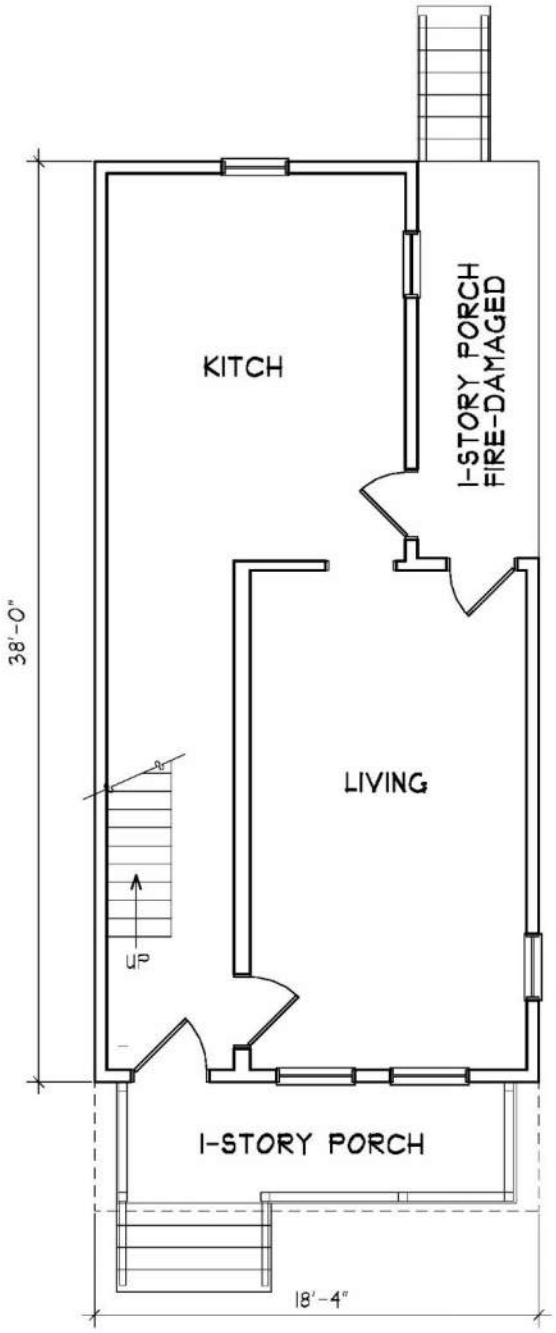
According to the NFD escorts, this block has a high percentage of vacant buildings, but is not the worst of Newburgh's neighborhoods. There is a mix of occupied and vacant structures, mostly 2- to 4-family homes, in varying degrees of upkeep. Many are handsome brick structures, in good condition on the exterior, such as the one shown in the photo below, which is also vacant. Until other buildings are rehabilitated on this street and occupied by owners who can maintain them, it does not seem cost effective to rehab this house or even mothball it. **Conclusion** = It may be more economically feasible to demolish this building and offer the lot to one of the adjacent homes as a side yard or driveway.

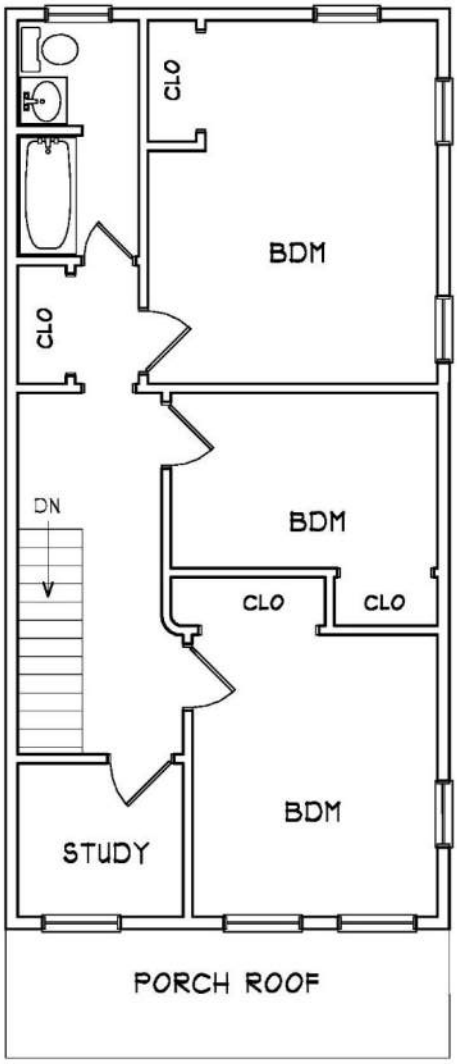
Front View

Right Side View

Rear View

Interior – 2nd Floor
Typical Conditions





82 CARSON AVENUE
FIRST FLOOR

1/8" = 1'-0"

GRAPHIC SCALE: 1/8" = 1'-0"

SECOND FLOOR

NOTE:
INTERIOR WALL LOCATIONS, WHERE SHOWN, ARE BASED ON LIMITED OBSERVATIONS ONLY. COMPLETE FIELD MEASUREMENTS WERE NOT TAKEN DUE TO INACCESSIBILITY.

Appendix D.12:
Condition Assessment Report
187 Carson Avenue

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 187 Carson Avenue, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 187 Carson Avenue in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 2,800 square foot, two-story, wood structure, residential building with a walk out basement and gable roof. The roof and interior floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking).

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A.

- The subject structure is in an uninhabitable condition and appears to be vacant.

- The center areas of the first floor and roof structures are severely fire damaged. Local areas of the roof structure have collapsed and the overall load carrying capacity of the roof has been significantly reduced. The interior is open to weather.

- Portions of the floor structures are deteriorated and pose a fall hazard to first responders.

- There is significant water damage throughout the structure. Black-colored organic growth is visible on the finishes throughout the basement. There are piles of combustible debris throughout the subject structure.

- There is an adjacent residential structure located approximately twenty feet to the west of the subject structure. There is a vacant, treed lot to the east. The overall neighborhood appears to be well-maintained.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The fire severely damaged the interior structure. The roof structure and floor structures near the center of the building is severely damaged and beyond practical repair.

- The load carrying capacity of the roof structure is greatly reduced. The roof structure cannot safety support code-required gravity and snow loads. If the roof is loaded with a heavy snow load, portions of the roof may collapse further and cause the exterior walls to become unstable and collapse. Collapsing walls may pose a significant impact and overhead hazard to adjacent property. Collapsing structures may also pull down / disrupt adjacent utility lines and pose a hazard to the public. This condition is expected to worsen over time.

- The interior has been exposed to weather for several seasons. Organic appearing growth is visible and may pose an environmental hazard to future occupants and workers. The finishes are water damaged and likely cannot be salvaged.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

However, the subject structure is located in a generally good and well-maintained neighborhood. Demolishing the existing structure and returning the lot to a vacant "build-ready" condition may attract interested buyers and return this property to the tax rolls. Interested buyers may include adjacent property owners, developers or community-service organizations experienced in building homes.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The City should install a tall chain-link fence around the sidewalk and to the west between the adjacent property to limit access to the subject structure. This is intended to help safeguard pedestrians from the unsafe structure. The City may wish to construct the perimeter fencing in accordance with Section 125-35 of the Municipal Code to facilitate demolition work.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- Special care should be taken to safeguard the existing adjacent structures. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. The City should contact the owners of these adjacent properties and notify them of the unsafe condition. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include an "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. Extensive fire damage is visible and the roof has partially collapsed.

Photograph (2):

Rear Elevation of the subject structure.

Photograph (3):

Left Elevation of the subject structure.

Photograph (4):

View of the first floor interior as viewed from the front entrance. The floor structure is severely water damaged and the load carrying capacity is greatly reduced.

Photograph (5):

Representative view of the first floor interior near a collapsed area of roof.

Photograph (6):

Representative view of the first floor framing as viewed from the basement. The framing is severely water damaged and in poor condition.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Two story wood structure with walk-out basement. Severe fire damage throughout upper story. Severe water damage throughout structure.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

187 Carson Avenue
Newburgh, New York

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Appendix D.13:
Condition Assessment Report
68 Campbell Street

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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 68 Campbell Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 68 Campbell Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 3,500 square foot, four-story, brick-masonry residential building with a flat roof. The exterior walls are comprised of load bearing brick masonry. The roof and interior floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by exterior brick masonry walls. The subject structure is believed to have been constructed circa 1900.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe the majority of the interior spaces of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.

- There is a tall, chain link fence restricting access to the sidewalks adjacent to the subject structure. There is a "condemned" sign posted on the front elevation. The time and purpose of the fence/sign installation is unknown.

- There are unsecured parts of a wooden cornice structure around the perimeter of the roof. This unsecure structure poses a fall hazard to the sidewalk areas below. Local areas of the exterior masonry walls are deteriorated and individual bricks have become unsecured and fallen to the street.

- The overall condition of the roof structure could not be directly observed. Based upon our observations form the street level, is likely that local portions of it have collapsed and/or allows weather to enter the interior. There is significant water damage throughout the structure. Several areas of the interior structures have collapsed.

- The exterior masonry walls may be unstable since they are not fully braced by the interior floor and roof structures. Chazen could not observe all interior areas and fully assess the stability of the exterior walls as a part of this assessment.

- There is a recessed area in the rear of the subject structure that may lead to a basement level. The condition of the retaining structure near this area is unknown. The recessed area is not covered or protected by guard rails, and may pose a fall hazard to workers or first responders if not clearly marked or if overgrown in the future.

- The subject structure is in contact with an adjacent three-story wood framed residential structure on the east. This adjacent structure appears to be vacant. It is unknown whether the structural systems of these two buildings are independent or if they share a common ("party") wall.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The exterior walls are locally unstable and pose a significant fall hazard to the public and adjacent property. Loose pieces of wood and brick have fallen to the sidewalk and may be the reason why access to the sidewalk has been limited by the chain link fence.

- If the walls are not braced by the interior floor structures, the structure may be globally unstable and pose a greater risk to the public and adjacent property. Unstable walls may collapse during a wind or seismic event or due to continued collapse of the interior framing. This condition is expected to worsen over time.

- The interior of the structure is severely deteriorated and beyond practical repair.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include an "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- Special care should be taken to safeguard the existing adjacent structure. The two structures are in contact with one another. It is unknown if the structural systems are independent or if they share a common ("party") wall. The City should contact the owner of this property, inform them of the unsafe condition, gain access to the adjacent structure and determine if a structural connection between these two buildings exist. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. Refer to the "demolition" section of this report for additional recommendations.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

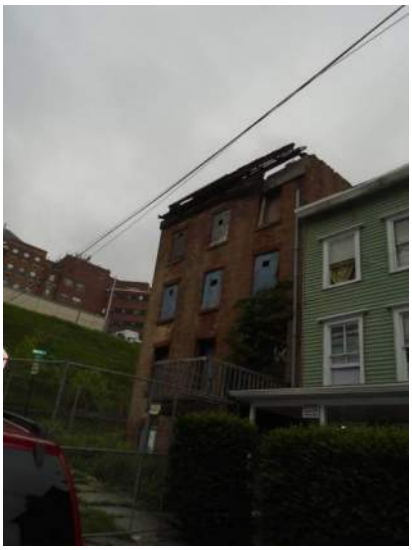
Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure



Photograph (1):

Front Elevation of the subject structure. The wood cornice structure at the roof level is unsecured and poses a fall hazard.

Photograph (2):

Left Elevation of the subject structure. There is a tall chain link fence restricting access to the sidewalk adjacent to the subject structure. A “condemned” sign is visible in front.

Photograph (3):

Rear Elevation of the subject structure. The wood cornice structure at the roof level is unsecured and there are several look bricks near the roof that pose a fall hazard. Several bricks/boards are visible on the deteriorated steel fire escape structure.

Photograph (4):

Rear Elevation of the subject structure. There is a recessed area of the overgrown backyard adjacent to the subject structure that may lead to a basement level. The condition of the retaining structure adjacent to this recessed area is unknown. This recessed area may pose a fall hazard to workers or first responders if not clearly marked or if overgrown in the future.

Photograph (5):

Representative interior view of the first floor of the subject structure. The wood structures are severely deteriorated and are in a state of collapse.

Photograph (6):

Representative interior view of the first floor of the subject structure. The wood structures are severely deteriorated and are in a state of collapse.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Four story masonry structure. Partial Collapse of northern portion of building at all floors. South elevation cornice is unstable. Building is unstable. Significant water damage throughout building.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

68 Campbell Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Appendix D.14:
Condition Assessment Report
115 Johnston Street

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 115 Johnston Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 115 Johnson Street in the City of Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is an 860 square foot, three-story, single-family brick-masonry residential building with a full basement and flat roof. The roof and interior framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by exterior load-bearing brick masonry walls.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe the majority of the interior spaces of the subject structure.

- The subject structure is in an uninhabitable condition and appears to be vacant.
- The wooden roof structure has mostly collapsed. Daylight is visible through unsecured third floor windows.

- The exterior masonry walls are no longer fully braced by roof and floor structures and are unstable. The exterior facades are in poor condition and are covered with climbing plants.

- The entire structure is open to the elements and is significantly deteriorated. There is significant water damage throughout the structure.

- The wooden cornice structure along the roofline is in poor condition. There is an unsecured plywood board in a third floor above the sidewalk. Both these unsecured structures pose a fall hazard.

- The front porch structure is missing and access to the interior is difficult. Chazen could not access interior of the subject structure.

- The subject structure is a "row house" that appear to share a common structural wall ("party" wall) with 113 Johnston Street. There is a three story residential structure located approximately four feet to the north of the subject structure. Chazen does not know if these adjacent structures are currently occupied.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The exterior walls in the rear of the structure are no longer fully braced by the interior floor structures and pose a hazard to the adjacent properties and the public. Unbraced masonry walls may collapse during a wind or seismic event or due to continued collapse of the interior framing. This condition is expected to worsen over time.

- The interior of the structure is severely deteriorated and beyond practical repair.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

The City may wish to turn this into a parking area, due to the close proximity of the adjacent structures and limited parking in the area. The property may also be of value to adjacent property owners.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- The City should immediately remove the loose plywood board in the third floor window and unsecured portions of the wood cornice structure to limit fall hazards to the public.

- The City should install a tall chain-link fence around the sidewalk to limit access to the front of the subject structure. This is intended to help safeguard pedestrians from fall hazards and the unsafe structure. The City may wish to construct the perimeter fencing in accordance with Section 125-35 of the Municipal Code to facilitate demolition work.

- The City should contact the adjacent property owners to inform them of this unsafe condition.

- The City should assess structural condition of 113 Johnston due to the shared "party wall." The City should take care if accessing the property due to the unsafe nature of the front staircase.

- Special care should be taken to safeguard the existing adjacent structures. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The subject structure is a masonry “row building” this is in poor condition. The plywood window covering is loose from a third floor window, and the loose wood cornice structure, poses a fall hazard to the public.

The subject structure appears to share a masonry wall (“party wall”) with 113 Johnston Street. Chazen does not know if this adjacent structure is occupied, but the steps that lead to the front door are deteriorated and unsafe.

Photograph (2):

View of the Front Elevation of the subject structure and neighboring properties.

Photograph (3):

View of the Front-Right corner of the subject structure. The plywood window covering is loose from a third floor window, and the loose wood cornice structure, poses a fall hazard to the public.

The roof structure has collapsed and daylight is visible through the unsecured third floor window.

Photograph (4):

View of the Rear Elevation of the subject structure.

The roof structure has collapsed and daylight is visible through the unsecured third floor window. Climbing plants are growing over the subject structure.

Photograph (5):

View of the Rear Elevation of the subject structure.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure. Complete collapse of interior structure. Exterior walls are unstable.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

115 Johnston Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

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Appendix D.15:
Condition Assessment Report
139 Johnston Street

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 139 Johnston Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 139 Johnston Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 1,300 square foot, three-story, brick-masonry residential building with a flat roof. The exterior walls are comprised of load bearing brick masonry. The roof and floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by exterior load-carrying brick masonry walls.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe the majority of the interior spaces of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.
- The wooden roof structure has partially collapsed. The structure is open to the elements and is significantly deteriorated.

- There is significant water damage throughout the structure. Portions of the interior floor structures have collapsed.

- The wooden cornice structure along the rear of the building is in poor condition and is unsecured.

- The subject structure is a "row house" that appear to share a common structural wall ("party" wall) with 137 Johnston Street. Chazen does not know if these adjacent structure is currently occupied.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The interior of the structure is severely deteriorated and beyond practical repair. The two areas of the roof that have collapsed will continue to deteriorate and worsen over time.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

The City may wish to turn this into a parking area, due to the close proximity of the adjacent structures and limited parking in the area. The property may also be of value to adjacent property owners.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- The City should install a tall chain-link fence around the sidewalk to limit access to the front of the subject structure. This is intended to help safeguard pedestrians from fall hazards and the unsafe structure. The City may wish to construct the perimeter fencing in accordance with Section 125-35 of the Municipal Code to facilitate demolition work.

- The City should contact the adjacent property owners to inform them of this unsafe condition.

- The City should assess structural condition of 137 Johnston due to the shared "party wall." Special care should be taken to safeguard the existing adjacent structures. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of "X" Placard per Fire Code of New York State Section 311.5
Appendix C: Customized "Unsafe" Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The subject structure is a masonry “row building” that is in poor condition. Portions of the roof structure have collapsed.

The subject structure appears to share a masonry wall (“party wall”) with 137 Johnston Street.

Photograph (2):

Right Elevation of the subject structure.

Photograph (3):

Rear Elevation of the subject structure. Portions of the wooden cornice structure are unsecured and falling off the structure.

Photograph (4):

Representative interior view of the subject structure. The interior is severely water damaged.

Photograph (5):

Representative interior view of the subject structure. A portion of the second floor and roof structures have collapsed.

Photograph (6):

Representative interior view of the subject structure. The interior is severely water damaged. A portion of the second floor and roof structures have collapsed.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure. Partial collapse of west portion of floor framing. Poses a hazard to adjacent properties and first responders.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

139 Johnston Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

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Appendix D.16:
Condition Assessment Report
169 Johnston Street

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 169 Johnston Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 169 Johnston Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building was former a 2,100 square foot, three-story, brick-masonry residential building with a flat roof. The roof and interior floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by exterior load bearing brick masonry walls.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe the majority of the interior spaces of the subject structure.

- The subject structure is in an uninhabitable condition and appears to be vacant.

- The wooden roof structure and interior floor structures have collapsed. The entire structure is open to the elements and is significantly deteriorated. There is significant water damage throughout the structure.

- The exterior masonry walls are no longer fully braced by roof and floor structures and are unstable. The small, local areas of the top of the northern wall have collapsed.

- There is a religious institution (church) immediately to the north of the subject structure. The parking lot and the south wall of the church are next to (within four feet) of the unstable northern wall.

- There is a three-story residential structure approximately ten feet to the south of the subject structure. This property appeared to be occupied at the time of our visit.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The three-story tall, unstable exterior walls pose a hazard to the adjacent properties and the public. The church is especially at risk due to its proximity. Unbraced masonry walls may collapse during a wind or seismic event or due to continued collapse of the interior framing. This condition is expected to worsen over time.

- The interior of the structure is severely deteriorated and beyond practical repair.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

The City may wish to turn this into a parking area, due to the close proximity of the church and apartment buildings. The property may also be of value to adjacent property owners.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be immediately demolished, in a controlled manner and in accordance with all applicable laws and regulations. Refer to the "demolition" section of this report for additional recommendations.

- The City should immediately contact the religious institution to the north of the subject structure and inform them of this unsafe condition. The City should instruct the institution to not use the parking lot until the structure is demolished. The City should also consider restricting access to the church itself until the structure is demolished. This is to protect occupants, should a collapse occur prior to or during a controlled demolition.

- The City should contact other adjacent property owners to inform them of this unsafe condition.

- The City should install a tall chain-link fence around the sidewalk and the adjacent church parking lot limit access to the front of the subject structure. This is intended to help safeguard pedestrians from fall hazards and the unsafe structure. The City may wish to construct the perimeter fencing in accordance with Section 125-35 of the Municipal Code to facilitate demolition work.

- Special care should be taken to safeguard the existing adjacent structures. Demolition will need to be performed in a controlled manner. The adjacent structures shall also need to be protected against dust and other hazards during demolition. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- If the subject structure cannot be immediately demolished, supplemental framing must be installed to stabilize these exterior walls and lessen the hazard to the public. This work may involve entering the unsafe structure, installing anchors, braces and beams to the exterior walls and restoring the structure to code-accepted level of strength. Workers could be placed in an unsafe condition during this work. Chazen does not recommend a stabilization approach over demolition.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The interior floor and roof structures have collapsed and the exterior masonry walls are no longer fully braced.

Photograph (2):

Right Elevation of the subject structure. The three story masonry wall is unbraced and poses a fall hazard to the adjacent property and the public.

Photograph (3):

Rear Elevation of the subject structure. The wood lean-to structure is in poor condition.

Photograph (4):

Exterior view at rear of subject structure.

Photograph (5):

Interior view of the subject structure. The interior floor and roof structures have completely collapsed.

Photograph (6):

Interior view of the subject structure. The interior floor and roof structures have completely collapsed.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure. Complete collapse of interior structure. Exterior walls are unstable.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

169 Johnston Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Appendix D.17:
Condition Assessment Report
128 Dubois Street

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Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 128 Dubois Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 128 Dubois Street in the City of Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. The subject structure was observed by TAP, Inc. on the morning of June 10, 2015 to assess its rehabilitation potential. Representatives from the Newburgh Fire Department accompanied Chazen and TAP, Inc. during these assessments and provided access to the subject structure.

Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 3,200 square foot, two story, residential building with a low slope roof. The roof, and floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing systems are supported by load bearing brick masonry walls.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe some areas of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.
- The exterior walls generally appear to be in good condition. The doors and windows appear to be generally secured in accordance with the municipal code.
- There likely used to be a front porch structure that has since been removed. This porch structure used to likely cover the recessed concrete vault structures, but they are now exposed. Wood rails and caution tape are placed along the edge of the vaults along the sidewalk.
- There are two abandoned tanks in the recessed vaults along the sidewalk.
- The two story wood porch structure in the rear is missing a support post and is unstable.
- Although the roof could not be directly observed, it is likely that local areas are open to weather. These collapsed areas allow weather to penetrate into the interior. The floor and wall structures under these openings are severely water damaged and deteriorated. The load carrying capacity of the roof and these floor structures has been degraded in these areas.
- The interior finishes are in fair to poor condition. There is peeling paint and dark-colored organic appearing stains throughout the structure.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is “unsafe” in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in “deteriorated condition”, as defined by Chapter 129 of the City of Newburgh Municipal Code.
- Overall, the structure is stable and in fair condition. The exterior walls appear to be stable and generally supported. Much of the floor and wall structures appear to be serviceable.
- However, local areas of the floor and roof areas are likely in poor condition. The roof is open, weather is allowed to enter these spaces and deteriorating the wood structures. This condition is expected to worsen over time unless it is stabilized.

- The rear porch is unstable and in a state of collapse. These deteriorated porches are impact and overhead hazards and can damage the primary structure as they continue to collapse.

- The wood railing and caution tape do not provide the code required fall protection along the recessed vaults along the sidewalk.

- The empty storage tanks, dark colored organic growth material and peeling paint likely pose environmental hazards to workers and future occupants.

Rehabilitation Assessment

Based upon our observations and condition assessments, Chazen believes that the structural system is stable enough for the City to consider stabilizing or restoring the subject structure.

TAP, Inc., an architectural firm that specializes in rehabilitation and community revitalization projects, visited the subject structure to assess the restoration potential of the subject structure. TAP prepared a summary report of their observations, assessments and recommendations, which is included in Appendix D.

Based upon our combined assessment, we believe that it is in the interest of the City and the public to stabilize this structure and to market it to developers, homeowners or community organizations interested in restoring this property.

Refer to the "stabilization" section of this report for additional recommendations.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- The City should engage a qualified contractor to stabilize select portions of the subject structure, in accordance with the general requirements of the "stabilization" section of the report and the following recommendations:

    - Install a fence around the recessed vaults along the sidewalk that is designed to provide the code required level of fall protection and that can help limit access to the subject structure.

    - Remove all unsecured components of the building structure that pose an impact and/or overhead hazard. This includes removing all the deteriorated porch structures. Any openings in the building envelope along these porches should be patched.

    - Locally remove and rebuild the areas of the roof structure that have deteriorated and collapsed. The load carrying capacity of the roof structure should be restored to support code-required snow and other loads.

    - The weather tightness of the building envelope should be restored. This will involve at least reroofing the rebuilt areas of roof on the left elevation and could grow to involve much of the roof system. Open windows, joints or other penetrations should also be made weather tight.

    - The interior floor areas that are deteriorated and pose a fall hazard should be barricaded and clearly marked to prevent access.

    - There is a lot of peeling paint and dark colored organic growth throughout the structure that will likely pose an environmental hazard to workers. All work shall need to be performed in accordance with the "stabilization" section of this report.

Stabilization

Stabilizing a vacant structure help protects the public, maintains the structure's current condition and value for the owner, and improves vitality of the surrounding community. A stabilized structure is often more valuable to developers, prospective home owners and service organizations compared to structure that are allowed to deteriorate. Stabilization work generally includes locally reinforcing deteriorated structural members, maintaining proper ventilation and restoring the weather-tightness of the building envelope.

The stabilization of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials necessary to perform this work. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property as a part of this assessment. The City should coordinate with appropriate officials, organizations and community leaders to assess the historical significance of this subject structure.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed repair and stabilization plan. The City shall coordinate with a qualified entity to develop a stabilization plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Reviewed and approved by:

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure
Appendix D: TAP, Inc. Observation, Rehabilitation Assessment and Recommendation Report

Photograph (1):

Front Elevation of the subject structure. The front façade appears to be in fair condition. There likely used to be a front porch structure that has since been removed.

Photograph (2):

Front Elevation of the subject structure. The front façade appears to be in fair condition. There likely used to be a front porch structure that has since been removed. Wood guard rails and caution tape appear to warn pedestrians about the fall hazard but do not appear to provide the code required fall protection needed around these concrete vaults.

Photograph (3):

Close up view of the abandoned storage tanks on the front elevation.

Photograph (4):

Rear Elevation of the subject structure. A post is missing from the rear porch structure. This porch structure is unstable and poses a fall hazard.

Photograph (5):

Representative interior view of the subject structure. Portions of the interior are severely water damaged.

Photograph (6):

Representative interior view of the subject structure. Portions of the interior are severely water damaged.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Two story masonry structure. Partial collapse at roof and 2nd floor. Moderate water damage throughout the building. Front terrace brickwork unstable.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

128 Dubois Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

TAP, Inc. Field Report for City of Newburgh Vacant Properties

128 Dubois Street

Field Team:	Laura Ryder, Eric Cioffi
Date:	June 10, 2015
Access:	Unable to enter building, per Newburgh Fire Dept. (NFD).
Last Use:	2-family?
Approx. Size:	1,598 SF 1st + 1,598 SF 2nd = 3,196 SF (+ 1,598 SF partially finished bsmt = 4,794 SF).

Observations & Condition Assessment:

Weather-tight?	No. Holes in roof; water entering rear rooms.
Secured?	Partially. Windows covered with plywood, w/vents on upper floors. Open roof allows entry of critters.

Exterior:

Front/West:	Brick with stone sills and lintels in overall good condition. Missing downleader on R causing localized water damage such as missing mortar full height of building. Open joist pockets where former porch roof and floor attached to front wall. Brick lintels over L basement door in poor condition. Brick piers of former porch in poor condition.
R side/South:	Brick with stone sills and lintels in overall good condition.
Rear/East:	Brick with stone sills and lintels in overall good condition. Water damaged eave above gutter/ downleader on main roof. Water damage, missing columns at SE corner of 2-story rear porch.
L side/North:	Brick with stone sills and lintels in overall good condition. Loose brick at chimney near rear.
Foundation:	Brick, in good condition.
Roof:	Nearly flat, extremely low slope, pitching to both front and rear. Roofing material appears to be membrane roof in poor condition. Chazen reports partial roof collapse. Re-framing, re-decking, and re-roofing required.
Rear Yard:	Over-grown yard with mature trees at perimeter.
R side Yard:	Driveway along house leading to attached 1-story brick garage. Approx. 273 SF garage, with missing roof deck and roof rafters. Brick walls in good condition.

Interior:

Basement:	Access denied by NFD. Chazen info indicates moderate water damage throughout.
1st floor:	Access denied by NFD. Chazen info indicates moderate water damage throughout.
2nd floor:	Access denied by NFD. Chazen reports partial collapse, moderate water damage throughout.

General Condition Assessment:

Exterior walls all in sound condition. Based on Chazen info, it is likely that a portion of the building interior requires removal and re-framing of 2nd floor joists, subfloor, and walls, and roof structure and deck.

Environmental hazards include:

Testing is necessary to determine the presence of hazardous materials. General knowledge and cursory observation are the basis of the noted conditions below.

Lead paint:	assumed to be in pre-1978 dwellings
Asbestos:	possibly in roof materials; remote possibility in plaster
Mold:	likely due to water entering roof

All floors would have to be gutted of all finishes and systems, down to the framing, which will allow the building to dry out and allow for a thorough structural evaluation to be done.

Rehabilitation Assessment:

The following costs are based on similar, market rate, non-governmental projects in the Albany area. Identification and remediation of environmental hazards, if present, could add $8k - $20k to total costs.

Type of Work	*Estimated costs*	*Comments*
Demo	3,196 SF x $12.50-16/SF = **$40,000 - $50,000**	Excludes basement SF
Mothballing*	**$20,000 - $30,000**	Repair only damaged roof areas.
Rehab for habitability	3,196 SF x $125 - $140/SF = **$399,500 - $447,500**	2 flats; Bsmt unfinished.

*Basic "Mothballing" includes the most minimal weatherproofing and structural stabilization to prevent further water damage and structural deterioration, as well as securing all exterior openings and removing all non-hazardous material and household debris.

Future Value/Recommendations:

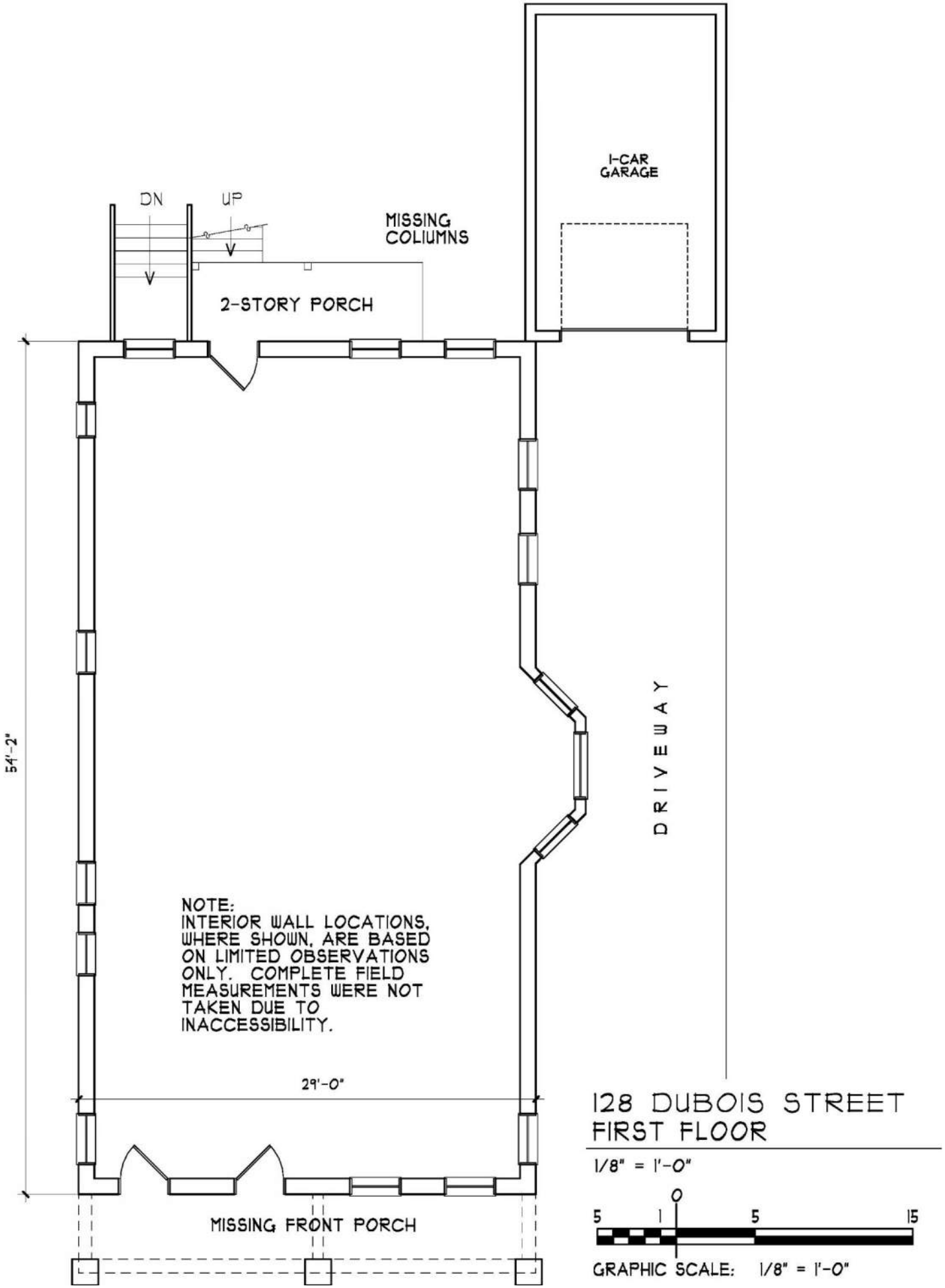
Although this building is located on the periphery of one of Newburgh's worst neighborhoods (according to the NFD escorts), this block has a higher percentage of occupied and well-maintained buildings than the others visited. Many are handsome brick structures, in good condition on the exterior, with front porches facing the lawn and trees of Downing Park. It is a solid building, and the attached garage is a bonus that might attract a buyer. **Conclusion** = Mothball as a first step in a commitment to neighborhood revitalization. Buildings must be marketed.

Front View

Right Side View

Rear View

Interior – 2nd Floor
Typical Conditions


1-CAR
GARAGE
DN
UP
MISSING
COLIUMNS
2-STORY PORCH
DRIVEWAY
54'-2"
NOTE:
INTERIOR WALL LOCATIONS,
WHERE SHOWN, ARE BASED
ON LIMITED OBSERVATIONS
ONLY. COMPLETE FIELD
MEASUREMENTS WERE NOT
TAKEN DUE TO
INACCESSIBILITY.
29'-0"
MISSING FRONT PORCH
128 DUBOIS STREET
FIRST FLOOR
1/8" = 1'-0"
0
5
1
5
15
GRAPHIC SCALE: 1/8" = 1'-0"

Appendix D.18:
Condition Assessment Report
16 Maple Street

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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 16 Maple Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 16 Maple Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department (NFD) accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 1,300 square foot, two-story, wood structure, residential building with a gable roof. The roof, 2nd and 1st floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The subject structure is believed to be built circa 1920 and was a multiple-occupancy family home.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A.

- There is a natural-gas-like odor in the front-right corner of the basement.
- The subject structure is in unhabitable condition and appears to be vacant.

- The center of the subject structure is severely fire damaged. According to the NFD, there was a fire approximately three years ago that started in the kitchen and spread upwards through the house.

- The attic tie boards (attic floor boards) are severely fire damaged and missing in some locations. The load carrying capacity of the roof has been significantly reduced.

- Portions of the second and first floor structures have collapsed and pose a fall hazard to first responders. The wooden roof structure has partially collapsed and the interior is open to weather.

- There is significant water damage throughout the structure. Black-colored organic growth is visible on the finishes throughout the basement. There are piles of combustible debris throughout the subject structure.

- The subject structure is located between two adjacent and occupied residential structures. The overall neighborhood appears to be well-maintained.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The fire severely damaged the interior structure. The roof structure, attic tie beam and floor structures near the kitchen are severely damaged and beyond practical repair.

- The load carrying capacity of the roof structure is greatly reduced. The roof structure cannot safety support code-required gravity and snow loads. If the roof is loaded with a heavy snow load, portions of the roof may collapse further and cause the exterior walls to become unstable and collapse. Due to the proximity of the adjacent occupied structures, collapsing walls may pose a significant fall hazard to adjacent property. Collapsing structures may also pull down / disrupt adjacent utility lines and pose a hazard to the public. This condition is expected to worsen over time.

- The interior has been exposed to weather for several seasons. Organic appearing growth is visible and may pose an environmental hazard to future occupants and workers. The finishes are water damaged and likely cannot be salvaged.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

However, the subject structure is located in a generally good and well-maintained neighborhood. Demolishing the existing structure and returning the lot to a vacant "build-ready" condition may attract interested buyers and return this property to the tax rolls. Interested buyers may include adjacent property owners, developers or community-service organizations experienced in building homes.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The natural-gas-odor should be immediately investigated and abated by a qualified entity / utility and any leak should be located and capped.

- The subject structure should be demolished, in a controlled manner and in accordance with all applicable laws and regulations, as soon as possible. Chazen recommends that demolition should occur no later than October 30, 2015, due to the increased likelihood of collapse during the winter months. Refer to the "demolition" section of this report for additional recommendations.

- Special care should be taken to safeguard the existing adjacent structures. Demolition will need to be performed in a controlled manner. The adjacent structure shall also need to be protected against dust and other hazards during demolition. The City should contact the owners of these adjacent properties and notify them of the unsafe condition. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include an "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. Fire damage is visible in the attic dormer. Access to the interior is provided on the door from the driveway (left elevation).

Photograph (2):

Rear Elevation of the subject structure. Fire damage is visible in the attic dormer.

Photograph (3):

Interior of the subject structure as viewed from the kitchen. Extensive fire damage is visible from the first-floor through the roof structure. Portions of the roof have collapsed and the interior is open to weather.

Photograph (4):

Interior of the subject structure as viewed from the second floor. Extensive fire damage is visible through the roof structure. Portions of the second floor structure have collapsed and pose a fall hazard to first responders.

Photograph (5):

Interior of the subject structure as viewed from the second floor. Extensive fire damage is visible through the roof structure. Several of the attic tie beams are severely fire damaged and/or missing. Portions of the roof have collapsed and the interior is open to weather.

Photograph (6):

Interior of the subject structure as viewed from the basement. The basement level is water damaged and black-colored organic growth is visible on finishes throughout basement. Piles of combustible debris are present. A natural-gas-like odor was smelled in basement near the right front corner.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Two story wood structure. Severe fire and water damage throughout house. Natural gas-like smell in basement -- needs to be immediately investigated. Poses hazard to adjacent structures.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

16 Maple Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: MJB

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Appendix D.19:
Condition Assessment Report
143 Washington Street

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www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 143 Washington Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 143 Washington Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during these assessments and provided access to the subject structure.

Our observations, assessments and recommendations are provided herein.

Building Description

The building is a 5,600 square foot, three-story brick-masonry, residential building with a flat roof. The roof and floor framing are comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system is supported by load bearing exterior brick masonry walls.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe some areas of the subject structure.

- The subject structure is in an unhabitable condition and appears to be vacant.
- There is a single-story wooden structure adjacent to the subject structure that has collapsed. Portions of this adjacent building are in contact with the left elevation.

- Local areas of the roof are severely deteriorated and have partially collapsed. These collapsed areas allow weather to penetrate into the interior. The floor and wall structures under these openings are severely water damaged and deteriorated. The load carrying capacity of the roof and these floor structures has been degraded in these areas.

- Several of the windows are not boarded and are open to weather. Some of the window panes are broken.

- There are climbing plants growing on the rear of the subject structure. Climbing plants can grow into openings in the building envelope and lead to deterioration.

- The interior finishes are in fair to poor condition. There is peeling paint and dark-colored organic appearing stains throughout the structure. Ceiling strapping boards are becoming dislodged and falling throughout the structure.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "deteriorated condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- Overall, the structure is stable and in fair condition. Much of the floor and wall structures appear to be serviceable.

- However, the floor and roof areas in certain areas of the subject structure are in poor condition. The roof is open, weather is allowed to enter these spaces and deteriorating the wood structures. This condition is expected to worsen over time unless it is stabilized.

- The windows and doors are not secured in accordance with the municipal code. These openings can allow weather and pests to enter and deteriorate the interior structure and finishes. Unsecured openings can also allow trespassers to enter and vandalize the building.

Rehabilitation Assessment

Based upon our observations and condition assessments, Chazen believes that the structural system is stable enough for the City to consider stabilizing or restoring the subject structure. We believe that it is in the interest of the City and the public to stabilize this structure and to market it to developers, homeowners or community organizations interested in restoring this property. Refer to the "stabilization" section of this report for additional recommendations.

As directed by the City, Chazen did not engage TAP, Inc. to perform a rehabilitation assessment on the subject structure since it was conveyed to the Newburgh Community Land Bank on May 18, 2015.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- The City should engage a qualified contractor to stabilize select portions of the subject structure, in accordance with the general requirements of the "stabilization" section of the report and the following recommendations:

    - Locally remove and rebuild the areas of the roof structure that have deteriorated and collapsed. The load carrying capacity of the roof structure should be restored to support code-required snow and other loads.

    - The weather tightness of the building envelope should be restored. This will involve at least reroofing the rebuilt areas of roof. Open windows, joints or other penetrations should also be made weather tight.

    - The adjacent collapsed structure should be removed or at the least, pulled back from being in contact with the subject structure. The City should consider placing a chain link fence around this adjacent structure to limit access.

    - All exterior windows, doors and other openings should be secured in accordance with Section 121 of the Municipal Code. This would involve painting existing uncoated window boards and adding ventilation screens to the upper levels.

    - There is a lot of peeling paint and dark colored organic growth throughout the structure that will likely pose an environmental hazard to workers. All work shall need to be performed in accordance with the "stabilization" section of this report.

Stabilization

Stabilizing a vacant structure help protects the public, maintains the structure's current condition and value for the owner, and improves vitality of the surrounding community. A stabilized structure is often more valuable to developers, prospective home owners and service organizations compared to structure that are allowed to deteriorate. Stabilization work generally includes locally reinforcing deteriorated structural members, maintaining proper ventilation and restoring the weather-tightness of the building envelope.

The stabilization of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials necessary to perform this work. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property as a part of this assessment. The City should coordinate with appropriate officials, organizations and community leaders to assess the historical significance of this subject structure.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed repair and stabilization plan. The City shall coordinate with a qualified entity to develop a stabilization plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The windows and doors are not boarded in secure in accordance with the municipal code.

Photograph (2):

Left Elevation of the subject structure. There is an adjacent single-story vacant residential structure on the left elevation. The adjacent structure is collapsing and is contact with subject substructure.

Photograph (3):

Left Elevation of the subject structure. There is an adjacent single-story vacant residential structure on the left elevation. The adjacent structure is collapsing and is contact with subject substructure. Climbing plants cover the majority of the rear of the subject structure.

Photograph (4):

Representative interior view of the subject structure. The interior is generally water damaged and finishes are in fair to poor condition. Components of the ceiling are unsecured in several locations. There are dark colored organic growths throughout the structure.

Photograph (5):

Representative interior view of the subject structure. Local portions of the roof structure have collapsed and weather is allowed and damage the interior structures.

Photograph (6):

Representative interior view of the subject structure.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure. Partial collapse of roof structure. Moderate water damage throughout the building.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

143 Washington Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Appendix D.20:
Condition Assessment Report
191 South Street

THE Chazen COMPANIES®
Proud to be Employee Owned
Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects

Hudson Valley Office
21 Fox St., Poughkeepsie, NY 12601
P: (845) 454-3980 F: (845) 454-4026
www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

June 30, 2015

Jason C. Morris, PE
City Engineer
83 Broadway
Newburgh, New York 12550

Re: Condition Assessment of 191 South Street, City of Newburgh, New York
Project No. 31561.00

Dear Mr. Morris:

As requested, The Chazen Companies (Chazen) performed a visual structural condition assessment of the residential structure located at 191 South Street in the City Newburgh, Orange County, New York, hereafter referred to as the "subject structure."

The subject structure was observed by Chazen on the morning of May 18, 2015. Chazen's review was limited to observing the building structural system in the areas that could be safely accessed by our field team. Representatives from the Newburgh Fire Department accompanied Chazen during this assessment and provided access to each subject structure. Our observations, assessments and recommendations are provided herein.

Building Description

The building was a 2,600 square foot, three-story, brick-masonry residential building with a flat roof. The roof and interior floor framing were comprised of wood framing systems (eg. joists, rafters, ledgers with wood decking). The wood framing system was supported by load bearing exterior brick masonry walls.

Observations

Chazen observed the following conditions during our field visit. Representative photographs have been provided in Appendix A. Due to the unsafe nature of the structure, Chazen personnel could not observe the majority of the interior spaces of the subject structure.

- The subject structure is in unhabitable condition and appears to be vacant.
- The wooden roof structure and interior floor structures have collapsed. The entire structure is open to the elements and is significantly deteriorated. There is significant water damage throughout the structure.

- The exterior masonry walls are no longer fully braced by roof and floor structures and are unstable.

- The wooden cornice structure along the roof line is in poor condition, is unsecured, and poses a fall hazard to the sidewalk below.

- The brick masonry front steps are in poor condition and may pose a trip hazard.

- There is a three-story residential structure approximately four feet to the west of the subject structure. This property appeared to be occupied at the time of our visit.

Condition Assessment

Based upon our observations, Chazen believes the following:

- The subject structure is "unsafe" in accordance with Section 107 of the 2010 Edition of the Fire Code of New York State (FCNYS), and in "detrimental condition", as defined by Chapter 129 of the City of Newburgh Municipal Code.

- The three-story tall, unstable exterior walls pose a hazard to the adjacent properties and the public. Unbraced masonry walls may collapse during a wind or seismic event or due to continued collapse of the interior framing. This condition is expected to worsen over time.

- The interior of the structure is severely deteriorated and beyond practical repair.

Rehabilitation Assessment

Based upon our observations and condition assessment, Chazen believes it is in the interest of the City and the public to immediately demolish this structure. In our opinion, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. Refer to the "demolition" section of this report for additional recommendations.

The City may wish to turn this into a parking area, due to the close proximity of the church and apartment buildings. The property may also be of value to adjacent property owners.

Recommendations

Based upon our observations and assessments, Chazen recommends the following:

- The subject structure is structurally deficient and can pose a hazard to first responders. The City should immediately notify first responder departments of this assessment.

- The subject structure should be immediately demolished, in a controlled manner and in accordance with all applicable laws and regulations. Refer to the "demolition" section of this report for additional recommendations.

- The City should install a tall chain-link fence around the sidewalk and adjacent structures to limit access to the subject structure. This is intended to help safeguard pedestrians from fall hazards and the unsafe structure. The City may wish to construct the perimeter fencing in accordance with Section 125-35 of the Municipal Code to facilitate demolition work.

- The City should immediately contact the residential property to the west of the subject structure and inform them of this unsafe condition. The City should also consider restricting access to the adjacent property until the structure is demolished. This is to protect occupants, should a collapse occur prior to or during a controlled demolition.

- Special care should be taken to safeguard the existing adjacent structures. Demolition will need to be performed in a controlled manner. The adjacent structures shall also need to be protected against dust and other hazards during demolition. Refer to the "demolition" section of this report for additional recommendations.

- The subject structure should be placarded in accordance with FCNYS Section 311.5. The placard shall include a "X" symbol (Appendix B) since "structure or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, which entry only occurring for known life hazards." This placard shall be applied on the front of the structure and be visible from the street.

- Every entrance of the subject structure should be marked with a second "unsafe" placard (Appendix C) that contains a summary of the unsafe conditions observed in the structure and the approximate date and time of our assessment.

- If the subject structure cannot be immediately demolished, supplemental framing must be installed to stabilize these exterior walls and lessen the hazard to the public. This work may involve entering the unsafe structure, installing anchors, braces and beams to the exterior walls and restoring the structure to code-accepted level of strength. Workers could be placed in an unsafe condition during this work. Chazen does not recommend a stabilization approach over demolition.

Demolition

The demolition of the subject structure shall be performed in a safe and controlled manner in accordance with all applicable laws, codes and regulations. These codes include, but are not exclusive to, the 2010 Edition of the New York State Building and Fire Codes, the City of Newburgh Municipal Code, New York State Department of Health, Labor and Environmental Conservation/Protection Codes and regulations published by the Occupational Safety and Health Administration (OSHA). The City shall coordinate with all regulatory authorities as required to perform this work.

The demolition of this subject structure is subject to the requirements of Chapter 125 of the City of Newburgh Municipal Code. This Chapter contains several provisions to safeguard the public, workers, and adjacent structures before, during and after the demolition work. The City shall provide a copy of this and other applicable sections to qualified contractors prior to the start of demolition.

In accordance with the RFP, Chazen did not perform a hazardous building material survey as a part of this assessment. However, the City and qualified contractors shall assume that hazardous building materials (e.g. asbestos-containing materials, lead-containing paint, mercury-containing light fixtures, polychlorinated biphenyl (PCB) materials, etc.) and other environmental hazards (e.g. mold, insects, vermin, organic wastes, abandoned fuel tanks, etc.) are present in the subject structure. The City and qualified contractors shall coordinate with necessary local, state and federal authorities to properly permit, demolish, handle and dispose of all materials. This shall include the New York State Department of Labor and the requirements included in *Part 56 of Title 12 of the Official Complication of Codes, Rules and Regulations of the State of New York* (12 NYCRR Part 56).

Chazen did not assess the historical significance of the property or perform a cost-benefit analysis that considered restoring this subject structure to a habitable condition, as a part of this assessment. In our opinion and based upon our experience, the severity of the deterioration, the unsafe condition of its structure and the risk this structure poses to the public outweighs the benefits that a high-cost rehabilitation would bring to the community. The City shall coordinate with appropriate officials, organizations and community leaders to assess the historical significance and community value of this subject structure prior to demolition.

This report is intended to provide an overview of the condition of the subject structure and to provide recommendations for the City's review and consideration. This report is not intended to serve as a detailed demolition plan. Prior to demolition, the City shall coordinate with a qualified entity to develop a demolition plan in accordance with applicable standards and shall coordinate that plan with a qualified contractor to safely perform the work.

Closure

Our assessment and recommendations contained herein have been prepared in accordance with our service proposal dated February 27, 2015; City of Newburgh RFP No. 2.15, and; generally accepted engineering practices and is prepared for the exclusive use of the City of Newburgh for this subject structure. This assessment is applicable for sixty days starting from the date of the inspection. After this period, a follow-up assessment is recommended to observe changing conditions and reassess the structure, as necessary.

Our observations and assessments were limited to those portions of the building structure that were visible and safely accessible at the time of our visit. No destructive investigation, historical analysis, code-compliance (such as occupancy, ventilation requirements, energy requirements etc.), accessibility, egress, laboratory testing or hazardous building material survey was performed, no equipment was disassembled or moved unless where explicitly described in this report or its appendices.

Please feel free to contact me directly at (845) 454-3980 if you have any comments or questions regarding this matter.

Sincerely,

Reviewed and approved by:

Michael J. Baron, P.E.
Project Manager / Structural Project Engineer

Joseph M. Lanaro, P.E., M.ASCE
Principal
Vice President, Engineering

Appendix A: Photographic Log
Appendix B: Example of “X” Placard per Fire Code of New York State Section 311.5
Appendix C: Customized “Unsafe” Placard for Subject Structure

Photograph (1):

Front Elevation of the subject structure. The wooden cornice structure along the roofline is in poor condition and poses a fall hazard to pedestrians.

Photograph (2):

View of the steps at the front entrance. These steps are in poor condition and may pose a trip hazard.

Photograph (3):

Right Elevation of the subject structure. The interior can be viewed through an open window on the upper levels. It appears the roof and interior floor structures have collapsed. Cracking is visible in the masonry wall above the second floor window lintel.

Photograph (3):

Rear Elevation of the subject structure.

The interior can be viewed through an open window on the upper levels. It appears the roof and interior floor structures have collapsed.

Photograph (6):

Rear Elevation of the subject structure.

Appendix B: Example of "X" Placard per FCNYS Section 311.5

Direct from Supplier: Electromark ("Abandon Building Signs") Part #: "IFC311.5x"
http://www.electromark.com/abandoned-building-signs-master-ifc311-5slash.html

Local Distributor: Grainger Supply, 300 Corporate Blvd, Newburgh, NY, (845)567-6900
http://www.grainger.com/product/ELECTROMARK-Abadoned-Bldg-Sign-48W879?nls=1&searchQuery=48w879

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Three story masonry structure. Complete collapse of interior structure. Exterior walls are unstable.

Date **5/18/2015**

Time **9:00 - 11:30 AM**

This facility was inspected under emergency conditions for:

City of Newburgh - Code Enforcement Official

(Jurisdiction)

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

191 South Street
Newburgh, New York

Inspector ID / Agency

Reviewed by: LC

The Chazen Companies, D.P.C

21 Fox Street, Poughkeepsie, New York

Do Not Remove, Alter, or Cover this Placard until Authorized by Governing Authority

Appendix E:
Excerpts from City of Newburgh Municipal Code

City of Newburgh, NY
Saturday, June 27, 2015

Chapter 121. Buildings, Vacant

[HISTORY: Adopted by the City Council of the City of Newburgh 4-22-2013 by Ord. No. 4-2013.[1] Amendments noted where applicable.]

GENERAL REFERENCES
Repurchase of In Rem Properties — See Ch. **93**.
Building construction — See Ch. **122**.
Demolition of buildings — See Ch. **125**.
Nuisance buildings — See Ch. **126**.
Unsafe buildings — See Ch. **129**.
Condominium conversions — See Ch. **138**.
Fees — See Ch. **163**.
Health and sanitation — See Ch. **187**.
Housing and property standards — See Ch. **190**.
Performance of work by City — See Ch. **226**.
Property damage — See Ch. **234**.

[1]: *Editor's Note: This ordinance also provided for the repeal of former Ch. 121, Buildings, Vacant, adopted 2-28-1994 by Ord. No. 4-94, as amended.*

§ 121-1. Findings and purpose.

The City of Newburgh contains many structures that are vacant in whole or large part; and in many cases the owners or other responsible parties of these structures are neglectful of them and are failing to maintain them or secure them to adequate standards or restore them to productive use. Many of these structures are in violation of state and local housing and property maintenance codes. It has been established that vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulations of trash and debris, increased risk of fire, and potential increases in criminal activity and public health risk, and the City of Newburgh incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to police calls, fire calls, and property inspections. It is in the public interest for the City of Newburgh to establish minimum standards of accountability for the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the City of Newburgh, and it is in the public interest for the City of Newburgh to impose a fee in conjunction with a registration ordinance for vacant and abandoned structures in light of the disproportionate costs imposed on the City by the presence of these structures.

§ 121-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EVIDENCE OF VACANCY

Any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to, overgrown or dead vegetation; accumulation of debris or abandoned personal property; and statements by neighbors, passers-by, delivery agents or government agents, among other evidence that the property is vacant.

MUNICIPAL OFFICER

The Fire Chief, Director of the Code Compliance Bureau, and the Building Inspector or such official within that department as may be designated by the Director in writing.

OWNER

The title holder, any agent of the title holder having authority to act with respect to a vacant property, and any foreclosing entity that has obtained a judgment of foreclosure and sale (RPAPL S. 1307).

VACANT PROPERTY

Any building or structure that is not at present legally occupied or at which all lawful business or construction operations or residential inhabitation or other occupancy has substantially ceased and that is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of "abandoned property"; however, any habitable property where all building systems are in sound working order, where the building and grounds are maintained in good condition, and (or) which is being actively marketed by its owner for sale or rental shall not be deemed a vacant property for purposes of this chapter.

§ 121-3. Registration; fees; additional regulations.

A. Effective on June 1, 2013, the owner of any vacant property, as defined herein, shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, or within 10 days of receipt of notice by the municipality, file a registration statement for such vacant property with the municipal officer on forms provided for that purpose by the municipal officer, along with any fee required by Chapter **163**. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

B. Each property having a separate section, block and lot number shall be registered separately.

C. The registration shall include the information required under Subsection **I** of this section, the insurance certificate required under Subsection **M** of this section, unless a bond is provided, as well as any additional information that the municipal officer may reasonably require.

D. The registration shall remain valid for one year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Chapter **163** for each vacant property registered.

E. The municipal officer may establish, for purposes of efficient administration, that all registrations shall be renewed by a single date in each year. The municipal officer shall establish this date, in which case the initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.

F. Restoration of property; rehabilitation plans.

(1) Any owner of vacant property who plans to restore the property to productive use and occupancy during the twelve-month period following the date of the initial registration of the property shall file a detailed statement of the owner's plans for restoration of the property

with the registration statement and shall be exempt from payment of the registration fee but shall comply with all other provisions of this chapter. In the event that the property has not been restored to productive use and occupancy at the end of the twelve-month period, the owner shall be liable for any fee waived. The municipal officer may extend the waiver of the registration fee for not more than one additional year in response to a written request by the property owner where the municipal officer finds that compelling conditions outside the owner's control made it impossible for the owner to restore the property within the initial twelve-month period.

(a) In addition, the statement of the owner's plans, at a minimum, must contain one of the following for the property:

[1] If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition; or

[2] If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. Implementation of the rehabilitation plan shall not exceed 12 months. Any repairs, improvements, or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes and must be secured during the rehabilitation.

(b) The Building Inspector shall provide the owner with a written referral to the Planning Department for information outlining programs available that may be useful in developing the owner's rehabilitation plan.

(2) Where the owner is an entity experienced in rehabilitation or redevelopment of vacant properties, and where the property subject to this chapter is being held for a project of rehabilitation or redevelopment consistent with municipal plans and ordinances, and where, by virtue of financing, market, or other conditions, that project may require more than one year for realization, the municipal officer may extend the waiver of the registration fee on an annual basis without limitation upon written request by the owner, as long as the municipal officer finds that the owner is making reasonable progress toward completion of the project. The owner shall provide the municipal officer with documentation of such progress, which may include plans, financing applications, applications for land use approval, or other evidence of progress.

G. The owner shall notify the municipal officer within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the municipal officer for such purpose.

H. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.

I. The registration statement shall include:

(1) The name(s), residences and business addresses, e-mail address, telephone numbers, and birth date(s) of the principal officers if the applicant is an individual, partnership, or firm, or the names, residences and business address, e-mail address, telephone numbers, and birth dates of the principal officers if the applicant is an association or corporation.

(2) The name, street address, e-mail address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the

enforcement of any applicable code. The agent for service of process must maintain offices or reside in the State of New York.

(3) The name, street, address, e-mail address, and telephone numbers of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property must maintain offices within 45 miles of the City and shall be available by telephone or in person on a twenty-four-hour-per-day, seven-day-per-week basis.

(4) A description of the premises, including street address, section, block and lot, and type of building;

(5) The date the building became vacant and the period of time the building is expected to remain vacant;

(6) A description of what will be done to secure the structure so that it will not become open to the general public; and

(7) The status of water, sewer, natural gas, and electric utilities.

J. Notices.

(1) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the municipal officer in writing of a change of authorized agent or until the owner files a new annual registration statement.

(2) Any owner who fails to register a vacant property under the provisions of this chapter shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

K. Fees.

(1) The registration and renewal fee for each building are set forth in Chapter **163**.

(2) All funds collected from registration and renewal fees under this section shall be deposited in a dedicated trust fund to be used exclusively for municipal activities with respect to vacant and problem properties in the municipality, including but not limited to inspection, nuisance abatement, securing and boarding, maintaining property information systems, and reasonable administrative and legal costs associated with any of the above.

L. The owner of any structure that has become vacant property, and any person responsible for maintaining any such building that has become vacant, shall, within 30 days of the structure becoming vacant or 30 days of the owner taking title to the property:

(1) Enclose and secure the structure as provided in the applicable codes of the City of Newburgh and the State of New York or as set forth in rules and regulations adopted by the municipal officer to supplement those codes.

(2) Ensure that the grounds of the structure, including yards, fences, sidewalks, walks, and driveways, are well-maintained and kept free from trash or debris.

(3) Post a sign affixed to the structure with the name, address, and telephone number of the owner and the owner's authorized agent for the purpose of service of process and the name, address, and telephone number of the entity responsible for maintenance of the property, which may be the same as the owner or authorized agent. If the structure is set back from the street, the sign may be posted on a well-secured post or stake in the front yard of the property. The sign shall be at least 18 inches by 24 inches, in dimension, shall include the words "to report problems with this building, call," and shall be placed in a location where it is clearly legible from the nearest public street or sidewalk, whichever is nearer.

(4) Maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or demolished or until repair or rehabilitation of the building is complete.

M. The owner of any vacant property shall acquire or otherwise maintain liability insurance in an amount of not less than $300,000 for buildings designed primarily for one- and two-unit residential use and not less than $1,000,000 for any other building, including, but not limited to, buildings designed for multifamily, manufacturing, storage, or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired or renewed after the building has become vacant shall provide for written notice to the municipal officer within 30 days of any lapse, cancellation, or change in coverage, and the owner shall provide such written notice of any lapse, cancellation or change in coverage to the municipal officer. The owner shall attach evidence of the insurance to the owner's registration statement. Any registration statement submitted that does not include such evidence shall not be deemed to be a valid registration. Alternatively, an owner can choose to provide a cash bond acceptable to the municipal officer, in the sum of not less than $10,000, to secure the continued maintenance of the property throughout its vacancy and remunerate the City for any expenses incurred in inspecting, securing, marking, or making such building safe.

N. The City of Newburgh shall establish an on-line registry of all properties registered with the City under this chapter, which shall include a procedure by which citizens can provide the municipal officer through electronic means with information on unregistered properties that may be subject to this chapter.

O. The City of Newburgh may enter into agreements with qualified nonprofit entities and neighborhood associations to assist the City to enforce this chapter, including but not limited to identification of unregistered properties that may be subject to this chapter.

§ 121-4. Rules and regulations.

The municipal officer may issue rules and regulations for the administration of the provisions of this chapter.

§ 121-5. Penalties for offenses; enforcement.

A. Any person who violates any provision of this chapter or of the rules and regulations issued hereunder shall be fined not less than $500 and not more than $1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.

B. For purposes of this section, failure to file a registration statement within 30 days after a building becomes vacant property or within 30 days after assuming ownership of a vacant property, whichever is later, or within 10 days of receipt of notice by the municipality; failure to provide

correct information on the registration statement; failure to comply with the provisions of § **121-3L** and **M** of this chapter; or such other matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this chapter.

§ 121-6. When effective.

This chapter shall become effective upon publication as provided by law.

§ 121-7. Severability.

If any of the provisions of this chapter shall be held invalid, the remainder shall remain valid and enforceable as provided by law.

City of Newburgh, NY
Saturday, June 27, 2015

Chapter 125. Buildings, Demolition of

[HISTORY: Adopted by the City Council of the City of Newburgh 11-13-1967 (Ch. 5, Art. IV, of the Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES
Vacant buildings — See Ch. **121**.
Building construction — See Ch. **122**.
Nuisance buildings — See Ch. **126**.
Unsafe buildings — See Ch. **129**.
Construction operations — See Ch. **139**.
Fees — See Ch. **163**.

Article I. General Provisions

§ 125-1. Purpose.

The general purpose of this chapter is to establish rules and regulations governing the demolition of buildings and accessory structures, to provide safety for employees engaged in demolition work, to safeguard the public in its use of sidewalks and roads adjoining the property on which the demolition is proceeding and to protect adjacent structures from damage resulting from the demolition work.

§ 125-2. Agency having jurisdiction; burning.

A. The Bureau of Code Compliance is hereby designated as the agency having jurisdiction over demolition in the City. No demolition work may be commenced without a separate permit issued by the Bureau for each building or structure to be demolished. Required fees shall be paid to the Bureau, and permits necessary to start work shall be obtained from the Bureau.
[Amended 6-13-1988 by L.L. No. 4-1988]

B. All burning done under this chapter shall be supervised by the Fire Department.

§ 125-3. Prevention of spread of vermin.

The Health Department shall have the authority to inspect premises for which application to demolish has been filled with the Bureau and to require that the owner free the premises of rat infestation by extermination before proceeding with demolition.

§ 125-4. Fees for permits.

[Amended 6-13-1988 by L.L. No. 4-1988]

Fees for permits required pursuant to this chapter shall be as set forth in Chapter **163**, Fees, of this Code.

§ 125-5. Liability insurance.

[Amended 5-10-1982]
A contractor engaged in demolition work shall keep the municipality adequately secured against liability resulting from the bodily injury or death of any person not employed by the contractor, occurring by reason of an accident resulting from the demolition work. Such security shall be in the form of a surety bond or a liability insurance policy in an amount commensurate with the risks involved. A certificate of insurance may be accepted as evidence of liability insurance coverage. The amount shall be determined by the Code Compliance Supervisor and be approved by the City Manager.

Article II. Protection of Employees

§ 125-6. Condition of machinery, equipment and safety devices.

No employer shall suffer or permit an employee to use any machinery or equipment which is not in good repair and in safe working condition. All safety devices and safeguards in use shall be kept sound and operable and shall be immediately repaired or restored if damaged.

§ 125-7. Design of load-bearing equipment.

All load-carrying equipment shall be designed and constructed throughout to safely support the intended loads.

§ 125-8. Overhead protection; guarding against inadvertent entry.

Every place where persons are required to work or pass that is normally exposed to falling material or objects shall be provided with suitable overhead protection, and, where no one is required to work or pass but employees are at work in the vicinity, the exposed area shall be roped off or otherwise guarded against inadvertent entry.

§ 125-9. Barriers around holes.

Every hole into or through which a person may fall shall be guarded by a barrier sufficient to prevent falls, except where free access is required by work actually in progress.

§ 125-10. Protection against water hazards.

Where employees are exposed to hazard of falling into the water in which one may drown, there shall be provided at all times during the exposure equipment for promptly rescuing persons from the water, including a manned and properly equipped boat where necessary.

§ 125-11. Protection against slippery footing.

No employer shall suffer or permit an employee to use a passageway or a scaffold platform or an elevated working surface which is in a slippery condition. Ice, snow, grease and other substances causing slippery footing shall be removed, sanded or covered to provide safe footing.

§ 125-12. Protection against tripping; sharp projections.

All passageways shall be kept free from accumulations of dirt and debris and from other obstructions or defects which could cause tripping. Sharp projections which could cut any employee shall be removed or covered.

§ 125-13. Condition of floors and platforms where work is being performed.

The parts of floors, platforms and similar areas where employees must work shall be kept free from accumulations of dirt and debris and from scattered tools and materials and from sharp projections insofar as may be consistent with the work being done.

§ 125-14. Means of access to work areas above or below ground.

Stairways, ramps or runways shall be provided as the means of access to working levels above or below ground, except where the nature or progress of the work prevents their installation, in which case, ladders or other safe means shall be provided.

§ 125-15. Control of dusts and gases.

Dusts and gases shall be controlled by ventilation or otherwise so as to prevent concentrations tending to injure health or obstruct vision.

§ 125-16. Eye-protection equipment.

Approved eye-protection equipment shall be provided for and shall be used by workmen while employed in flame-cutting operations or in chipping or cutting any material from which particles may fly or while engaged in any other operation which may endanger the eyes.

§ 125-17. Safety hats.

Every employee required to pass or work within areas where there is danger of being struck by falling objects or materials shall be provided with an approved safety hat.

§ 125-18. Waterproof boots.

Every employee required to work in water or in wet footing shall be provided with waterproof boots with safety insoles.

§ 125-19. Waterproof coats and hats.

Every employee required to work in rain or similar wetting conditions shall be provided with a waterproof coat and hat.

§ 125-20. Condition of personal protective equipment.

All personal protective equipment shall be kept clean and in good repair. Before being transferred from one employee to another, safety hats, foul weather hats, boots and hat or boot liners shall be washed or dry cleaned so as to be clean and sanitary. Goggles, glasses and protective shields shall be sterilized before being transferred from one employee to another.

§ 125-21. Condition of tools.

Edged tools shall be kept sharp, and striking tools shall be maintained free from burrs and mushroomed heads. Split or loose tool handles shall not be used.

§ 125-22. Lumber and nails.

A. Lumber used in the construction of equipment or temporary structures shall be sound and shall not contain defects such as ring shakes, large or loose knots or other defects which may impair the strength of the piece for the purpose for which it is to be used.

B. Nails shall be driven full length, and the nails shall be of proper size, length and number to provide the required strength at the joints.

Article III. Conduct of Operations

§ 125-23. Preparations prior to demolition.

A. Before starting demolition, all glass in exterior openings shall be removed. All gas, electric, water, steam and other supply lines shall be shut off and capped. In each case the service company involved shall be notified in advance. All sewer connections shall be sealed off in a manner satisfactory to the authority responsible for sewers.

B. Where it is necessary to maintain any power, water, gas or electric lines during demolition, such lines shall be so relocated or protected with substantial coverings as to protect them from injury and to afford safety to the workmen and the public.

C. Before demolition is started, the cellar shall be thoroughly cleaned of combustible material and all fixtures and equipment which would cause voids in the fill removed. If the cellar is to be filled to grade, the existing cellar floor shall be broken up to provide ground drainage and prevent accumulation of water. If the cellar is not to be filled, adequate drainage shall be provided.

§ 125-24. Stability and restoration of adjacent premises.

A. Before doing any demolition work which may affect the safety or stability of any adjacent structure, the demolition contractor shall make a through examination of all such structures and shall note all existing conditions. During the demolition, frequent reexaminations shall be made by the demolition contractor, and every precaution shall be taken to prevent any movement, settlement or weakening of any adjacent structure.

B. Where there is reason to believe that an adjacent structure is unsafe or will become unsafe because of demolition operations, no demolition shall be performed until adequate precautions have been taken to ensure the stability of the adjacent structure.

C. All beams in party walls shall be cut off close to the walls and stub ends removed without weakening masonry and beam pockets cleaned of loose mortar and bricked up and bonded into the wall with sound brick and cement mortar. Roofing material of adjoining buildings at party walls shall be bent over and flashed. All door or other openings in party walls shall be adequately sealed. Cornices, where cut, shall be properly sealed. Parapet and front and rear walls, where disturbed, shall be pointed up and made weathertight. All exposed furring, lath and plaster on party walls shall be removed. Roofs, skylights and flues of adjoining buildings shall be protected from damage from demolition by the demolition contractor, provided that he is granted the necessary license to enter the adjoining premises for that purpose.

D. The cost of refinishing a common wall or party wall shall be taken into account by the owner of a building which is to be demolished, and after demolition of a building with a common wall, whether brick or frame, the remaining wall shall be finished off in a workmanlike manner and shall be subject to the approval of the Code Compliance Supervisor. Specifically, but in no way limiting the generality of the above with respect to approval which must be received by the Code Compliance Supervisor, brick walls shall be finished as called for in Subsection **C** above, and, in addition thereto, said remaining portion of the common wall shall be finished off with one-half-inch stucco or any other sealer acceptable to the Code Compliance Supervisor and painted as close as possible to the wood trim. Also, without limiting the generality above, in the event that the common wall is frame, the remaining portion of said frame wall shall be re-sided as close as possible to the rest of the building and, if required, painted to match the rest of the wood trim. Flashing shall also be installed on the roof and wherever else required by the Code Compliance Supervisor.
[Added 9-27-1971]

§ 125-25. Demolition of walls and partitions.

A. Demolition of walls and partitions shall proceed in a systematic manner, and all work above each tier of floor beams shall be completed before the safety of its supports is impaired. Masonry shall neither be loosened nor permitted to fall in such masses as to endanger the structural stability of any floor or structural support. No wall, chimney or other structure or part of a structure shall be left unguarded in such condition that it may fall, collapse or weaken due to wind pressure, rain, snow or vibration.

B. No employer shall suffer or permit any employee to work on top of a wall. In the demolition by hand of exterior walls, safe footing for the workman shall be provided in the form of sound flooring or scaffolds. Walls or portions which are to be demolished by hand shall not be left standing more than one story high above the uppermost floor on which men are working. Such walls or portions shall be removed before the aggregate area of openings in such floor exceeds 25% of the total area.

§ 125-26. Boarding up of wall openings.

Windows and other exterior wall openings in buildings more than 25 feet in height which are within 20 feet of any floor opening used to remove debris from floors above shall be solidly boarded up during demolition operations.

§ 125-27. Means of debris removal.

Debris, bricks and other material shall be removed by means of chutes, by means of buckets or hoists or through openings in the floors of the building.

§ 125-28. Safe access to building required.

There shall be provided at all times safe access to and egress from every building in the course of demolition by means of entrances, hallways, stairways or ladder runs so protected as to safeguard the persons using them from falling material.

§ 125-29. Protection of floor areas from falling material.

Every floor area within the building that is subject to the hazard of material falling from above shall be boarded up to prevent passage or shall be fenced off by a substantial rail placed not less than 20 feet from the floor opening or shall be provided with overhead protection in the form of tight planking to eliminate such hazard.

§ 125-30. Demolition of structural members.

All steel construction shall be demolished column length by column length and tier by tier. Every structural member which is being removed shall be chained or lashed in place to prevent any uncontrolled swinging or dropping. Large structural members shall not be thrown or dropped from the building but shall be carefully lowered. Where a derrick is used in the demolition of buildings of skeleton steel construction, the floor on which the derrick rests shall be completely planked over. Where other methods are used, the workmen engaged in the dismantling of steel shall be protected by solidly planked flooring or sound floor arches not more than two stories below and directly under that portion of any tier of beams where such men are at work.

§ 125-31. Demolition of floor arches.

Before demolishing any floor arch, debris and other material shall be removed from such arch and other adjacent floor area. Planks not less than two inches by nine inches in cross section, full size undressed, shall be provided for and shall be used by the workmen to stand on while breaking down floor arches between beams. Such planks shall be so located as to provide a safe support for the workmen should the arch between the beams collapse. The open space between planks shall not exceed 16 inches.

§ 125-32. Floor openings.

A.

The aggregate area of openings in the floor immediately beneath the floor being demolished shall not exceed 25% of the total area of such floor.

B. Every opening used for the removal of debris on every floor which is not closed to access, except the top or working floor, shall be provided with an enclosure from floor to ceiling equivalent to that afforded by planking not less than two inches in thickness, full size undressed. The enclosure shall be solid except for portions operable for loosening blocked debris. Alternatively, the opening shall be so barricaded that no person shall have access to within a horizontal distance of 20 feet from any opening above through which debris is being dropped. Every opening not used for the removal of debris in any floor to which access is permitted shall be protected by a solid enclosure or by a safety railing and toeboard or shall be solidly planked over.

C. Openings in the top or working floor more than 16 inches in least dimension shall be protected on all sides, except the side at which debris is deposited, by a safety railing and toeboard, or the sides of the opening shall be roped off at a distance of not less than two feet from the edge of the opening by not less than one-half-inch-diameter rope securely tied to provide a guard of a height equivalent to that provided by the safety railing. That portion of any floor opening adjacent to and immediately below a point where men are employed in any work on a wall shall be provided with a solid flooring not less than five feet wide measured from the inside face of the wall.

§ 125-33. Storage of material.

A. Material shall not be stored on working platforms, floors or stairways of the building being demolished, except that the floor of a building may be used for the temporary storage of material when such floor is of such strength as to support safely the load to be superimposed.

B. Storage spaces shall not interfere with access to any stairway or passageway, and suitable barricades shall be provided so as to prevent material from sliding or rebounding into any space used by the workmen or the public.

C. All material shall be safely piled in such locations as will not interfere with any operations nor present a hazard to those at or frequenting the demolition site. When debris is piled in the cellar, it shall not be piled above the top of the foundation wall.

D. The person in charge of demolition operations shall provide such means as may be necessary to ensure the stability of the foundation walls and to prevent any wall from collapsing due to the pressure of the accumulated material.

§ 125-34. Safe footing required.

No employer shall suffer or permit an employee working above the first floor level to use accumulated debris or piled material as a footing for the performance of his work. Every employee shall be provided with safe footing in the form of sound planking or flooring.

§ 125-35. Barricades and fences.

A. Along every sidewalk or thoroughfare bordering demolition operations, there shall be erected a substantial barricade to prevent unauthorized persons from entering the site of such operations.

B. Such barricade shall be a fence not less than six feet in height. It shall be built solid for its entire height and length, except for such openings provided with solid doors as may be necessary for the proper prosecution of the work. Where the distance from the face of the building to be

demolished to the inside edge of a sidewalk or thoroughfare is more than 1/2 the height of the building and the height of the building is not more than 25 feet, a substantial railing not less than 36 inches high and provided with an intermediate rail may be constructed at the inside edge of such sidewalk or thoroughfare in lieu of a solid barricade or sidewalk, shed.

§ 125-36. Sidewalk sheds.

A. When the structure to be demolished is more than 25 feet above adjacent grade and where the horizontal distance from the structure to the inside edge of a sidewalk or other public way is barred or closed to the public or is more than 40 feet from the building or structure which is to be demolished, regardless of the height of the building, whenever any material or debris is moved or swung by means of a derrick, hoist, chute or similar device over any sidewalk or public way which is not barred or closed to the public, a sidewalk shed shall be erected over such sidewalk or public way.

B. The deck of every sidewalk shed shall be constructed to sustain a live load of at least 150 pounds per square foot, and if materials are to be stored thereon, it shall be constructed to sustain a load of not less than 300 pounds per square foot.

C. The sidewalk shed shall be so erected as to provide a clear ceiling height of not less than eight feet above the walkway surface, and the clear width of the passageway through the shed shall be not less than 10 feet. The outside edge and the ends of the deck of every sidewalk shed shall be provided with a substantial enclosure at least 42 inches in height, consisting of boards laid close or of screen formed of not less than No. 16 gauge steel wire with one-and-one-half-inch mesh or of corrugated metal or plywood.

D. The deck of the sidewalk shed shall be watertight and of plank not less than two inches thick. The side of the shed toward the structure to be demolished shall be solidly fenced for the full height of the sidewalk shed. Solid sliding or swinging gates may be provided for the movement of men and materials. Steel or other materials of equivalent strength and suitability may be used in lieu of wood in the construction of a sidewalk shed.

E. Sidewalk sheds shall be provided with light equivalent to a one-hundred-watt electric light bulb every 40 feet along the passageway.

§ 125-37. Chutes.

A. Wooden or metal chutes provided for the removal of material and which are at an angle of more than 45° with the horizontal shall be entirely enclosed on all sides, including the upper side, except openings used for receiving or discharging of material. Such openings shall not exceed 48 inches in height, measured along the wall of the chute, and all openings, except the top opening, shall be closed when not in use. Chutes at an angle of 45° or less with the horizontal may be open on the upper side.

B. Every chute more than 24 inches in maximum inside dimension shall be constructed of not less than two-inch planking or of not less than three-sixteenths-inch sheet metal. It shall have a metal bottom where the material strikes the chute and shall be rigidly supported throughout its height. A strong gate shall be constructed at the lower end of every loading chute to control the loading of material into trucks and to close the chute at all other times. Splashboards or baffles shall be erected to prevent materials from rebounding into the street or under the sidewalk shed. A bumper or curb not less than four inches by four inches in section shall be provided at each chute

opening where such opening is level with or below the floor or platform. Every space between the chute and the edge of the opening in the floor or platform shall be solidly planked.

C. "Danger" signs shall be placed in a conspicuous position at the discharge end of every chute to warn the workmen and public.

§ 125-38. Runways and ramps.

A. All runways and ramps shall be substantially constructed and securely braced and supported. Runways and ramps for the use of motortrucks or heavier vehicles shall have a width of not less than eight inches by eight inches placed parallel to and secured to the sides of the runway or ramp.

B. The flooring shall be of not less than three-inch planking, full size undressed.

C. Runways and ramps for the use of workmen shall be not less than 18 inches in width and shall be constructed of not less than two-inch full size undressed planking, substantially supported and braced to prevent excessive spring or deflecting.

D. Planking shall be laid close and shall be butt-jointed and securely nailed. Horizontal runways for the use of workmen and located more than 10 feet above the floor or ground shall be provided on the open sides with a safety railing. Runways used for wheelbarrows, handcarts or hand trucks shall be not less than 36 inches in width. Ramps shall have a slope not exceeding one in four, and the total rise of a continuous ramp used by men carrying material or using wheelbarrows shall not exceed 12 feet, unless broken by horizontal landings at least four feet in length.

E. If the slope is steeper than one in eight, the ramp shall be provided with cleats spaced not more than 14 inches apart and securely fastened to the planking to afford a foothold. Spaces in the cleats may be provided for the passages of the wheels of the vehicles.

F. Ramps which are located at or extend to a height of more than four feet above the adjacent ground or floor level shall be provided with a safety railing on their open sides.

§ 125-39. Platforms.

A. Platforms used as working areas or for the unloading of wheelbarrows, hand trucks or carts shall have a floor of not less than two-inch planking. Platforms used for motortrucks shall have a floor of not less than three-inch planking.

B. Every platform more than 10 feet above the ground or above a floor shall be provided with a safety railing, except that the sides of a platform used for the loading or unloading of vehicles may be protected only by a timber curb not less than eight inches by eight inches for motortrucks or heavier vehicles or four inches by four inches for wheelbarrows and hand trucks.

§ 125-40. Safety railings.

A safety railing shall consist of a two-inch-by-four-inch wooden handrail not less than 36 inches nor more than 42 inches above the walking level, securely supported by two-by-four-inch posts at intervals of not more than eight feet and shall include a one-by-four-inch midrail and a toeboard at least four inches high. The handrail shall be smooth and free from splinters or protruding nails. Other material or construction may be used, provided that the assembly assures equivalent safety.

§ 125-41. Burning at site.

No debris shall be burned at the site unless permits therefor are obtained from the Fire Department. A one-and-one-half-inch fire hose, equipped with a control nozzle, shall be connected to a reliable water supply, and the water pressure shall be on the hose line and the hose laid to reach the location of the fire, wherever a fire is burning.

§ 125-42. Flame cutting.

A. Compressed gas cylinders shall be stored in an upright position, away from open flames and other sources of heat and so arranged or placed that they will not be knocked over or damaged by passing or falling objects.

B. During use, cylinders shall be securely lashed to a stationary object unless other suitable provision has been made to prevent their upsetting. During use, every cylinder shall have the valve key or wrench set in place on the valve spindle. All cylinders shall be used in an upright position.

C. Cylinders containing oxygen shall not be stored so near to cylinders containing combustible gas or to combustible material, oil or grease as to create a spontaneous combustion hazard.

D. Cylinder valves shall be closed at all times when not in use. Regulators or reducing valves shall be tightly connected with a gastight connection. Gas or oxygen cylinders shall not be used unless equipped with the proper regulator or automatic reducing valve. All valves shall be opened by hand.

E. Empty cylinders shall be immediately removed from working areas and stored in a designated location. The valves shall be closed and a tag or sign indicating that the tank is empty shall be attached.

F. The use of cylinders as rollers, props or supports is forbidden.

G. All gas-carrying hose shall be first quality and of a type manufactured for use on construction jobs. Oxygen hose shall have fittings of a different design and shall be of a different color from the hose used for the fuel-gas connections. Hose connections shall be of either the ferrule or clamp type, and the hose shall be capable of withstanding, without leakage, a pressure equal to at least twice the maximum delivery pressure of the pressure regulators provided on the system, but not less than 300 pounds per square inch.

H. Hose shall be protected from damage by trucks or other moving objects and shall be so placed as not to constitute a falling or tripping hazard. All hose or connections shall be immediately repaired or replaced.

I. Torches shall be lighted by means of friction lighters only. When torches are changed or when the cutting is stopped longer than five minutes, all cylinder valves shall be closed. Momentary stoppage of the cutting torch may be controlled at the torch valves.

J. All persons engaged in cutting operations shall be supplied with proper scaffolds and shall be supplied with and use approved eye-protection equipment having goggles provided with filter lenses of suitable shade. Such lenses and goggles shall protect the eyes of the worker not only from the heat and glare of the work but also from particles of hot metal which may fly during the operation. Operators engaged in continuous operations shall be supplied and shall wear fire-resistant gauntlet gloves and aprons.

K.

Oily and greasy substances shall be kept from the cylinders, hoses and torches. Cylinder valves and connections shall not be lubricated.

L. Where there is a hazard to other workmen from flying particles of metal, there shall be provided proper screening around the cutting area. Whenever cutting operations are performed and there is in the vicinity any combustible, there shall be provided a fire watcher, equipped with a water hose, whose sole duty is to watch for and extinguish any fires that might start.

M. Before any flame cutting is done on any tank or container that contained material which may generate flammable vapor upon application of heat, all pipes connected thereto shall be disconnected or blanked off. Residual flammable material shall be removed, and the tank shall be completely purged with a suitable purging agent.

§ 125-43. Electrical and pneumatic tools.

Electrical and pneumatic tools shall be disconnected from the source of power and the pressure in hose lines shall be released before any adjustments or repairs are made, except replacement of bits in electric drills. The air shall be shut off before disconnecting the air hose. Electric lines and hose lines shall be guarded by location or covering to prevent severe abrasion. Electrically operated tools shall be grounded during use. The ground wire shall be connected to the frame of the machine, and the other end shall be properly grounded.

§ 125-44. Mechanical method of demolition.

The use of a swinging weight, clamshell bucket, power shovel, bulldozer or other mechanical contrivance for the purpose of demolishing walls shall be in accordance with the following requirements:

A. The building or structure or remaining portion thereof shall be not more than 80 feet in height.

B. Where a swinging weight is used, a zone of demolition at least 1 1/2 times the height of the structure or portion thereof being so demolished shall be maintained around the points of impact.

C. Where a clamshell bucket is used, a zone of demolition shall be maintained within 25 feet of the line of travel of the bucket.

D. Where mechanical contrivances other than a swinging weight or clamshell bucket are used to effectuate total or partial collapse, there shall be maintained in the area into which the affected portion may fall a zone of demolition at least 1 1/2 times the height of the structure or remaining portion thereof.

E. No person other than workmen essential to the operation of the equipment shall be suffered or permitted to enter a zone of demolition.

F. Substantial barricades shall be erected wherever there is likelihood of persons other than essential workmen entering the zone of demolition.

G. The controls of mechanical devices used in such method of demolition shall be located and operated at a safe and reasonable distance from the point of demolition.

H. Where a swinging weight is used, the supporting cables shall be of such length or shall be so restrained that it is not possible for the weight to swing against any structure other than the structure being demolished.

§ 125-45. Sprinkling for dust control.

Chutes, floors, stairways and all other places affected shall be sprinkled with water sufficiently to keep down the dust.

§ 125-46. Inspection by municipality.

During demolition, the municipality shall have the right to inspect the work to detect any hazards to workmen or to the public resulting from weakened or deteriorated floors or walls or loosened material. No employee shall be suffered or permitted to work where such hazards exist. They shall be corrected by shoring, bracing or other effective means.

§ 125-47. Clearing of site and filling of holes.

A. After a building has been demolished, the entire site of such building shall be cleared of any and all debris or waste materials, and all basements, all cellars and all other holes or openings in or on the site shall be properly filled up to the ground level with earth, stone, masonry or other similar sanitary and incombustible materials. All grading shall be so sloped that all water falling on the site will not flow over any adjoining property.

B. However, upon the presentation of definite proof that construction operations for the erection of a new building will be commenced on the site within two months after the demolition has been completed, then the filling of basement, cellars and other holes will not be necessary, provided that a substantial barricade is erected enclosing the entire site.

City of Newburgh, NY
Saturday, June 27, 2015

Chapter 129. Buildings, Unsafe

[HISTORY: Adopted by the City Council of the City of Newburgh as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES
Vacant buildings — See Ch. **121**.
Building construction — See Ch. **122**.
Demolition of buildings — See Ch. **125**.
Nuisance buildings — See Ch. **126**.
Construction operations — See Ch. **139**.
Housing and property standards — See Ch. **190**.
Performance of work by City — See Ch. **226**.

Article I. Enforcement

[Adopted 11-13-1967 (Ch. 5, Art. II, Sec. 5-41, of the Code of Ordinances)]

§ 129-1. Abatement required.

All buildings or structures which are structurally unsafe, insanitary or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purpose of this article, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedures of this article.

§ 129-2. Examination and report.

The Building Inspector shall examine or cause to be examined every building reported as unsafe or damaged and shall make a written record of such examination.

§ 129-3. Procedures for repair, removal or abatement.

[Amended 12-14-1981; 5-22-2000 by Ord. No. 8-2000]
Whenever the Building Inspector shall find any building or structure or portion thereof to be a danger to the health, safety or welfare of the public, he shall proceed pursuant to Article **III** of this chapter regarding emergency removal or repairs or pursuant to Article **IV** of this chapter regarding compelling the repair or removal of buildings or structures or pursuant to Article **V** of this chapter regarding issuance of orders to vacate.

§ 129-4. Placarding.

A. If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Building Inspector. The Building Inspector shall cause to be posted at each entrance to such building a notice as follows: "THIS BUILDING IS UNSAFE, AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUREAU OF CODE COMPLIANCE."
[Amended 6-13-1988 by L.L. No. 4-1988]

B. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person or his agents or other persons to remove such notice without written permission of the Building Inspector or for any person to enter the building, except for the purpose of making the required repairs or of demolishing same.

§ 129-5. Authority of Code Compliance Supervisor and Building Inspector.

[Amended 10-25-1974; 12-14-1981; 6-13-1988 by L.L. No. 4-1988]
The Code Compliance Supervisor and/or Building Inspector shall have the authority to ascertain and have removed by the owner, agent, operator and occupants any and all violations on property, premises, sidewalks and structures and/or structural appurtenances that might endanger the public health, safety and welfare and/or depreciate property values due to objects, materials and conditions on premises. This shall apply to all commercial, industrial and residential properties.

Article II. Vacant Buildings and Structures

[Adopted 9-28-1981]

§ 129-6. Securing of means of ingress and egress required.

All buildings or structures, regardless of use or height, which are vacant shall be maintained by the owner so as to prevent ingress into or egress from the building. All doors, windows and other means of ingress into or egress from such a building or structure shall be kept locked or secured.

§ 129-7. Repair or boarding up of broken doors and windows.

Where any door, window or other means of ingress into or egress from a vacant building or structure has become broken or open, the Building Inspector may order the building or structure repaired so as to comply with § **129-6** or boarded up as provided in § **129-8**.

§ 129-8. Method of boarding up buildings or structures.

The method used in boarding up any building or structure, regardless of use or height, shall be as follows:

A. All broken glass shall be removed from the doors or windows of said building or structure.

B. All openings shall be entirely boarded up with either plywood or pressboard having a minimum thickness of 3/8 inch.

C. All plywood or pressboard used in boarding up shall be painted with a blue-gray exterior paint. The color and quality of the paint is subject to the approval of the Building Inspector.

D. All openings which are not within 10 feet of ground level at their lowest point and which are not readily accessible from ground level or from neighboring buildings or structures shall have a one-square-foot opening on the top of the enclosure which shall be covered by a quarter-inch wire mesh screen. Louvers may be used in place of the wire mesh screen, provided that they do not inhibit the ventilation.

Article III. Emergency Abatement

[Adopted 12-14-1981]

§ 129-9. Finding and notice.

Any building or structure found by the Building Inspector to be in an unsafe or dangerous condition shall be ordered removed or repaired pursuant to Article **I** of this chapter. The Building Inspector shall also cause said building or structure to be entered on the docket of unsafe buildings kept in the Code Compliance Bureau. The owner, executors, administrators, agents or any other person who may have a vested or contingent interest in the same shall be served with a written notice containing a description of the premises or structure deemed unsafe or dangerous, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the same to be made safe and secure or removed, as may be deemed necessary by the Building Inspector. Such notice shall require the person thus served to immediately certify to the Building Inspector his assent or refusal to secure or remove the same.

§ 129-10. Voluntary abatement.

If the person served with a notice specified in § **129-9** of this article shall immediately certify his assent to the securing or removal of said unsafe or dangerous building, premises or structures, he shall be allowed 24 hours, unless a longer period shall be specified in said notice, after the service of such notice within which to commence the securing or removal of the same, and he shall employ sufficient labor and assistance to secure or remove the same as expeditiously as can be done.

§ 129-11. Refusal to comply; procedure; expenses.

[Amended 1-10-2011 by Ord. No. 2-2011]
In addition to any penalty provided for in this chapter of the Code, upon the refusal or neglect of the person served with the notice for which provision is made in §§ **129-9** and **129-10** to comply with any of the requirements thereof, the Building Inspector may take down, remove, make safe or secure said buildings or structures and assess a lien against the property for the costs of such abatement, together with an administrative fee of 15%, pursuant to the procedures set forth in Chapter **226** of the City Code. In the event of demolition, the Building Inspector shall additionally follow the procedures set forth in § **129-15** hereof.

§ 129-12. Temporary safeguards for dangerous buildings.

[Amended 1-10-2011 by Ord. No. 2-2011]
In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of the falling of any building or part thereof so as to endanger life or property, and such danger constitutes an emergency, the Building Inspector shall cause the necessary work to be done to render such building or part thereof temporarily safe and assess a lien against the property for the costs of such abatement, together with an administrative fee of 15%, pursuant to the procedures set forth in Chapter **226** of the City Code.

§ 129-13. Vacating buildings; closing streets and sidewalks.

The Building Inspector shall have power in such cases and also where any building or part thereof has fallen and life is endangered by the occupancy thereof to order and require the inmates and occupants of such buildings or part thereof to vacate the same forthwith. The Building Inspector may, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or part thereof and prohibit the same from being used.

§ 129-14. Recovery of bodies from wrecked buildings.

[Added 3-8-1982]
In case of the falling of any building or part thereof in the City, when persons are known or believed to be buried under the ruins, the Building Inspector or the Fire Chief shall cause an examination of the premises to be made for the recovery of the bodies of the killed and injured. Whenever, in making such examination, it shall be necessary to remove any debris from the premises, the Department of Public Works, when called upon, shall cooperate in carrying out the purposes of this section and shall provide suitable and convenient places for the deposit of such debris, or, if the Department of Public Works is unable to carry out the purposes of this section, then the Building Inspector or the Fire Chief may retain a private contractor to perform all work necessary to carry out the purposes of this section.

Article IV. Repair or Removal

[Adopted 12-14-1981 by L.L. No. 8-1981]

§ 129-15. Procedure.

The procedure for the removal of any building or structure which endangers the health, safety or welfare of the public shall be as follows:

A. The Building Inspector shall inspect the building or structure and submit a written report for the official files of the Bureau of Code Compliance, setting forth in detail the condition of the building or structure at the time of inspection.

B. If the Building Inspector shall find said building or structure to endanger the health, safety or welfare of the public, he shall cause to be served upon all persons of record having an interest in such property or structure, either personally or by registered mail, addressed to his last known address as shown by the records of the City Assessor or in the office of the Clerk of the County of Orange, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order of the Building Inspector requiring same

to be repaired or removed, and a copy of said notice or order shall be posted on the premises in a conspicuous location.

C. The Building Inspector shall set forth in said notice the time in which to commence repair or removal of said building.

D. The notice to repair or demolish shall also contain a hearing date, which hearing shall be held before the Building Inspector, at which time any interested party may be heard in regard to the matter contained in the notice.

E. A copy of said notice shall be filed in the office of the Clerk of the County of Orange in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency as therein provided, except as hereinafter provided. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a Judge or Justice of a court of record or upon the consent of the Corporation Counsel. The Clerk of the County of Orange shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

F. In the event that the owner, or any party of interest, fails to repair or remove, as directed in the notice, within the time indicated therein, the City of Newburgh may enter upon such property and cause to be repaired or removed the building or structure thereon, pursuant to the procedures set forth in Chapter **226** of the City Code. The cost and expenses incurred by the City in connection with the repair or removal of such building or structure, including the cost of actually removing the same, shall be assessed against the land on which said building or structure is located. Said cost and expenses may also be collected from the owner of said building or structure by special proceeding pursuant to § 78-b of the General Municipal Law.
[Amended 1-10-2011 by Ord. No. 2-2011]

§ 129-16. Additional remedies.

This article shall not be construed to limit the power of the Building Inspector or any other City official having powers conferred by statute, Charter, local law or ordinance from proceeding to enforce any statute, local law, Charter provision or ordinance by a criminal prosecution, by ordering that the building or structure be vacated or any other remedy provided by law or ordinance.

Article V. Orders to Vacate

[Adopted 5-22-2000 by Ord. No. 8-2000]

§ 129-17. Defects creating unsafe buildings.

Any building, structure or part thereof having any of the defects found in Subsections **A** through D may be designated by the Building Inspector as unsafe and may be so placarded in accordance with § **129-4** of this chapter:

A. Lack of facilities: the building, structure or part thereof lacks illumination, ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public.

B. Deteriorated condition: the building, structure or part thereof is damaged, decayed, dilapidated, insanitary, unsafe or vermin infested in such a manner as to create a serious hazard to the health and safety of the occupants or the public.

C. Detrimental conditions: the building, structure or part thereof, because of the location, general conditions, state of the premises or number of occupants, is so unsanitary, unsafe, overcrowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public.

D. Noncompliance with notice or orders: the building, structure or part thereof, because of the failure of the owner or occupant to comply with such notices or orders issued pursuant to this chapter, is unsafe.

§ 129-18. Notice of intent to vacate.

Whenever the head of the code enforcement agency determines that a building, structure or part thereof is unsafe as provided in § **129-17** of this article, he shall include such finding within the notice of violation provided for in § **129-9** of this chapter, and he shall also include a statement of his intent to vacate and placard the building, structure or part thereof if compliance with the provisions of the notice of violations has not been secured.

§ 129-19. Order to vacate.

Whenever a notice of violation as provided in § **129-18** of this chapter has not been complied with, the Building Inspector may order the building, structure or part thereof to be vacated. A copy of such order to vacate shall be served on the owner, agent, operator and the occupant. Such order shall be deemed to be properly served upon such owner, agent, operator or occupant if a copy is served upon him personally or if a copy thereof is sent by certified mail, return receipt requested, to the last known address of such person or if a copy is posted in a conspicuous place in or about the building affected by the notice and if a copy is mailed by registered mail, on the same day it is posted, to the owner, agent, operator or occupant or by such other method authorized by the laws of the State of New York.

§ 129-20. Vacation of unsafe premises; approval for rehabitation required.

Any building, structure or part thereof designated as unsafe pursuant to § **129-17** and ordered vacated as provided in § **129-19** shall be vacated within such reasonable time as the Building Inspector may specify in the order. No such building, structure or part thereof shall again be used for any purpose and the placard removed until written approval is secured from the Building Inspector.

§ 129-21. Removal of placard.

No person shall deface or remove the placard from any building, structure or part thereof which has been designated as unsafe, except as provided in § **129-20**.

§ 129-22. Securing of vacated premises.

The owner, agent or operator of any building, structure or part thereof which has been designated as unsafe and vacated shall make such building, premises or part thereof safe and secure in whatever manner the Building Inspector shall deem necessary. Any such vacated building shall be secured and/or boarded pursuant to Article **II** of this chapter.

§ 129-23. Emergency repair of heating units.

Whenever the lack of adequate heating facilities is found by the Building Inspector to constitute a danger to the health, safety or welfare of the occupants of any building, structure or part thereof, the Building Inspector may, in addition to all other powers granted him by this chapter or any other statute, local law or ordinance, serve notice upon the owner, agent, operator or occupant, as the case may require, that, unless adequate heat is provided immediately, the Building Inspector shall cause said heating facilities to be repaired immediately so as to remove the danger to the health, safety or welfare of the occupants. The cost of making such repairs shall be assessed against the property or collected from the owner as a personal liability.

Appendix F:
Excerpts from Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (12 NYCRR Part 56)

ASBESTOS

Part 56 of Title 12 of the Official Compilation of Codes,
Rules and Regulations of the State of New York
(Cited as 12 NYCRR Part 56)

As Amended
Effective March 21, 2007

State of New York
Department of Labor

CR 56 (4-07)

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SUBPART 56-1

GENERAL PROVISIONS

56-1.1 Title and Citation. Within and for the purposes of the Department of Labor, this Part may be known as Industrial Code Rule 56, relating to hazards to the public safety and health, during the removal, encapsulation, enclosure, repair, or the disturbance of friable and non-friable asbestos, or any handling of asbestos material that may result in the release of asbestos fiber. It may be cited as Rule 56 Asbestos as an alternative and without prejudice to its designation and citation established by the Secretary of State.

56-1.2 Purpose and Intent of Part.

(a) **Legislative Concern.** The legislature has declared that exposure to asbestos fibers, a known carcinogenic agent, creates a serious risk to the public safety and health and that the public is more frequently exposed to these risks as a result of an increasing number of rehabilitation, reconstruction and demolition projects on buildings or structures containing asbestos or asbestos materials.

(b) **Purpose and Intent.** It is the purpose and intent of this Part to reduce the risks to the public associated with exposure to asbestos and to conform to Federal requirements set forth in the Asbestos Hazard Emergency Response Act (AHERA), National Emission Standards for Hazardous Air Pollutants (NESHAP) and Occupational Safety and Health Administration (OSHA) Asbestos Standard for the Construction Industry, by requiring appropriate training and certification of persons employed in all aspects of an asbestos project, as well as those who supervise and employ them; by requiring the licensing of asbestos contractors; by setting forth standards and procedures that shall be followed when removing, enclosing, encapsulating, repairing, or disturbing friable or non-friable asbestos or handling asbestos or asbestos materials in a manner which may result in the release of asbestos fiber; by requiring notification of the Department of Labor prior to commencement of Large asbestos projects; by requiring notification of building/structure occupants; by requiring asbestos surveys; by setting forth record-keeping and reporting requirements for asbestos contractors; and by establishing an inspection and enforcement program within the Department of Labor.

56-1.3 Application. This Part shall apply throughout the State of New York to the State, any political subdivision of the State, public authorities, or any other governmental agencies or instrumentalities thereof, self-employed persons, companies, unincorporated associations, firms, partnerships or corporations, and any owners or operators thereof, which engage in an asbestos project, retain sub-contractors to engage in an asbestos project, or employ persons in the conduct of any phase of an asbestos project, including planning, design, monitoring, sampling, inspection, or actual abatement. This Part shall not apply to:

(a) owner-occupied single family dwellings, where the owner performs the work.

(b) the manufacture of asbestos or asbestos material, or to manufacturing processes involving the use of asbestos or asbestos material.

56-1.4 Multi-employer Worksites.

(a) All asbestos abatement contractors on a demolition, renovation, remodeling, or repair project, which includes work covered by this Part, shall inform all employers on the work site about the nature of their work, as well as the PACM, ACM and asbestos material (known and assumed) at the work site. The asbestos abatement contractor shall inform all non-asbestos contractors at the work site that disturbance of PACM, ACM and asbestos material (known and assumed) is prohibited by any employer other than a licensed asbestos contractor.

(b) The asbestos abatement contractor shall notify the building/structure owner and all employers and occupants located in areas adjacent to a Phase II regulated abatement work area, of the following occurrences: all elevated air sample results, work stoppage and barrier inspection/repairs completed as required by Section 56-4.10 of this Part. This notification shall be made on the same calendar day that the asbestos abatement contractor is notified by the air monitor of elevated air sample results.

(c) All non-asbestos contractors on a demolition, renovation, remodeling, or repair project, which includes work covered by this Part, are responsible to notify the building owner or their representative, upon discovery of PACM or suspect miscellaneous ACM that has not been identified by the asbestos survey per this Part, or has not been identified by other inspections as per current OSHA or EPA requirements. The presence, location, and quantity of newly discovered material, shall be conveyed within twenty-four (24) hours of discovery to the building owner or their representative, as well as to all other employers at the work site. All activities shall cease in the area where the PACM or suspect miscellaneous ACM is found, until a licensed asbestos contractor appropriately assesses and handles the discovered materials. Disturbance of PACM, ACM and asbestos material (known and assumed) at the work site, is prohibited by any non-asbestos contractor.

(d) Prior to commencement of any demolition, renovation, remodeling or repair project, which includes work covered by this part, the building owner or their designated representative shall inform all employers reasonably expected to be at the work site during the project, about the presence, location and quantity of PACM, ACM and asbestos material (known and assumed) within the portion of their building or structure impacted by the project.

(e) All contractors performing a supervisory role on a demolition, renovation, remodeling or repair project, that includes work covered by this Part, shall

prohibit disturbance of PACM, ACM or asbestos material (known or assumed) by non-asbestos contractors at the work site under their direct supervision and control, and shall require all asbestos contractors at the work site under their direct supervision and control to be in compliance with this Part.

56-1.5 Responsibility for Cleanup of Uncontrolled Disturbance. If there is an incidental disturbance or other disturbance (not as part of a controlled asbestos project) of ACM, PACM, asbestos material, or suspect miscellaneous ACM assumed to be ACM at a building or structure, upon discovery of the disturbance, the property owner shall be responsible for contracting with a licensed asbestos contractor for immediate isolation of the disturbance and cleanup in accordance with all provisions of this Part.

56-1.6 Other Codes. All other Codes shall apply, including but not limited to, "The New York State Uniform Fire Prevention and Building Code" or its successor.

SUBPART 56-2

DEFINITIONS

56-2.1 Terms. As used in or in connection with this Part, the following terms mean:

(a) **Abatement.** Any portion of an asbestos project that includes procedures to control fiber release from asbestos containing material. This includes removal, encapsulation, enclosure, repair, or handling of asbestos material that may result in the release of asbestos fiber.

(b) **Accepted Methods/Methodologies.** Procedures, regulations, or standards, which are published by recognized standards organizations (e.g. NIOSH, ASTM, ANSI), or are included within federal, state or local governmental regulations (e.g. OSHA, USEPA).

(c) **Active Project.** A project becomes active when construction of the personal decontamination unit is required to be commenced, or when ACM, PACM or asbestos material is disturbed, whichever comes first, and is considered active until completion of Phase IID, unless, in response to a written request, permission is granted by the Department of Labor Engineering Services Unit to suspend the work on the project for a specified time period.

(d) **Additional Contractual Work**. Additional asbestos abatement work not originally included within the NYS DOL asbestos project notification.

(e) **Adequately Wet.** Sufficiently mix or penetrate a material with amended water to prevent the release of visible emissions. If visible emissions are observed coming from asbestos-containing material, then the material has not been adequately wetted.

(f) **Aggressive Air Sampling.** An accepted method of sampling in which mechanical equipment is used before and during the sampling period to stir up settled dust/asbestos fibers.

(g) **Agricultural Building/Structure.** A building/structure which is or was used exclusively for agricultural or horticultural activity. This definition does not include converted structures or buildings currently used for residential purposes or the processing or retail merchandising of agricultural or horticultural commodities.

(h) **Airlock.** A system for permitting entrance and exit, while restricting air movement, between a contaminated area and an uncontaminated area.

(i) **Air Sampling.** The process of measuring the fiber content of a known volume of air collected during a specific period of time, using accepted methodologies.

(j) **Ambient Air Sampling.** A method of sampling by which an air sample is collected outside the regulated abatement work area, and is collected without the use of aggressive air sampling techniques.

(k) **Amended Water.** Water to which a surfactant has been added.

(l) **Approved Asbestos Safety Training Program.** A program, approved by the New York State Commissioner of Health, providing training in the various disciplines that may be involved in an asbestos project.

(m) **Asbestos.** Any naturally occurring hydrated mineral silicate separable into commercially usable fibers, including chrysotile (serpentine), amosite (cumingtonite-grunerite), crocidolite (riebeckite), tremolite, anthophyllite and actinolite.

(n) **Asbestos Abatement Contractor.** An asbestos contractor who performs abatement during an asbestos project or employs persons performing such abatement.

(o) **Asbestos Abatement Contractor Daily Project Log.** A bound daily narrative journal maintained by the asbestos abatement contractor, which contains a synopsis of all pertinent events that occur throughout Phase II of the asbestos project.

(p) **Asbestos Containing Material (ACM).** Any material containing greater than one percent (1%) of asbestos, also known as **Asbestos Material**.

(q) **Asbestos Contractor.** The State, any political subdivision of the State, a public authority or any other governmental agency or instrumentality thereof, self-employed person, company, unincorporated association, firm, partnership or corporation and any owner or operator thereof, which engages in any portion of an asbestos project, or employs persons engaged in any portion of an asbestos project.

(1) **Exception:** Property owners or prime contractors who hire asbestos contractors, but do not, themselves, direct or control the work.

(r) **Asbestos Control Bureau.** Asbestos Control Bureau, Division of Safety and Health, New York State Department of Labor.

(s) **Asbestos Handler (Worker).** Any person who performs the duties described in Section 56.3.2(d)(1) of this Part.

(t) **Asbestos Handling Certificate.** A certificate issued by the Commissioner in any of the categories set forth in Section 56-3.2(d) of this Part.

(u) **Asbestos Handling License.** A license issued by the Commissioner pursuant to Section 56-3.1 of this Part.

(v) **Asbestos Material.** Any material containing greater than one percent (1%) of asbestos, also known as **Asbestos Containing Material (ACM)**.

(w) **Asbestos Project.** Work that involves the removal, encapsulation, enclosure, repair or disturbance of friable or non-friable asbestos, or any handling of asbestos material that may result in the release of asbestos fibers. For the purpose of compliance with this Part, an asbestos project shall include any disturbance of asbestos fibers, and the planning, asbestos survey (as per Subpart 56-5.1), design, background air sampling, inspection, air sampling and oversight of abatement work, cleanup, and the handling of all asbestos material subject to abatement, as well as the supervising of such activities. Installation of friable ACM shall also be considered an asbestos project. An asbestos project starts with Phase I when the planning, asbestos survey, and design work begins or is required to begin. The project shall not be considered completed until Phase II D is complete. (See Table 1 Below).

Table 1

ASBESTOS PROJECT PHASES OF WORK

Phase I (Prior to Asbestos Abatement Contractor Mobilization) Pre-Abatement		**Phase II** ⇦ Start----------Abatement----------End ⇨			
A	**B**	**A**	**B**	**C**	**D**
Asbestos Survey, Planning & Design	Background Air Sampling	Regulated Abatement Work Area(s) Preparation & Enclosure Construction	Asbestos Handling including,Gross Removal or Abatement, Initial Cleans and Waste Removal	Final Cleaning & Clearance Air Samples	Final Waste Removal From Site
⇦ Start----------Asbestos Project----------End ⇨					

(1) Where any work is subcontracted, only that part of the work involving asbestos shall be deemed to be an asbestos project.

(2) Asbestos projects include Large asbestos projects, Small asbestos projects, Minor asbestos projects, incidental disturbance asbestos projects and emergency projects as defined elsewhere in this Part. For purposes of licensing, certification, notification, air sampling and asbestos survey requirements, asbestos projects shall include in-plant operations.

(i) Large asbestos project. An asbestos project involving the removal, disturbance, enclosure, encapsulation, repair or handling of 160 square feet or more of ACM, PACM or asbestos material or 260 linear feet or more of ACM, PACM or asbestos material.

(ii) Small asbestos project. An asbestos project involving the removal, encapsulation, enclosure, repair, disturbance or any handling of more then 10 and less than 160 square feet of ACM, PACM or asbestos material or more than 25 and less than 260 linear feet of ACM, PACM or asbestos material.

(iii) Minor asbestos project. An asbestos project involving the removal, disturbance, repair, encapsulation, enclosure or handling of 10 square feet or less of ACM, PACM or asbestos material, or 25 linear feet or less of ACM, PACM or asbestos material.

(x) **Asbestos Project Air Sampling Technician.** An individual who performs the duties described in Section 56-3.2(d)(3) of this Part.

(y) **Asbestos Survey.** A thorough inspection for and identification of all PACM, suspect ACM, or asbestos material throughout the building/structure or portion thereof to be demolished, renovated, remodeled, or repaired. (See Subpart 56-5)

(z) **Asbestos Waste.** ACM, PACM, asbestos material or asbestos contaminated objects requiring disposal pursuant to applicable laws or regulations. This includes RACM as well as Category I and II Non-Friable ACM.

(aa) **Authorized Visitor.** Any party on an asbestos project, who has to enter the asbestos project restricted area or regulated abatement work area for emergency purposes or regulatory compliance inspections. Examples include the building/structure owner, his or her agent or representative, utility company representatives, the Commissioner or his or her agents, and personnel of any regulatory agency having jurisdiction over the project. Visitors shall comply with all applicable requirements of OSHA 29 CFR 1926.

(ab) **Background Air Sampling.** A method used to determine airborne fiber concentrations in the area where abatement work is to be conducted, prior to starting Phase II A of the asbestos project.

(ac) **Barriers.** Critical Barriers and Isolation Barriers.

(ad) **Building/Structure.** A structure wholly or partially enclosed within exterior walls and a roof, intended to afford shelter to persons, animals or property; or a structure used as a conveyance for utilities, vehicular traffic or pedestrians (e.g. bridge, tunnel, manhole, subsurface conduits).

(ae) **Building/Structure Owner.** The State, any political subdivision of the State, a public authority or any other governmental agency or instrumentality thereof,

person, company, unincorporated association, firm, partnership or corporation in whom legal title to the premises is vested unless the premises are held in land trust, in which instance building/structure owner means the person in whom beneficial title is vested.

(af) **Building/Structure Owner's Authorized Representative.** A licensed asbestos contractor firm contractually responsible for execution of any building owner's responsibility, as required by this Part, during any phase of an asbestos project at the building owner's building/structure.

(ag) **Bulk Sampling.** Accepted methods for collecting samples of suspect materials for appropriate analyses by NYS ELAP approved laboratories, to determine asbestos content.

(ah) **Category I Non-Friable ACM.** NESHAP classification - Asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products, containing more than one percent (1%) asbestos, that when dry, can not be crumbled, pulverized, or reduced to powder by hand pressure.

(ai) **Category II Non-Friable ACM.** NESHAP classification - Any material, excluding Category I Non-Friable ACM, containing more than one percent (1%) asbestos, that when dry, can not be crumbled, pulverized, or reduced to powder by hand pressure.

(aj) **Class I Asbestos Work.** OSHA term meaning activities involving the abatement of Thermal Systems Insulation (TSI), and surfacing ACM and PACM.

(ak) **Class II Asbestos Work.** OSHA term meaning activities involving the abatement of ACM which is not TSI or surfacing material. This includes, but is not limited to, the removal of asbestos-containing wallboard, floor tile and sheeting, roofing and siding shingles, and construction mastics.

(al) **Class III Asbestos Work.** OSHA term meaning Repair and Maintenance operations, where no more than a minor quantity of ACM, including TSI and surfacing ACM and PACM, is likely to be disturbed.

(am) **Class IV Asbestos Work.** OSHA term meaning Maintenance and Custodial Activities during which employees contact but do not disturb ACM or PACM and activities to clean up non-ACM dust, waste and debris resulting from Class I, II and III activities.

(an) **Clean Room.** An uncontaminated area or room, which is a part of the personal decontamination enclosure, with provisions for storage and changing of persons' street clothes and protective equipment.

(ao) **Cleanup.** The utilization of HEPA-vacuuming or wet cleaning or both to control and eliminate accumulations of asbestos material and asbestos waste material.

(ap) **Clearance Air Sampling.** An accepted method of air sampling used upon completion of final cleaning, during Phase IIC of an asbestos project. This method consists of using aggressive air sampling techniques to dislodge and stir up remaining asbestos fibers, then air samples are collected for appropriate analysis to determine representative airborne fiber concentrations.

(aq) **Commissioner.** The Commissioner of the New York State Department of Labor.

(ar) **Containment.** The negative-pressurized enclosure within the restricted area, which establishes the regulated abatement work area and surrounds the location where the asbestos abatement is actually taking place.

(as) **Critical Barrier.** Barriers that seal off all openings to or within the defined regulated abatement work area, including but not limited to operable windows and skylights, doorways, ducts, grills, diffusers and any other penetrations to surfaces adjacent to or within the regulated abatement work area.

(at) **Curtained Doorway.** An assembly which consists of at least three (3) overlapping sheets of 6-mil fire retardant plastic over an existing or temporarily framed doorway, used to separate the chambers within the decontamination system enclosures and to inhibit airflow if the negative air ventilation system shuts down.

(au) **Decontamination System Enclosure.** A series of connected rooms, usually attached to the regulated abatement work area, for the decontamination of persons, materials and equipment.

(av) **Demolition.** The wrecking or removal of any load-supporting structural member of a building or structure.

(aw) **Department.** The New York State Department of Labor.

(ax) **Disturbance.** Any activities that disrupt the matrix of ACM or PACM, or generate debris, visible emissions or airborne asbestos fibers from ACM or PACM. This includes moving of friable asbestos containing material from one place to another.

(ay) **Emergency.** An unexpected, unanticipated or unforeseen occurrence, including but not limited to, a steam, chemical, gas or water line rupture, a boiler failure, a building/structure collapse, or act of nature which may pose:

(1) an imminent danger to the health and safety of the public; or

(2) an asbestos-related risk to the health and safety of the public from release of asbestos fibers.

(az) **Emergency Asbestos Project.** An asbestos project which is necessary to respond to an emergency.

(ba) **Encapsulant (Sealant) or Encapsulating Agent.** A liquid material, which can be applied to asbestos material and which prevents the release of asbestos fibers from the material either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together and to the substrate (penetrating encapsulant). See **Sealant**.

(bb) **Encapsulation.** Abatement consisting of the coating or spraying of asbestos material with an encapsulant (sealant) or encapsulating agent.

(bc) **Enclosure.** Abatement consisting of the construction of airtight walls, ceilings and floors between the asbestos material and the building/structure environment, or around surfaces coated with asbestos material, or any other appropriate procedure as determined by the Department, which prevents the release of asbestos fibers.

(bd) **EPA.** The United States Environmental Protection Agency.

(be) **Equipment Room.** A contained area or room which is part of the personal decontamination system enclosure with provisions for the storage of contaminated clothing and equipment.

(bf) **Fiber (Asbestos Fiber).** Generally, a slender or elongated structure, which results from the break up of ACM, PACM or asbestos material. However, the definition of an asbestos fiber is also dependent upon the approved accepted method of air sampling and analysis utilized for the specific phase of the asbestos project.

(bg) **Fixed Object.** Equipment, furniture or other item that is affixed, as a whole, to a floor, ceiling, wall or other building structure or system.

(bh) **Friable.** Any material that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure, or is capable of being released into the air by hand pressure.

(bi) **Glovebag.** A manufactured impervious bag-like enclosure constructed of at least six (6) mil transparent plastic, seamless at the bottom, with inward-projecting long sleeve glove(s), which may also contain an inward-projecting water-wand sleeve, an internal tool pouch, and an attached, labeled receptacle or portion for asbestos waste. The glovebag is constructed and installed to surround the object or area to be decontaminated and contain all asbestos fibers released during the abatement process.

(bj) **Glovebag Technique.** A method for removing asbestos material from heating, ventilating, and air conditioning (HVAC) ducts, piping runs, valves, joints and elbows, and other non-planar surfaces, by use of a glovebag.

(bk) **Glue.** A material used as an adhesive, such as the material used to hold tiles to a surface. See **Mastic**.

(bl) **HEPA-Filter.** A high efficiency particulate air filter capable of trapping and retaining 99.97 percent of all mono-dispersed particles of 0.3 microns in diameter or larger.

(bm) **HEPA-Vacuum Equipment.** Vacuuming equipment designed for abatement, with a high efficiency particulate air filtration system.

(bn) **Holding Area.** A chamber in the waste decontamination enclosure utilized for temporary storage of containerized ACM waste, prior to transfer to waste transport vehicle.

(bo) **Incidental Disturbance.** The unintentional disturbance of, ACM, PACM, or asbestos material.

(bp) **Incidental Disturbance Asbestos Project.** The cleanup, repair or encapsulation of less than 10 square feet or less than 25 linear feet of incidentally disturbed ACM, PACM or asbestos material.

(bq) **Inspector.** Any person who performs the duties described at Section 56-3.2(d)(4) of this Part.

(br) **Intact.** Asbestos material that has not crumbled, been pulverized, or otherwise been damaged or disturbed, and the material's matrix has not noticeably deteriorated.

(bs) **Intermediate Portions of a Project**. The discrete abatement segments that will take place where non-continuous interim notifications are required, as per Section 56-3.4(b)(4)(v), for large asbestos projects

(bt) **Isolation Barriers.** Installed temporary hardwall barriers that complete the containment enclosure and establish the regulated abatement work area.

(bu) **Lockdown Encapsulant.** A thinned out bridging encapsulant used for lockdown purposes to assist with cleanup as per this Part.

(bv) **Management Planner.** Any person who performs the duties described at Section 56-3.2 (d) (9) of this Part.

(bw) **Mastic.** A pasty material used as an adhesive.

(bx) **Mounted Object**. Equipment, furniture, or other item that is attached, in whole or in part, to a floor, ceiling, wall or other building structure or system or to a fixed object.

(by) **Movable Object.** Equipment, furniture or other item that is not attached or affixed, in whole or in part, to a floor, ceiling, wall or other building structure or system or to a fixed object.

(bz) **Multi-employer Work Sites.** Any demolition, renovation, remodeling or repair project work site, which includes work covered by this part, where more than one employer is reasonably expected to be on-site during the project.

(ca) **Multiple Abatement.** The abatement of more than one type of ACM within the same containment.

(cb) **Negative Air Pressure Equipment.** A local exhaust system, capable of maintaining air pressure within a containment at a lower pressure than the air pressure outside of such containment, and which provides for HEPA filtration of all air exhausted from the containment.

(cc) **NESHAP.** National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).

(cd) **NIOSH.** The National Institute for Occupational Safety and Health.

(ce) **Non-Asbestos Material.** Any material documented to contain one percent (1%) or less of asbestos.

(cf) **Non-Friable.** Any material that when dry, can not be crumbled, pulverized, or reduced to powder by hand pressure, and is not capable of being released into the air by hand pressure.

(cg) **Non-Friable Organically Bound (NOB) Asbestos Material.** Non-friable asbestos materials embedded in flexible-to-rigid asphalt or vinyl matrices, including but not limited to flooring materials, adhesives, mastics, asphalt shingles, roofing materials and caulks.

(ch) **Occupied Area.** Any frequented portion of the work site where abatement is not taking place.

(ci) **Operations and Maintenance Worker.** Any person who performs the duties described at Section 56-3.2 (d) (5) of this Part.

(cj) **OSHA.** The Occupational Safety and Health Administration.

(ck) **Outside Air.** The air immediately outside the building or structure in which an asbestos project is performed.

(cl) **Person.** Any natural person.

(cm) **Personal Air Sampling.** Air sampling located in a worker's breathing zone.

(cn) **Personal Decontamination System Enclosure.** An area designated for controlled passage of all persons to and from the regulated abatement work area.

(co) **Personal Protective Equipment (PPE).** Disposable work suits or coveralls, head covering, eye protection, footwear, gloves and appropriate NIOSH-approved respirators with appropriate NIOSH-approved filters.

(cp) **Plasticize.** To cover floors, walls, ceilings or other surfaces with 6-mil fire-retardant plastic sheeting.

(cq) **Presumed Asbestos Containing Material (PACM).** All Thermal System Insulations and Surfacing Materials found in buildings constructed no later than 1980. PACM is considered to be ACM unless proven otherwise by appropriate bulk sampling and laboratory analyses.

(cr) **Project Air Sampling.** Area air sampling conducted in accordance with Subpart 56-4 of this Part during the course of the asbestos project.

(cs) **Project Designer.** Any person who performs the duties described at Section 56-3.2(d)(7) of this Part.

(ct) **Project Monitor.** Any person who performs the duties described at Section 56-3.2(d)(8).

(cu) **Public.** Any natural person except:

(1) A person engaged in an asbestos project;

(2) An authorized visitor;

(3) Police, fire, or other public safety personnel.

(cv) **Receptor.** Any opening, which could admit asbestos fibers into a structure if not properly protected. Examples include but are not limited to operable windows, doors, vents, air intakes or exhausts of any mechanical device within a building or structure.

(cw) **Regulated Abatement Work Area.** The portion of the restricted area where abatement work actually occurs. For tent work areas, the interior of each tent is a regulated abatement work area. For OSHA Class I and Class II asbestos abatement, the interior of the restricted area containment enclosure is the regulated abatement work area. For exterior non-friable asbestos abatement conducted without the establishment of negative air ventilation systems or containment enclosures, the entire restricted area surrounding the abatement location is considered to be the regulated abatement work area.

(cx) **Regulated Asbestos-Containing Material (RACM).** Friable ACM or PACM, Category I Non-friable ACM that has become friable or has been or will be subjected to sanding, grinding, cutting or abrading, or Category II Non-friable ACM that has a high probability of becoming or has become crumbled,

pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

(cy) **Remodel.** For purposes of this code, remodel shall mean the same as renovation.

(cz) **Remote Decontamination System Enclosure.** Decontamination systems that are not attached to the regulated abatement work area but are within the work site.

(da) **Removal.** Abatement, consisting of operations where ACM, PACM or asbestos material is removed or stripped from structures or substrates. This includes demolition operations.

(db) **Renovation.** The altering of an existing building/structure, or a portion of building/structure components or systems, including the stripping, removal or abatement of ACM from a building or structure. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

(dc) **Repair (Asbestos).** Abatement, consisting of corrective action for a Minor Asbestos Project using required work practices to control fiber release from damaged ACM, PACM or asbestos material.

(dd) **Repair.** The replacement, overhaul, rebuilding, reconstructing or reconditioning of any part of a building/structure component or system with like or similar material or parts, due to damage or excessive wear.

(de) **Respiratory Protection.** NIOSH-approved respirators with appropriate NIOSH-approved filters.

(df) **Restricted Area.** A restricted area established and marked for the abatement portion of an asbestos project. This area shall include, but not be limited to asbestos project regulated abatement work areas and any contiguous decontamination facilities, adjoining staging areas where work materials, debris or waste from such work may accumulate, remote decontamination areas, and waste storage areas (dumpsters, trailers, etc.).

(dg) **Restricted Asbestos Handler (Allied Trades).** Any person who performs the duties described at Section 56-3.2 (d) (2) of this Part.

(dh) **Satisfactory Clearance Air Sampling Results.** See Subpart 56-4.

(di) **Sealant.** An encapsulating agent. A material which can be applied to asbestos containing material which prevents the release of asbestos fibers from the material either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together and to the substrate (penetrating encapsulant).

(dj) **Sequential Abatement.** The abatement of different types of asbestos containing material within a common regulated abatement work area in a priority order. (See Section 56-8.6)

(dk) **Shower Room.** A room between the clean room and the equipment room in the personal decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

(dl) **Supervisor.** Any person who performs the duties described at Section 56-3.2 (d) (6) of this Part.

(dm) **Suspect Miscellaneous ACM.** Any suspect asbestos-containing material that is not PACM, such as floor tiles, ceiling tiles, mastics/adhesives, sealants, roofing materials, cementitous materials, etc. A listing of typical suspect miscellaneous ACM can be found in Subpart 56-5. All suspect miscellaneous ACM must be assumed to be ACM, unless proven otherwise by appropriate bulk sampling and laboratory analyses.

(dn) **Surfacing Material.** Material that is sprayed-on, troweled-on, or otherwise applied to surfaces (such as acoustical or finish plaster on ceilings and walls, and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing, or other purposes).

(do) **Surfactant.** A chemical wetting agent added to water to reduce the surface tension of the water and improve its penetration for added mitigation of airborne fiber release.

(dp) **Tent.** A fire retardant polyethylene enclosure that includes walls, ceiling and a floor as required to remove ACM, PACM or asbestos material.

(dq) **Thermal System Insulation**. Insulation material applied to pipes, fittings, boilers, breeching, tanks, ducts or other structural components to prevent heat gain or loss.

(dr) **Variance (Site-specific).** Relief in accordance with Section 30 of the Labor Law from specific sections of Industrial Code Rule 56 for a specific project.

(ds) **Variance (Applicable) (AV).** Blanket relief in accordance with Section 30 of the Labor Law from specific sections of Industrial Code Rule 56 for a particular type of project.

(dt) **Visible Emission.** Any emission of particulate material that can be seen without the aid of instruments.

(du) **Washroom.** A room between the regulated abatement work area and the holding area in the waste decontamination system enclosure, where equipment and waste containers are wet cleaned or HEPA-vacuumed.

(dv) **Waste Decontamination System Enclosure.** An area, consisting of a washroom and a holding area separated from each other by airlocks, designated for the controlled transfer of materials and equipment from the regulated abatement work area.

(dw) **Waste Staging Area.** The area near the waste transfer airlock where containerized asbestos waste has been placed prior to removal from the regulated abatement work area.

(dx) **Wet Cleaning.** The process of eliminating asbestos contamination from surfaces, equipment or other objects by using cloths, mops, or other cleaning tools that have been saturated with amended water.

(dy) **Work Site.** Building, structure, parcel of land or premises where an asbestos project takes place.

SUBPART 56-3

ADMINISTRATIVE

56-3.1 Licensing Requirements and Procedures.

(a) **License Required.** No asbestos contractor shall engage in an asbestos project unless such asbestos contractor has a valid asbestos handling license issued by the Commissioner.

(b) All firms, corporations, or other business entities performing work as asbestos abatement contractors, management planners, project designers, project monitors, allied trades people, inspectors or air sampling monitors shall obtain an asbestos handling license. In addition, individuals employed by such firms, corporations or other business entities shall obtain required and approved training and asbestos certificates appropriate to the tasks performed.

(c) **Proof of License.** A copy of a valid asbestos handling license or other proof of the issuance of a valid asbestos handling license deemed suitable by the Commissioner shall be submitted by the bidder to the party soliciting bids prior to the award of any contract (public or private), all or part of which involves an asbestos project.

(1) **Exception.** If the asbestos contractor is a sub-contractor to a prime contractor, the proof of license must be submitted by the prime contractor to the party that awarded the contract, prior to retaining such sub-contractor.

(d) **Display of License.** A copy of a valid asbestos handling license for all firms, corporations, or other business entities performing work on the asbestos project shall be conspicuously displayed proximate to but outside the regulated abatement work area, during Phase IB and Phase IIA through IID of an asbestos project.

(e) **Application for License and Renewal.**

(1) Completed applications for a license or renewal of license shall be sent to the address specified in the application package, accompanied by a nonrefundable application fee in the amount set forth in Section 903 of the Labor Law. The fee shall be paid in any form, except cash, deemed acceptable by the Commissioner of Labor in the application package. All payments shall be made payable to the Commissioner of Labor. Any payments which are voided or returned to the Commissioner for any reason shall be subject to a return processing fee in the amount allowed by law and any entity submitting such payments to the Department may be subject to all other appropriate penalties set forth in statute and code,

including but not limited to the immediate suspension or revocation of any license granted on the basis of such payment.

(2) All applications for asbestos handling licenses shall be submitted in writing on forms furnished by the Commissioner. Copies of such forms may be obtained from the New York State Department of Labor, Asbestos Licensing and Certification Unit.

(3) Completion of such forms requires inclusion of any information required by the Commissioner.

(4) Each license application shall contain a verified statement by the asbestos contractor applying for the license or its duly authorized representative, that any person employed by the asbestos contractor on any asbestos project shall have a valid asbestos handling certificate as required by this Part, that the asbestos contractor shall provide such person with a copy of this Part and notify him or her of the obligation to abide by its provisions, and that the asbestos contractor shall abide by all the rules and regulations promulgated by the Commissioners of Labor and Health pursuant to Article 30 of the Labor Law. Each license application shall include the name of the certified supervisor designated as the contractor's agent, as required by section 902(1) of the Labor Law. The certified supervisor requirement shall only apply to asbestos contractor applicants that perform asbestos abatement operations. For non-abatement asbestos contractors, a notarized statement must be included with the license application that indicates their firm's activities shall not include actual asbestos abatement operations during the period for which the license is valid. Any changes or follow-up to the information contained in the asbestos contractor's license application, (including but not limited to changes in address, principals, ownership, designated supervisor(s), and insurance coverage,) shall be reported in writing to the Asbestos Licensing and Certification Unit, New York State Department of Labor, within thirty (30) calendar days of the effective date of any change.

(5) The Commissioner shall notify the license applicant in writing, no later than thirty (30) days from receipt of the license application, of the issuance or denial of the license or the need for further information from the applicant in order to process the license application. Notification of denial of a license on any grounds other than failure to complete the license application shall set forth the grounds for such denial.

(6) An applicant denied a license on any grounds other than failure to complete a license application may request a hearing before the Commissioner or his or her designee by submitting a written request for such hearing within ten (10) days of receipt of denial.

(7) An asbestos handling license shall be valid for a period of one year from date of issuance.

(8) Approximately two (2) months prior to the expiration of an asbestos handling license, the Commissioner shall contact the license holder and inform him or her of the need to renew the asbestos handling license. The Commissioner shall also furnish a renewal application to the licensee. The renewal application may request the license holder to inform the Commissioner of any changes in information previously provided to the Division of Safety and Health, Licensing and Certification Unit, and any other information deemed by the Commissioner to be relevant.

(9) The Commissioner shall notify license renewal applicants in writing of the issuance or denial of the license renewal or the need for further information from the applicant in order to process the renewal application. Notification of denial of a license renewal on any grounds other than failure to complete the renewal application shall set forth the grounds for such denial.

(10) An applicant denied renewal of a license on any grounds other than failure to complete a license renewal application may request a hearing before the Commissioner or his or her designee by submitting a written request for such hearing within ten (10) days of receipt of denial.

56-3.2 Certification Requirements and Procedures.

(a) **Certification and Training Required.** No asbestos contractor shall engage in or permit a person employed by the asbestos contractor to engage in or supervise work on an asbestos project unless each such person has a valid asbestos handling certificate issued by the Commissioner appropriate to the work performed by such person on an asbestos project as defined in this Part. Training for all types asbestos handling certificates shall meet all requirements established by the New York State Department of Health.

(b) **Employee Certification.** Any person employed by a asbestos contractor on an asbestos project shall have an appropriate asbestos handling certificate or a copy thereof in his or her possession at all times during his or her work on the project. No asbestos contractor shall compel the holder of any asbestos handling certificate to surrender the original certificate. The only exception to the requirement of certification is if the employee has proof that he or she has had the appropriate initial training within the past forty-five (45) days, and is awaiting the asbestos handling certificate. A student copy of the Asbestos Safety Training Certificate (DOH 2832) indicating successful completion of an approved asbestos safety training program is the only acceptable proof of appropriate training. The employee must also have a photo identification card issued by an authorized government entity.

(c) **Display of Certificate.** A copy of a valid asbestos handling certificate, or a current student copy of the New York State Department of Health Certificate of Asbestos Safety Training Form (DOH 2832) indicating successful completion of an approved initial asbestos safety training program within the past forty-five (45) days along with a copy of a photo identification, shall be conspicuously displayed near but outside the regulated abatement work area on an asbestos project.

(d) **Types of Certificates:** The following categories of asbestos handling certification shall be issued pursuant to this Subpart:

(1) **Asbestos Handler (Worker) Certificate.** Any person who removes, encapsulates, encloses, repairs or disturbs friable or non-friable asbestos, or who handles asbestos material in any manner which may result in the release of asbestos fiber, and whose duties are not otherwise described in paragraphs (2) through (9) of this Subdivision shall possess a valid asbestos handler (worker) certificate and shall have such certificate or a copy thereof in his or her possession at all times while working on the project, except as otherwise indicated in Subdivision (b) and (c) of this Section. A person who possesses an asbestos handler (worker) certificate shall be responsible for the proper execution of his or her trade as it relates to an asbestos project.

(2) **Restricted Asbestos Handler Certificate (Allied Trades Certificate).** Any person performing any limited or special tasks in preparation for or ancillary to an asbestos project, such as a carpenter, electrician, plumber or similar occupation, or any other person who may potentially disturb friable or non-friable asbestos during the course of any employment (other than OSHA Class IV asbestos work), shall possess a valid restricted asbestos handler (allied trades) certificate and shall have such certificate or a copy thereof in his or her possession at all times while working on the project, except as otherwise indicated in Subdivision (b) and (c) of this Section. This person shall be aware of the health hazards of asbestos and take appropriate precautions to avoid any ACM, PACM or asbestos material disturbance throughout the course of their work. Abatement of any quantity of ACM, PACM or asbestos material is not allowed by this person under any circumstance. A person who possesses a restricted asbestos handler certificate shall be responsible for the proper execution of his or her trade as it relates to an asbestos project.

(3) **Asbestos Project Air Sampling Technician Certificate.** Any person who performs project air sampling shall possess a valid asbestos project air sampling technician certificate and shall have such certificate or a copy thereof in his or her possession at all times while working on the project, except as otherwise indicated in Subdivision (b) and (c) of this Section. A person who possesses an air sampling technician certificate shall be responsible for the proper execution of his or her duties as they relate to an asbestos project.

(4) **Inspector Certificate.** Any person who performs the limited tasks involved in the asbestos survey, identification and assessment of the condition of asbestos and asbestos material and the recording and reporting thereof, or who is involved in the collection of bulk samples of asbestos material or suspected asbestos material for laboratory analysis shall possess a valid inspector certificate and shall have such certificate or a copy thereof in his or her possession at all times while working on the project, except as otherwise indicated in Subdivision (b) and (c) of this Section. A person who possesses an inspector certificate shall be responsible for the proper execution of his duties as they relate to an asbestos project.

(5) **Operations and Maintenance Certificate**. Any person who performs operations, maintenance and repair activities which may disturb Minor quantities of ACM, PACM or asbestos material shall possess a valid operation and maintenance certificate and shall have such certificate or a copy thereof in his or her possession at all times while working on the project, except as otherwise indicated in Subdivision (b) and (c) of this Section. Operation and maintenance certification permits the holder to perform OSHA Class III asbestos work only on Minor asbestos projects. These minor asbestos projects must be associated with repairs required in the performance of emergency or routine maintenance activity, and is not intended solely as asbestos abatement. Such work may not exceed minor quantities of ACM to be disturbed within a single glovebag or a single negative pressure tent enclosure. A person who possesses an operation and maintenance certificate shall be responsible for the proper execution of his duties as they relate to an asbestos project.

(6) **Supervisor Certificate.** Any person who performs supervision of persons (other than authorized visitors) permitted to enter the restricted area and regulated abatement work area, shall possess a valid supervisor certificate and shall have such certificate or a copy thereof in his or her possession at all times while working on the project, except as otherwise indicated in Subdivision (b) and (c) of this Section. A person who possesses a supervisor certificate shall be responsible for the proper execution of his duties as they relate to an asbestos project. The supervisor is also responsible for performing the duties of the OSHA competent person for the asbestos project, consistent with current OSHA regulations.

(7) **Project Designer Certificate.** Any person who plans the scope, timing, phasing and remediation methods to be utilized on any asbestos project shall possess a valid project designer certificate and shall have such certificate or a copy thereof in his or her possession at all times while working on the project, except as otherwise indicated in Subdivision (b) and (c) of this Section. A person who possesses a project designer

certificate shall be responsible for the proper execution of his duties as they relate to an asbestos project.

(8) **Project Monitor Certificate.** Any person other than the asbestos abatement contractor's supervisor, who oversees the scope, timing, phasing and/or remediation methods to be utilized on and the completeness of any asbestos project shall possess a valid project monitor certificate or a copy thereof in his or her possession at all times while working on the project, except as otherwise indicated in Subdivision (b) and (c) of this Section. A person who possesses a project monitor certificate shall be responsible for the proper execution of his duties as they relate to an asbestos project.

(9) **Management Planner Certificate.** Any person who assesses the hazard posed by the presence of asbestos or asbestos containing material and/or who recommends appropriate response actions and a schedule for such response actions shall possess a valid management planner certificate and shall have such certificate or a copy thereof in his or her possession at all times while working on the project, except as otherwise indicated in Subdivision (b) and (c) of this Section. A person who possesses a management planner certificate shall be responsible for the proper execution of his duties as they relate to an asbestos project.

(e) **Proof of Course Completion.** No certificate described in Section 56-3.2(d) of this Part shall be issued without submission, by the applicant, of proof satisfactory to the Commissioner, of successful completion of an approved asbestos safety program.

(f) **Age Requirement.** Any type of asbestos handling certificate shall not be issued to any person prior to his or her eighteenth birthday.

(g) **Application for Certification and Renewal.** All applications for any type of asbestos handling certificates and renewals shall be submitted as follows:

(1) Completed applications for any type of asbestos handling certificate or renewal shall be sent to the address specified in the application package, accompanied by a nonrefundable application or renewal application fee in the amount set forth in Section 903 of the Labor Law. The fee shall be paid in any form, except cash, deemed acceptable by the Commissioner of Labor in the application package. All payments shall be made payable to the Commissioner of Labor. Any payments which are voided or returned to the Commissioner for any reason shall be subject to a return processing fee of the amount allowed by law and any entity submitting such checks to the Department may be subject to all other appropriate penalties set forth in statute and code, including but not limited to the immediate suspension or revocation of any certificate granted on the basis of such payment.

(2) All applications for any type of asbestos handling certificates shall be submitted in writing on forms furnished by the Commissioner. Copies of such forms may be obtained from the New York State Department of Labor, Division of Safety and Health, License and Certificate Unit.

(3) Completion of such forms requires inclusion of all information deemed appropriate by the Commissioner.

(4) Each application for any type of asbestos handling certificate shall contain a verified statement by the applicant that he or she shall abide by all rules and regulations promulgated by either the Commissioner of Labor or Health pursuant to Article 30 of the Labor Law.

(5) The Commissioner shall notify asbestos handling certificate applicants in writing, no later than thirty (30) days from the receipt of the asbestos handling certificate application, of the issuance or denial of the asbestos handling certificate or of the need for further information from the applicant in order to process the asbestos handling certificate application. Notification of denial of an asbestos handling certificate on any grounds other than failure to complete the asbestos handling certificate application shall set forth the grounds for such denial.

(6) An applicant denied any type of asbestos handling certificate on any grounds other than failure to complete an asbestos handling certificate application, may request a hearing before the Commissioner or his or her designee by submitting a written request for such hearing within ten (10) days of receipt of denial.

(7) All types of asbestos handling certificates shall be valid for a period of up to one (1) year from date of issuance. The expiration date shall be the last day of birth month of the individual applying.

(8) Approximately two (2) months prior to the expiration of any type of asbestos handling certificate, the Commissioner shall contact the asbestos handling certificate holder and inform him or her of the need to renew the asbestos handling certificate. The Commissioner shall also furnish a renewal application to the asbestos handling certificate holder. The renewal application may request the asbestos handling certificate holder to inform the Commissioner of any changes in information previously provided to the Division of Safety and Health's License and Certification Unit and any other information deemed by the Commissioner to be relevant.

(9) The Commissioner shall notify an asbestos handling certificate renewal applicant in writing of the issuance or denial of the asbestos handling certificate renewal or of the need for further information from the applicant in order to process the renewal application. Notification of denial of an

asbestos handling certificate renewal on any grounds other than failure to complete the renewal application shall set forth the grounds for such denial.

(10) An applicant denied renewal of any type of asbestos handling certificate on any grounds, other than failure to complete an asbestos handling certificate renewal application, may request a hearing before the Commissioner or his or her designee by submitting a written request for such hearing within ten (10) days of receipt of denial.

56-3.3 Replacement of Licenses and Certificates.

(a) In the event that any type of asbestos handling certificate or an asbestos handling license is lost or stolen, the certificate or license holder to whom the certificate or license had been issued may apply to the Commissioner for the issuance of a replacement asbestos handling license or appropriate type of asbestos handling certificate. Such application shall be made in writing and shall include a notarized statement from the individual indicating that the original asbestos handling license or asbestos handling certificate has been lost and verifying that the individual applying for such replacement asbestos handling license or asbestos handling certificate understands that the submittal of false statements in connection with the request for a replacement shall subject him or her to penalties and other remedies under the law.

(b) All applications for replacement asbestos handling licenses or any type of asbestos handling certificate shall be addressed to the License and Certification Unit, New York State Department of Labor accompanied by a nonrefundable fee. The fee shall be equal to that assessed for an initial asbestos handling certificate or asbestos handling license. The fee shall be paid in any form, except cash, deemed acceptable by the Commissioner of Labor in the application package. All payments shall be made payable to the Commissioner of Labor. Any payments which are voided or returned to the Commissioner for any reason shall be subject to a return processing fee of the amount allowed by law and any entity submitting such checks to the Department may be subject to all appropriate penalties set forth in statute and code, including but not limited to the immediate suspension or revocation of any replacement asbestos handling license or asbestos handling certificate granted on the basis of such payment.

56-3.4 Notice and Record-keeping Requirements.

(a) **Record-keeping**

(1) **Detail.** Every asbestos contractor shall maintain for at least thirty (30) years, a record of each asbestos project in which the asbestos contractor engages. Such record shall include the following information:

Exception. Non-abatement asbestos contractors shall maintain for at least thirty (30) years, a record of the following applicable project

information for each asbestos project, if it relates to their portion of the asbestos project:

(i) The name, address, social security number and asbestos certificate number of the person who supervised the asbestos project;

(ii) The location and description of the asbestos project;

(iii) The amount of asbestos or asbestos material that was removed, enclosed, encapsulated, repaired, disturbed or handled;

(iv) The commencement and completion date of the asbestos project;

(v) The name, asbestos handling license number, and address of the air sampling asbestos contractor that was used on the project;

(vi) The name, address and current NYS ELAP registration number, of the laboratory that was used for air sample analysis on the project;

(vii) The name, asbestos handling license number, and address of the project monitoring asbestos contractor that was used on the project;

(viii) The name and address of the deposit or waste disposal site or sites where the asbestos waste material was deposited or disposed;

(ix) The name and address of any sites that were used for the interim storage of asbestos or asbestos waste materials prior to final deposit or disposal;

(x) The name and address of any transporters that were used to transport asbestos or asbestos material;

(xi) The name, address, social security number and asbestos license or certificate number of all persons who were engaged on that portion of the asbestos project for which the asbestos contractor has responsibility;

(xii) A copy of the asbestos abatement supervisor's daily project log;

(xiii) Any other information that the Commissioner may require, on a form and according to instructions provided by the Commissioner.

(2) **Project Record.**

(i) At all sites where there is an active project, a project record shall be required. The project record shall be available on-site with the

building/structure owner or his designated representative, and shall include the following:

(a) Copies of licenses of all entities involved with the project;

(b) Copies of all supervisors and handler certificates;

(c) Copies of notifications and amendments;

(d) Copies of all variances, amendments and re-openings being used for the project;

(e) A copy of the air sample log if the air sampling technician is on site. If the air sampling technician is not on site, a copy of the air sample log shall be supplied within 24 hours of the request to produce a copy there of;

(f) A copy of all air sampling results, including method of analysis, by date for the entire asbestos project, organized by regulated abatement work area;

(g) A copy of the project monitor's daily logs during abatement (if a project monitor is used on the project);

(h) The supervisor's daily log with entry/exit logs organized by date;

(i) All bulk sample data including all asbestos inspections and surveys completed for affected portions of the building, structure and work site;

(ii) This record shall be kept on site at all times with the building/structure owner or his designated representative, and produced upon verbal request of the Commissioner or his or her duly authorized representative.

(3) **Surrender of Records**. Within ten (10) working days of the expiration, revocation, or non-renewal of an asbestos contractor's asbestos handling license, or upon the receipt of the written request of the Commissioner, or his or her duly authorized representative, any records kept pursuant to this Part shall be delivered to the Asbestos Control Bureau.

(4) Copies of any records kept pursuant to this Part shall be surrendered to the Commissioner or his or her duly authorized representative upon written request.

(b) **Notification.**

(1) **When Required.** Any asbestos abatement contractor who proposes to engage in a Large asbestos project shall notify or cause to be notified, in writing, the Asbestos Control Bureau. Such notice must be received at least ten (10) calendar days prior to commencement of Phase II A (See Section 56-2.1) of the asbestos project unless waived in writing by the Commissioner or his or her duly authorized representative. If an asbestos hazard is present which requires immediate attention, or if emergency conditions make it impossible to give notification ten (10) calendar days prior to commencement of the project, notification in accordance with Section 56-3.5 of this Part shall be given. All project notifications shall be accompanied by a nonrefundable fee. The fee shall be paid in any form, except cash, deemed acceptable by the Commissioner of Labor in the notification package. All payments shall be made payable to the Commissioner of Labor in the amounts set forth in the Labor Law. Any payments which are voided or returned to the Commissioner for any reason shall be subject to a return processing fee in an amount allowed by law and any entity submitting such checks to the Department may be subject to all other appropriate penalties set forth in statute and code, including but not limited to enjoining of the asbestos project.

(2) **Content.** The notification to the Asbestos Control Bureau shall be made on a form or forms provided by the Commissioner and shall include, but not be limited to, the following:

(i) The name, address and asbestos license number of the asbestos abatement contractor and all sub-contractors retained for the asbestos project;

(ii) The name and address of the party for whom the asbestos project is being performed, as well as the contract amount;

(iii) The address and description of the building/structure or area, including size, age, use and prior use of the building/structure or area;

(iv) The name and phone number of the building/structure or area owner representative or site contact individual.

(v) The amount of ACM, PACM or asbestos material present in square feet and/or linear feet, if applicable. Piping, fittings and associated insulation (excluding breeching and large [2 foot or greater] diameter piping/fittings/associated insulation) are to be measured in linear feet;

(vi) Room designation numbers or other local information where ACM, PACM or asbestos material is found, unless such material is found throughout the entire building or structure;

(vii) The commencement and completion dates for the asbestos project, Phase II A through D, and the commencement and completion dates of any intermediate portions of the project. Night, weekend and shift work schedules shall be included;

(viii) The procedures and equipment, including ventilating/exhaust systems, that shall be employed;

(ix) A listing of all variances (applicable and site-specific) to be utilized on the asbestos project;

(x) The name and asbestos license number of the air sampling asbestos contractor for the asbestos project;

(xi) The name and NYS ELAP registration number of the laboratory which shall perform analysis of project air samples for the project;

(xii) The name, address, phone number and NYS DEC permit number of the waste transporter;

(xiii) The name, address and phone number of the landfill where the asbestos waste will be transported;

(xiv) Any other information which the Commissioner may require.

(3) A separate notification must be submitted for each period of up to twelve (12) months during which work shall be performed. Amendments of existing notifications are permitted. No additional fee is required unless the size of the project increases from that originally submitted on the initial notification, then a fee would be required for the additional material only.

(4) Postponement, Cancellation or Changes to Completion Dates of Projects.

(i) Whenever the commencement date of a project for which notification has already been submitted is postponed, or if a project for which a notification has been submitted is cancelled, or if a project completion date is changed, the asbestos abatement contractor shall notify the Asbestos Control Bureau of the postponement or cancellation or change of completion date by telephone or written notice. This notice shall be received at least one (1) calendar day prior to the initial start or completion date set forth on the previously submitted notification. In addition, written notification for new start dates on projects postponed for one (1) week or longer must be received at least three (3) calendar days prior to the new start date.

(ii) Notice of postponement or cancellation given by telephone shall be followed by written confirmation of the postponement or cancellation, which shall be provided to the Asbestos Control Bureau within three (3) business days of the telephone notice.

(iii) Where time periods set forth herein allow, the notice requirements of subparagraphs (i) and (ii) of this paragraph may be satisfied by the submittal of a single amended notification form.

(iv) Within a non-continuous notification for a Large asbestos project, intermediate portions of a project shall require notice to the Asbestos Control Bureau by telephone at least ten (10) calendar days prior to commencement of the intermediate portion of the project, followed by written notification with the commencement and completion dates of any intermediate portions of the project. The written notification shall be provided to the Asbestos Control Bureau within three (3) business days of the telephone notice.

(5) **Cumulative Project Notification.** If a single asbestos project involves several locations in a building/structure or area, each of which does not involve the amounts of ACM, PACM or asbestos material specified in Section 56-3.4(b) of this Part, but which in total equal or exceed this amount, written notification shall be required.

(i) Each building or structure shall be considered a separate project for the purpose of meeting all notification requirements set forth in the statute and this Part. A separate project notification form and fee must be submitted for each building/structure. Where one contract is entered into for several component projects, notification shall be required. Similarly, separate bids for component projects shall not void the notification requirement.

(6) **Additional Contractual Work.** Additional contractual work (See Section 56-2.1) is subject to a new or amended notification and associated fees. No additional waiting period to commence this work shall be required.

56-3.5 Emergency Asbestos Project Notification.

(a) **Initial Notification.** Prior to the commencement of an asbestos project that is necessary to respond to an emergency, or to cleanup an incidental disturbance, the asbestos abatement contractor shall contact the Asbestos Control Bureau via telephone or in person to request permission to proceed with the asbestos project. The individual giving such notification may be asked to provide some or all of the information required of an individual giving full written notification of an asbestos project.

(b) **Emergency Approval.** The Program Manager, Asbestos Control Bureau, or other duly authorized representative of the Commissioner, upon ascertaining all

pertinent facts relating to the request, shall be empowered to either approve or deny the request for permission to proceed with an emergency or incidental disturbance asbestos project without the filing of prior notification. Unless permission to proceed with the asbestos project, using approved variance conditions, is granted pursuant to Section 56-11.2 (Emergency Projects), all work shall be performed in accordance with all applicable provisions of this Part.

(c) **Follow-Up Notification.** If permission to proceed with an emergency asbestos project is granted, the asbestos abatement contractor to whom such permission is granted, shall, within three (3) business days, file the written notification required by Section 56-3.4(b) of this Part with the Asbestos Control Bureau.

56-3.6 Notification of Residential and Business Occupants.

(a) **Ten (10) Day Notice.**

(1) The property owner and asbestos abatement contractor are responsible for ensuring that notice is provided to residential and business occupants. This notice may be provided by the property owner or by the asbestos abatement contractor or subcontractor engaged in the Phase II abatement portion of a project. The property owner, asbestos abatement contractor or subcontractor shall post or otherwise provide for a written notice to residential and business occupants of the building/structure, including visitors to the building/structure, ten (10) calendar days prior to the commencement of Phase II A work on any asbestos project within the building/structure. For projects being conducted in school buildings, the faculty, staff and students attending such school and visitors to the school shall be considered to be business occupants and shall receive notice as required in this Part.

(2) **Notice - Detail.** The written notice shall be given to those business and residential occupants of a building/structure, or portion thereof, who are located on the floor or floors where the actual project is to be conducted, and one floor above and one floor below the floor or floors containing the project. In addition, such written notice shall also be given to those occupants of adjacent building/structures who have direct horizontal access to these floors. Posted notice shall be provided at all direct means of access to the floor, such as but not limited to stairways, ramps, emergency ingress or egress, elevators, escalators, ladders, hallways, corridors and trapdoors.

(b) **Three (3) Day Notice (Small and Minor Size Asbestos Projects Only).** If the Phase II A abatement work is scheduled to begin less than ten (10) calendar days after the execution of the contract, the property owner and asbestos abatement contractor shall post or otherwise provide written notice of any asbestos project to residential and business occupants in the building/structure

where work shall be performed at least three (3) calendar days prior to commencement of work.

(c) **Other Notice.** If an emergency makes it impossible to provide the notice required by Subdivision (a) or (b) of this Section, the property owner and asbestos abatement contractor shall post or otherwise provide for written notice to residential and business occupants of the building/structure, as soon as practicable after identification of the project, in the manner set forth in Section 56-3.5.

(d) **Duration of Posting.** Posted notices shall remain in place until completion of the project.

(e) **Content.** Each notice shall include the following information:

(1) The building/structure address and room location(s) or area designation of the asbestos project;

(2) The amounts and types of ACM, PACM or asbestos material, in square feet and/or linear feet, that is being handled, removed, enclosed, encapsulated, repaired or disturbed. Piping, fittings and associated insulation (excluding breeching and large [2 foot or greater] diameter piping/fittings/associated insulation) are to be measured in linear feet;

(3) The commencement and completion dates of the asbestos project, including any intermediate portions of the project;

(4) The name and asbestos handling license number of the asbestos abatement contractor performing the project; and

(5) The name and address of the air monitor asbestos contractor and laboratory for the project.

(f) **Noninterference.** No person shall interfere with the obligations of the property owner and asbestos abatement contractor under this Section.

SUBPART 56-4

GENERAL PROJECT AIR SAMPLING AND LABORATORY ANALYSIS REQUIREMENTS

56-4.1 Qualifications of Air Sampling Personnel. The project air sampling shall be conducted by an asbestos project air sampling technician who has been trained in the selected methodology of air sampling and who possesses an asbestos project air sampling technician certificate issued by the Department.

56-4.2 Laboratory Certification. The laboratory used for air sample or bulk sample analysis shall be one approved by the New York State Department of Health Environmental Laboratory Approval Program (NYSDOH ELAP) for the selected asbestos analysis methodology.

56-4.3 Independent Third Party Sampling and Analysis. A third party air sampling firm asbestos contractor, who must be contracted by the property owner or owner's agent, and is completely independent of all asbestos abatement contractors involved with the asbestos project, shall conduct all project air sampling and analysis as required by this Part.

(a) **Exception.** If the property owner is the asbestos abatement contractor for the asbestos project, the owner shall contract with an independent air sampling firm asbestos contractor for the necessary project air sampling and analysis on the asbestos project.

56-4.4 Asbestos Contractors Allowed to Perform Project Air Sampling on an Asbestos Project. Air sampling procedures shall not be performed by any asbestos contractor involved with the asbestos project, except as follows:

(a) The non-abatement asbestos contractor firm that performed the building/structure asbestos survey, or is acting as the project monitor or project designer on the asbestos project, may perform project air sampling and analysis, provided that the individual or firm performing the building/structure asbestos survey or acting as project monitor or project designer, will not perform any asbestos abatement work on the project and has not retained or been retained by the asbestos abatement contractor for work on the asbestos project, unless the asbestos abatement contractor is also the property owner.

56-4.5 Air Sample Log. A project air sample log shall be created by the firm performing the project air sampling, and it shall contain the following information for all area air samples collected on the asbestos project:

(a) Name of the firm and the certified air sampling technician performing the project air sampling, per workshift or day, for all area air samples collected.

(b) Dates of project air sample collection, per workshift or day, of area air samples, with appropriate reference to the regulated abatement work area to which the air samples apply.

(c) Sample locations sketch, identifying all project air sample locations, per workshift or day, of area air samples. If identical locations are utilized for each workshift or day, of area samples collected throughout a sub-phase of the asbestos project (IIA, IIB or IIC), only one sketch is required for all workshift or day of area samples collected for that specific sub-phase of the asbestos project.

(d) The identifying information for each area air sample collected.

(e) Sampling time (24-hour clock) and duration for each area air sample collected.

(f) Flow rate primary or secondary calibration device identification number, method of flow rate primary or secondary device calibration and date of last calibration, per workshift or day of area air samples.

(g) Flow rate of sampling pumps with pre and post calibration listed for each area air sample collected.

(h) Chain of custody for each workshift or day of area air samples.

56-4.6 Test Methods. The same NIOSH approved methodology for project air sampling and for analysis of the air samples shall be used at all phases of an asbestos project that require area air sampling and analysis, with the possible exception of clearance air sampling. Phase Contrast Microscopy (PCM) shall be the minimum acceptable method of analysis. In lieu of PCM clearance air sampling and analysis, the building/structure owner may elect to utilize TEM air sampling and analysis to meet clearance air sampling requirements. If Transmission Electron Microscopy (TEM) is the selected method of analysis, the clearance criteria and sampling protocols of the Asbestos Hazard Emergency Response Act (AHERA) shall be used. If PCM air sample analysis results exceed the satisfactory clearance air criteria under this Part, then TEM analysis of the entire set of clearance air samples may be used, provided that a standard NIOSH/ELAP accepted laboratory analysis method is used that shall report each air sample result in fibers per cubic centimeter, for appropriate correlation to the original unsatisfactory PCM clearance air sample results and the established background levels, and provided that a report is submitted to the Commissioner for the entire set of clearance air sample PCM and TEM laboratory analyses.

56-4.7 Air Sampling Equipment.

(a) **Sampling Equipment.** Area air sampling shall be performed using GFCI protected pumps with associated tubing, supports and airflow measuring, metering or recording devices.

(b) **Duration, Flow Rate and Calibration.** Area air samples, except for background and clearance air samples, shall be collected and air samplers run for each entire

work shift. Area air samples must be collected with a minimum flow rate capacity of two (2) liters per minute and a maximum flow rate consistent with the applicable accepted air sampling and analysis methodology. The flow rate for each air sample shall be pre-calibrated and post-calibrated at the beginning and end of each air sample collection. The calibrations shall be recorded. Primary and secondary calibration devices shall be calibrated as per NYS DOH ELAP requirements. The air sampling technician shall be on-site to observe and maintain air sampling equipment for the duration of air sample collection.

(c) **Placement of Air Sampling Equipment.** Air sampling equipment shall be in place and operational as follows:

(1) **Placement of Regulated Abatement Work Area Indoor Air Sampling Equipment.** Air sampling equipment shall not be placed in corners of rooms or near obstructions. Samplers shall be placed randomly around the regulated abatement work area. If the regulated abatement work area contains a number of rooms equivalent to the number of required samples based on floor area, a sampler shall be placed in each room. When the number of rooms is greater than the required number of samples, a representative number of rooms shall be selected, but in no case shall fewer samples be collected than the required number of samples based upon floor area. (See Table 2)

(2) **Placement of Outdoor Air Sampling Equipment.** Outdoor air sampling equipment shall be placed four (4) to six (6) feet above grade level and at least ten (10) feet away from obstructions that may influence wind patterns. If access to electricity and security concerns dictates a rooftop site, locations within ten (10) feet of vents or other structures on the roof shall be avoided.

(3) **Samplers Outside of the Regulated Abatement Work Area.** Air sampling equipment shall be placed outside the regulated abatement work area within ten (10) feet of the critical barriers, decontamination enclosure entrances/exits and negative air ducts and exhausts, as applicable. (See Table 2)

56-4.8 Area Air Sample Analysis and Results – General Requirements.

(a) **Turnaround Time.** For project air samples collected during the asbestos project, the period of time permitted between completion of air sample collection and receipt of results on the job site shall be equal to or less than 48 hours.

(b) **Microscope Detail.** The methodology chosen for sampling, analysis, and the microscope type, make, and model number shall be included in the results.

(c) **Sample Records.** All project air samples shall have a chain of custody.

56-4.9 Number and Location of Samples Required. The amount of ACM, PACM or asbestos material to be abated within the regulated abatement work area determines the asbestos project air sampling requirements for that specific regulated abatement work area.

(a) **Phase I B Background Pre-Abatement Air Samples.** Required for Large and Small asbestos projects. (See Table 2 and Subpart 56-6)

(b) **Phase II A Regulated Abatement Work Area Preparation Air Samples.** Required for Large asbestos projects with OSHA Class I or OSHA Class II friable ACM subject to handling/abatement. (See Table 2 and Subpart 56-7)

(c) **Phase II B Asbestos Handling Air Samples.** Required for Large asbestos projects. (See Table 2 and Subpart 56-8)

(d) **Phase II C Final Cleaning & Clearance Air Samples.** Required for Large, Small and some Minor asbestos projects. (See Table 2 and Subpart 56-9)

56-4.10 Work Stoppage Criteria During Phase II A through II C. If air samples collected outside the regulated abatement work area indicate airborne fiber concentrations at or above 0.01 fibers per cubic centimeter, or the established background level, whichever is greater, work shall stop immediately for inspection and repair of barriers and negative air ventilation systems as necessary. Clean up of surfaces outside of the regulated abatement work area using HEPA-vacuums and wet-cleaning methods shall be performed prior to resumption of preparation, abatement or cleaning activities. A summary of clean up activities and the results of barrier inspections including any necessary repairs, shall be documented in the supervisor's daily project log. Work methods shall be altered accordingly to reduce fiber concentrations to acceptable levels.

(a) **Submission of Elevated Air Sample Results Collected During Phase II A through II C.** The air sampling asbestos contractor shall submit to the Commissioner, all PCM air sample results for air samples collected during Phase II A through II C along with background results, if they are greater than or equal to 0.01 fibers per cubic centimeter or the established background level, whichever is greater. Upon receipt of elevated air sample results, the air sample results shall be submitted immediately, within the same business day, to the Commissioner in care of the appropriate district office of the Asbestos Control Bureau, where the project takes place.

56-4.11 Phase II C Satisfactory Clearance Air Sample Results Criteria.

(a) **PCM Clearance Criteria.** The PCM clearance air sample results shall be considered satisfactory when every clearance air sample demonstrates an airborne concentration of fibers of less than 0.01 fibers per cubic centimeter, or the established background level(s), whichever is greater.

(b) **TEM Clearance Criteria.** If TEM is the selected method of clearance air sampling and analysis, the clearance criteria and sampling protocols of AHERA shall be used. If PCM air sample analysis results exceed the satisfactory clearance air criteria under this Part, then TEM analysis of the entire set of clearance air samples may be used, provided that a standard accepted laboratory analysis method is used that shall report each air sample result in fibers per cubic centimeter, for appropriate correlation to the original unsatisfactory PCM clearance air sample results and the established background level(s). When AHERA TEM air sampling protocols are not used (i.e. TEM analyses of failed PCM air samples), PCM clearance criteria apply

(c) **Submission of Satisfactory Clearance Air Sample Results.** The air sampling asbestos contractor shall submit to the Commissioner, all satisfactory PCM clearance air sample results along with background results, if they are greater than or equal to 0.01 fibers per cubic centimeter. The air sampling asbestos contractor shall also submit to the Commissioner, all sets of satisfactory TEM analyses of previously unsatisfactory PCM clearance air sample results, along with the unsatisfactory PCM results. These air sample results shall be submitted, within two (2) business days of receipt of satisfactory clearance air results, to the Commissioner in care of the appropriate district office of the Asbestos Control Bureau, where the project takes place.

56-4.12 Unsatisfactory Clearance Air Sample Results. If the regulated abatement work area clearance air sampling results are unacceptable, the following requirements apply:

(a) If the results of the inside work area group of air samples are unsatisfactory, recleaning of regulated abatement work area surfaces using wet methods, followed by another drying time period and then collection and analysis of an additional full set (both inside and outside work area samples) of clearance air samples is required (See Section 56-9.2).

(b) If only the results of the outside work area group of air samples is unsatisfactory, clean-up of surfaces outside of the regulated abatement work area using HEPA-vacuums and wet-cleaning methods shall be performed prior to collection and analysis of an additional group of outside work area clearance air samples as required by Section 56-9.2.

(c) This recleaning/clean-up and sampling process shall be repeated until satisfactory clearance air sampling results have been achieved for all asbestos project non-exempt regulated abatement work areas throughout the entire work site.

Table 2
ASBESTOS PROJECT AIR SAMPLING REQUIREMENTS

Air Sampling Requirements by Asbestos Project & Regulated Abatement Work Area Size	Phase I B Background Air Sampling	Phase II A Work Area Preparation Air Sampling	Phase II B Asbestos Handling Air Sampling	Phase II C Final Cleaning & Clearance Air Sampling
LARGE ASBESTOS PROJECT OR LARGE SIZE REGULATED ABATEMENT WORK AREA	Required	Required(5)	Required	Required(6)
Minimum Samples Required (1)	5 Inside Regulated Abatement Work Area & 5 Outside Regulated Abatement Work Area in Building/Structure (2)	1 per decontamination entrance/exit 1 per negative air exhaust or per bank of 5 exhausts 2 at critical barriers 1 outside the building/structure		5 Inside Regulated Abatement Work Area (7) & 5 Outside Regulated Abatement Work Area in Building/Structure (2)
SMALL ASBESTOS PROJECT OR SMALL SIZE REGULATED ABATEMENT WORK AREA	Required	Not Required		Required(6)
Minimum Samples Required (1)	3 Inside Regulated Abatement Work Area & 3 Outside Regulated Abatement Work Area in Building/Structure (2)	0		3 Inside Regulated Abatement Work Area & 3 Outside Regulated Abatement Work Area in Building/Structure (2)
MINOR ASBESTOS PROJECT OR MINOR SIZE REGULATED ABATEMENT WORK AREA	Not Required	Not Required		Required(3, 4)
Minimum Samples Required (1)	0	0		1 Inside Regulated Abatement Work Area & 1 Outside Regulated Abatement Work Area

Notes:
(1) For sample location and total number required, see Subparts 56-6 through 56-9.
(2) 1 sample outside the building/structure if entire building/structure is regulated abatement work area.
(3) Required on glove bag failure or loss of integrity, or tent failure or loss of integrity.
(4) Required for an Incidental Disturbance Project or if minor size regulated abatement work area is part of small or large asbestos project.
(5) Required for all OSHA Class I and Class II Friable ACM asbestos projects.
(6) During IIC final cleaning stage, air sampling as per Phase IIB is required.
(7) One additional inside sample shall be required for every 5,000 sq. ft. above 25,000 sq. ft. of floor space within the regulated abatement work area.

SUBPART 56-5
PHASE IA: ASBESTOS SURVEY PLANNING AND DESIGN

56-5.1 Asbestos Survey Requirements for Building/Structure Demolition, Renovation, Remodeling and Repair

(a) **Asbestos Survey Required.** An owner or an owner's agent, except the owner of one and two-family dwellings who contracts for, but does not direct or control the work, shall cause to be conducted, an asbestos survey completed by a licensed asbestos contractor using inspectors certified in compliance with Section 56-3.2(d), to determine whether or not the building or structure, or portion(s) thereof to be demolished, renovated, remodeled, or have repair work, contains ACM, PACM or asbestos material. This asbestos survey shall be completed and submitted as indicated in Subdivision (g) of this Section, prior to commencing work. All such asbestos surveys shall be conducted in conformance with the requirements of Subdivision (e) of this Section.

(b) **Exemptions To Asbestos Survey Requirements**: The asbestos survey required by this Subdivision (a) of this Section shall not be required for the following classes of buildings or structures:

(1) an agricultural building;

(2) buildings or structures for which original construction commenced on or after January 1, 1974;

(3) A structure certified in writing to be structurally unsound by a licensed Professional Engineer, Registered Architect, Building Inspector, Fire Inspector or other official of competent jurisdiction. (See Section 56-11.5)

(c) **Building/Structure Demolition**. If a building/structure asbestos survey is not required or performed per Subdivision (b) of this Section, and the building/structure is certified to be unsound or slated for contracted demolition, the building/structure shall be assumed to contain asbestos, and shall be demolished per this Part, unless the building/structure is adequately certified to be free of asbestos containing material. Acceptable documentation for certification shall be a previous thorough building/structure asbestos survey, abatement records or other documentation acceptable to the Commissioner or his or her representative.

(d) **Responsibility To Comply.** No exemption to the requirement to conduct an asbestos survey shall exempt any person, asbestos contractor, property owner or business entity from the inspection or asbestos survey requirements of EPA, OSHA, and any other applicable section of this Part.

(e) **Building/Structure Asbestos Survey Requirements.** The asbestos survey shall include a thorough inspection for and identification of all PACM, suspect miscellaneous ACM, or asbestos material throughout the building/structure or portion thereof to be demolished, renovated, remodeled, or to have repair work. The required inspection shall be performed by a certified asbestos inspector, and, at a minimum, shall include identification of PACM, suspect miscellaneous ACM or asbestos material by all of the following methods:

(1) The review of building/structure plans and records, if available, for references to asbestos, ACM, PACM, suspect miscellaneous ACM or asbestos material used in construction, renovation or repair; and

(2) A visual inspection for PACM and suspect miscellaneous ACM throughout the building/structure or portion thereof to be demolished, renovated, remodeled, or repaired. For the purpose of this Part, all PACM and suspect miscellaneous ACM visually assessed shall be treated and handled as ACM and shall be assumed to be ACM, unless bulk sampling is conducted as per this Section, standard EPA and OSHA accepted methods, including multi-layered systems sampling protocols; the subsequent analyses are performed by a laboratory that meets the requirements of Section 56-4.2 of this Part; and the analyses satisfies both ELAP and federal requirements, including multi-layered sample analyses, to document non-asbestos containing material.

(f) **Building/Structure Asbestos Survey Information.**

(1) The asbestos survey shall, at a minimum, identify and assess with due diligence, the locations, quantities, friability and conditions of all types of installations at the affected portion of the building/structure relative to the ACM, suspect miscellaneous ACM, PACM or asbestos material contained therein. The following list is not inclusive of all types of ACMs, it only summarizes typical ACMs. The certified asbestos inspector is responsible for identification and assessment of all types ACM, PACM, suspect miscellaneous ACM and asbestos material within the affected portion of the building/structure:

(i) PACM

(a) **Surfacing Treatments:**

(1) Fireproofing;

(2) Acoustical Plaster;

(3) Finish Plasters; and

(4) Skim Coats of Joint Compound.

(b) **Thermal System Insulation:**

(1) Equipment Insulation;

(2) Boiler, Breeching, Duct, or Tank Insulation, Cement or Mortar Used for Boilers and Refractory Brick;

(3) Piping and Fitting Insulations including but not limited to, Wrapped Paper, Aircell, Millboard, Rope, Cork, Preformed Plaster, Job Molded Plaster and coverings over fibrous glass insulation.

(ii) SUSPECT MISCELLANEOUS ACM

(a) **Roofing and Siding Miscellaneous Materials:**

(1) Insulation Board;

(2) Vapor Barriers;

(3) Coatings;

(4) Non-Metallic or Non-Wood Roof Decking;

(5) Felts;

(6) Cementitious Board (Transite);

(7) Flashing;

(8) Shingles; and

(9) Galbestos.

(b) **Other Miscellaneous Materials:**

(1) Dust and Debris;

(2) Floor Tile;

(3) Cove Base;

(4) Floor Leveler Compound;

(5) Ceiling Tile;

(6) Vermiculite Insulation;

(7) Gaskets, Seals, Sealants (including for condensate control);

(8) Vibration Isolators;

(9) Laboratory Tables and Hoods;

(10) Chalkboards;

(11) Pipe Penetration Packing or Other Firestopping Materials;

(12) Cementitious Pipe (Transite);

(13) Cementitious Board (Transite);

(14) Electrical Wire Insulation;

(15) Fire Curtains;

(16) Fire Blankets;

(17) Fire Doors;

(18) Brakes and Clutches;

(19) Mastics, Adhesives and Glues;

(20) Caulks;

(21) Sheet Flooring (Linoleum);

(22) Wallpaper;

(23) Drywall;

(24) Plasterboard;

(25) Spackling/Joint Compound;

(26) Textured Paint;

(27) Grout;

(28) Glazing Compound;

(29) Terrazzo; and

(30) Boiler Rope.

(2) All ACM, PACM, suspect miscellaneous ACM, or asbestos material reported under Paragraph (1) of this Subdivision shall include the location of the materials, an estimate of the quantities, types, friability and condition of the identified materials to be treated and handled as ACM. For the purpose of this Part, all PACM and suspect miscellaneous ACM visually assessed shall be treated and handled as ACM and shall be assumed to be ACM, unless bulk sampling is conducted as per this Section, standard EPA and OSHA accepted methods, including multi-layered systems sampling protocols; the subsequent analyses are performed by a laboratory that meets the requirements of Section 56-4.2 of this Part; and the analyses satisfies both ELAP and federal requirements, including multi-layered sample analyses, to document non-asbestos containing material.

(3) The building/structure asbestos survey shall also include the building/structure name, address, the building/structure owner's name and address, the name and address of the owner's agent, the name of the firm performing the asbestos survey and a copy of the firm's current asbestos handling license, the names of the certified inspector(s) performing the survey and a copy of the current asbestos handling certificate for each inspector utilized, the dates of the asbestos survey, a listing of homogeneous areas identifying which ones are ACM, all laboratory analyses reports for bulk samples collected, and copies of the appropriate certifications for the laboratory used for analysis of samples taken during the asbestos survey.

(g) **Transmittal of Building/Structure Asbestos Survey Information.** One (1) copy of the results of the building/structure asbestos survey shall be immediately transmitted by the building/structure owner as follows:

(1) One (1) copy of the completed asbestos survey shall be sent by the owner or their agent to the local government entity charged with issuing a permit for such demolition, renovation, remodeling or repair work under applicable State or local laws.

(2) The completed asbestos survey for controlled demolition (as per Subpart 56-11.5) or pre-demolition asbestos projects shall also be submitted to the appropriate Asbestos Control Bureau district office.

(3) The completed asbestos survey shall be kept on the construction site with the asbestos notification and variance, if required, throughout the duration of the asbestos project and any associated demolition, renovation, remodeling or repair project.

(h) **Removal Required.** If the building/structure asbestos survey finds that the portion of the building/structure to be demolished, renovated, remodeled, or have repair work contains ACM, PACM, suspect miscellaneous ACM assumed to be

ACM, or asbestos material, which is impacted by the work, the owner or the owner's agent shall conduct, or cause to have conducted, asbestos removal performed by a licensed asbestos abatement contractor in conformance with all standards set forth in this Part. All ACM, PACM, suspect miscellaneous ACM assumed to be ACM, or asbestos material impacted by the demolition, renovation, remodeling or repair project shall be removed as per this Part, prior to access or disturbance by other uncertified trades or personnel. No demolition, renovation, remodeling or repair work shall be commenced by any owner or the owner's agent prior to the completion of the asbestos abatement in accordance with the notification requirements of this Part. For multi-phased work, the access restriction for uncertified trades or personnel applies to each intermediate portion of the entire project. Upon completion of the intermediate portion of the asbestos project, other trades or personnel may access that portion of the work site. For demolition projects that are exempt from asbestos survey requirements due to being structurally unsound, the demolition is considered an asbestos project and shall proceed as per Section 56-11.5.

(1) All building/structure owners and asbestos abatement contractors on a demolition, renovation, remodeling, or repair project, which includes work covered by this Part, shall inform all trades on the work site about PACM, ACM, asbestos material and suspect miscellaneous ACM assumed to be ACM at the work site.

(i) **Bidding.** Bids may be advertised and contracts awarded for demolition, remodeling, renovation, or repair work, but no work on the current intermediate portion of the project shall commence on the demolition, renovation, remodeling or repair work by any owner or agent prior to completion of all necessary asbestos abatement work for the current intermediate portion of the entire project, in conformance with all standards set forth in this Part.

(j) **Unidentified and Unassessed Asbestos.** When any construction activity, such as demolition**,** remodeling, renovation or repair work, reveals PACM or suspect miscellaneous ACM that has not been identified by the asbestos survey per this Part, or has not been identified by other inspections as per current OSHA or EPA requirements, all activities shall cease in the area where the PACM or suspect miscellaneous ACM is found and the Asbestos Control Bureau shall be notified by telephone by the building/structure owner or their representative, followed with a written notice in accordance with the notification requirements of this Part. Unassessed PACM or suspect miscellaneous ACM shall be treated and handled as ACM and assumed to be ACM, unless proven otherwise by standard EPA and OSHA accepted methods, including multi-layered systems sampling protocols; subsequent analyses performed by a laboratory that meets the requirements of Section 56-4.2 of this Part; and the analyses satisfies both NYS ELAP and federal requirements, including multi-layered sample analyses, to document non-asbestos containing material.

SUBPART 56-6
PHASE IB: BACKGROUND AIR SAMPLING

56-6.1 General Requirements. See Subpart 56-4

56-6.2 Number and Location of Background Air Samples.

(a) **Phase I B Background Sampling - Large Asbestos Project.** Prior to asbestos abatement contractor mobilization and starting Phase II A, a minimum of five (5) samples shall be taken inside the intended regulated abatement work area, and a minimum of five (5) samples shall be taken outside of the intended regulated abatement work area within the building or structure in uncontaminated areas that are within ten (10) feet of the anticipated locations of isolation or critical barriers. If the entire building/structure is the intended regulated abatement work area, the five (5) air samples outside the regulated abatement work area shall be eliminated, and a minimum of one (1) background ambient air sample shall be taken outside of the building or structure, as close as possible to the area where abatement work is to be conducted. (See Table 2 in Subpart 56-4)

(b) **Phase I B Background Sampling - Small Asbestos Project.** Prior to asbestos abatement contractor mobilization and starting Phase II A, a minimum of three (3) samples shall be taken inside the intended regulated abatement work area and three (3) samples shall be taken outside of the intended regulated abatement work area within the building or structure in uncontaminated areas that are within ten (10) feet of the anticipated locations of isolation or critical barriers. If the entire building/structure is the intended regulated abatement work area, the three (3) air samples outside the regulated abatement work area shall be eliminated, and a minimum of one (1) background ambient air sample shall be taken outside of the building or structure, as close as possible to the area where abatement work is to be conducted. (See Table 2 in Subpart 56-4)

(c) **Phase I B Background Sampling – Minor Asbestos Project.** Not Required.

56-6.3 Establishment of Background Level. The most elevated air sample result per group of inside work area or outside work area background air samples comprise the established background level(s) for that intended regulated abatement work area.

SUBPART 56-7
PHASE II A : WORK AREA PREPARATION

56-7.1 Air Sampling Requirements.

(a) **Personal Air Sampling.** Air sampling shall be performed in the worker's breathing zone, by the asbestos contractor for his personnel, as required by current OSHA regulations.

(b) **Daily Air Sampling.** Project air sampling shall be conducted daily for the full workshift, for all Large size projects with OSHA Class I or OSHA Class II friable ACM subject to handling/abatement. (See Table 2 within Subpart 56-4) If more than one daily workshift is required to accomplish the work, air sampling shall be performed on each workshift. Air sampling is not required on days when there are no Phase II A activities.

(c) **Number And Location Of Samples – Large Asbestos Projects.** A minimum of five (5) samples shall be taken on a daily basis. The location of samples to be taken are as follows:

(1) A minimum of two (2) samples shall be taken outside the regulated abatement work area, within ten (10) feet of the isolation or critical barriers. When positive pressurized HVAC ducts are located within the regulated abatement work area, one of these samples shall be collected within ten (10) feet of an HVAC diffuser, at the downstream side of the positive pressurized HVAC ducts, in adjoining non-work areas. Where the entire building/structure is the regulated abatement work area, an additional exterior ambient air sample, remote from that in Paragraph (3) of this Subdivision below shall be taken.

(2) A minimum of one (1) sample shall be taken outside the regulated abatement work area, within ten (10) feet of and within proximity to each entrance or exit from the regulated abatement work area.

(3) One (1) ambient air sample shall be taken outside the building or structure within twenty-five (25) feet of the building or structure.

(4) Once the negative air systems have been established, one (1) sample shall be taken in front of and within ten (10) feet of each unobstructed, negative pressure ventilation equipment exhaust or bank (grouping of not more than five (5) exhaust ports at one termination area) of exhausts but not within a duct itself.

(5) Once the negative air systems have been established, where negative ventilation unit exhaust ducts run through the non-work area portions of a building or structure to access the exterior, one (1) sample shall be

collected in the building or structure, within ten (10) feet of the duct system.

(6) If remote decontamination units are used, one (1) sample shall be collected at each entrance/exit from each personal decontamination and waste decontamination enclosure.

(d) **Work Stoppage Criteria During Phase II A Abatement Procedures.** If air samples collected outside the regulated abatement work area, indicate airborne fiber concentrations at or above 0.01 fibers per cubic centimeter, or the established background level, whichever is greater, work shall stop immediately for inspection and repair of barriers and negative air ventilation systems as necessary. Clean up of surfaces outside of the regulated abatement work area using HEPA-vacuums and wet-cleaning methods shall be performed prior to resumption of work area preparation activities. A summary of clean up activities and the results of barrier inspections including any necessary repairs, shall be documented in the supervisor's daily project log. Work methods shall be altered accordingly to reduce fiber concentrations to acceptable levels. No ACM, PACM or asbestos material shall be disturbed during Phase IIA activities.

56-7.2 Materials and Equipment.

(a) **Storage of Materials.** Asbestos Project non-ACM preparatory and waste transfer materials (i.e. plastic sheeting, duct tape, clean waste containers, etc.) shall be stored to prevent damage or contamination. Replacement materials shall be stored outside all project regulated abatement work areas, staging areas and waste transfer/storage areas until Phase II C is completed.

(b) **Damaged or Deteriorating Materials.** Damaged or deteriorating non-ACM materials shall not be used and shall be removed from the premises.

(c) **Fireproofing or Insulation Replacement.** When ACM, PACM or asbestos material that has been used for fireproofing or insulation (thermal, chemical, electrical, acoustical, etc.) has been removed as part of an asbestos project, and the building is not scheduled for demolition or replacement of the affected building system, fireproofing or insulation at least equivalent to that removed, shall be installed and maintained by the building/structure owner in conformance with all applicable codes.

(d) **Adhesive Materials.** Duct tape and spray adhesive shall be capable of sealing joints of adjacent sheets of plastic, facilitating attachment of plastic sheets to finished or unfinished surfaces of dissimilar materials and adhering under both dry and wet conditions.

(e) **Caulks.** Non-ACM products shall be used to seal openings and penetrations during regulated abatement work area preparation and installation of critical barriers.

(f) **Containers.** Watertight lockable containers shall be provided to receive and retain any asbestos containing or contaminated material for storage until disposal. The containers shall be marked with danger labels.

(g) **Enclosure Project Material.** Materials for enclosure projects shall be impact resistant and installed to be airtight.

(h) **Fire-Retardant Expandable Foam.** Non-ACM products with a flashpoint above 140 degrees Fahrenheit, shall be used to seal openings and penetrations during regulated abatement work area preparation and installation of critical barriers.

(i) **Ladders or Scaffolds.** Where ladders or scaffolds are used on a project to allow all work surfaces to be easily and safely reached for removal and cleaning, care shall be taken to prevent breaching of the containment areas. Scaffold joints and ladder openings shall be sealed with duct tape to prevent incursion of asbestos. Scaffolds, ladders and their use shall comply with OSHA 29 CFR 1926 and other applicable codes.

(j) **Ladders and Scaffolds for Visitors.** During Phase II of the asbestos project, the asbestos abatement contractor shall make available, to authorized visitors, ladders or scaffolds of sufficient dimension and quantity so that all work surfaces can be easily and safely reached. Scaffolds, ladders and their use shall comply with OSHA 29 CFR 1926 and other applicable codes.

(k) **Plastic Bags**. Plastic bags used for waste storage or disposal shall be at least six (6) mil in thickness and be marked with danger labels.

(l) **Plastic Sheeting.** Fire-retardant plastic sheeting of at least six (6) mil thickness in sizes and shapes to minimize the number of joints shall be used.

(m) **Repair Materials.** Non-ACM materials shall be used. Repair materials shall be compatible with existing materials and substrates. Insulation and other repair materials shall also comply with all applicable building, energy and fire codes and shall be installed in accordance with these codes and manufacturer's recommendations.

(n) **Surfactants.** Any surfactant used shall be non-carcinogenic and non-toxic in its liquid form.

(o) **Ventilation for Power Tools.** Power tools used to drill, cut, or otherwise disturb asbestos material in regulated abatement work areas, shall be manufacturer equipped with HEPA-filtered local exhaust ventilation.

56-7.3 Asbestos Abatement Contractor Daily Project Log. The asbestos abatement contractor shall maintain a daily project log of all pertinent events that occur throughout Phase II of the asbestos project. This project log shall be updated daily throughout Phase II by the on-site supervisor, and shall be kept on-site for the duration of Phase II of the asbestos project. This log shall be made available upon verbal request of the Commissioner or his or her duly authorized representative. The following list summarizes the various sections of this Part that require entries into the daily project log by the asbestos abatement contractor supervisor:

(a) **Sections 7.1(d), 8.1(b)(2), 9.2(b)(2) – Work Stoppage Due to High Air Results.** High air result(s) shall be noted along with the time of the work cessation, results of barrier and negative air system inspection, and a summary of any necessary repairs and the required cleaning.

(b) **Section 7.8(a)(4) – Manometer Readings.** To be documented twice per workshift.

(c) **Section 7.8(a)(10) – Negative Air System.** Daily (even days without workshifts) inspection results and any necessary repairs to be documented.

(d) **Section 7.9(a)(3) – HVAC System Positive Pressurization.** Daily (even days without workshifts) inspection and any necessary repairs to be documented.

(e) **Section 8.2(d) – Inspection of Barriers.** Daily (even days without workshifts) inspection results and any necessary repairs to be documented. Inspections shall be twice per workshift on days with scheduled work.

(f) **Section 8.2(f) – Testing of Barriers and Enclosures.** Daily testing as per Section 8.2(f) and any resulting necessary repairs to be documented.

(g) **Section 8.2(h) – Daily Cleaning of Enclosures.** Cleaning to be documented daily at the end of the workshift.

(h) **Section 8.6(b)(2)(iv) – Intermediate Completions.** Results of each visual inspection and time of each intermediate completion shall be documented by the supervisor in the daily project log.

(i) **Section 9.1(d) – Visual Inspection by Project Monitor Prior to Clearance Air Sampling.** To be documented in daily log by project monitor, along with supervisor.

(j) **Section 9.2(e) – Visual Inspection by Project Monitor for Regulated Abatement Work Areas Exempt from Clearance Air Sampling.** To be documented in daily project log by project monitor, along with supervisor.

(k) **Sections 9.3(c), 10.4, 11.2(f), 11.3(e), 11.4(d), 11.5(c), 11.6(e), 11.7(d), 11.8(d) – Final Inspection.** To be documented by supervisor at completion of asbestos project and/or work area.

56-7.4 Establishing Each Regulated Abatement Work Area.

(a) **Vacating of Regulated Abatement Work Area.** The regulated abatement work area shall be vacated by the occupants and non-certified personnel, prior to work area preparation, and shall remain vacated until satisfactory clearance air-sampling results have been achieved or the asbestos project is complete.

(b) **Restricted Entry.** Entry to the regulated abatement work area shall be restricted to the asbestos contractors involved with the asbestos project, employees of the asbestos contractors, authorized visitors, and other public safety personnel. Police and fire officials may enter the work site and not be subject to this Part only on an emergency basis.

(c) **Signs.** Asbestos warning signs, required as per current OSHA regulations shall be posted to restrict access to the regulated abatement work area at all locations and approaches to a location where airborne concentrations of asbestos may exceed ambient background levels. During Phase II A - D activities, signs shall be posted at locations such that persons may take the necessary protective measures to avoid potential exposure.

56-7.5 Personal and Waste Decontamination System Enclosures

(a) **Installation.** Personal decontamination system enclosures shall be constructed and functional prior to commencing the remainder of the Phase IIA regulated abatement work area preparation activities. Waste decontamination system enclosures shall be constructed and functional at the completion of Phase IIA preparation activities. After installation of the personal decontamination system enclosure, all access to the regulated abatement work area shall be via the installed personal decontamination system enclosure.

(b) **Personal Decontamination System Enclosure - Large Project.**

(1) **Enclosure – General.** A personal decontamination system enclosure shall be provided outside the regulated abatement work area and attached to all locations where personnel shall enter or exit the regulated abatement work area. One personal decontamination enclosure system for each regulated abatement work area shall be required. This system may utilize adequate existing lighting sources separate from the decontamination system enclosure, or shall be supplied with a GFCI protected temporary lighting system. The personal decontamination system enclosure shall be sized to accommodate the number of workers and equipment required for the intended purpose. Such system may consist of existing attached rooms outside of the regulated abatement work area, if the layout is appropriate, that can be plasticized and are accessible from the regulated abatement work area. When this situation does not exist, personal decontamination enclosure systems may be constructed of metal, wood or plastic supports covered with fire-retardant plastic sheeting. A minimum of one (1) layer of six (6) mil fire-retardant plastic sheeting shall be installed on the ceiling, and walls of the enclosure system. At least two (2) layers of six (6) mil fire-retardant reinforced plastic sheeting shall be used for flooring protection of this area. This system must be kept clean, sanitary and climate controlled at all times in conformance with all federal, state and local government requirements. This system shall remain on-site, operational and be used until completion of Phase II C of the asbestos project.

(2) **Rooms and Configuration.** The personal decontamination system enclosure shall consist of a clean room, a shower room and an equipment room connected in series but separated from each other by airlocks. There shall be a curtained doorway separation between the equipment room and the regulated abatement work area, and there shall be a lockable door to the outside. (See Figure 1 within this Section) Minimum dimensions for each airlock, shower room and equipment room shall be three (3) feet wide by six (6) feet in height, to allow for adequate access to and from the regulated abatement work area.

(3) **Curtained Doorway.** An assembly which consists of at least three (3) overlapping sheets of six (6) mil fire retardant plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and

left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to insure that the sheets hang straight and maintain a seal over the doorway when not in use.

(4) **Framing.** Enclosures systems accessible to the public shall be fully framed, hard-wall sheathed and utilize a lockable door for safety and security.

(5) **Sheathing.** A plywood or oriented strand board (OSB) sheathing material of at least 3/8-inch thickness.

(6) **Plastic Sheeting.** Enclosure systems constructed at the work site shall use at least one (1) layer of six (6) mil fire-retardant plastic sheeting on walls and ceiling. At least two (2) layers of six (6) mil fire-retardant reinforced plastic sheeting shall be used for floor protection of this area.

(7) **Prefabricated or Trailer Units.** A completely watertight fiberglass or marine painted prefabricated unit does not require plasticizing. Rooms shall be configured as per paragraph (2) of this Section. All prefabricated or trailer decontamination units shall be kept in good condition, and shall be completely decontaminated after final cleaning and immediately prior to clearance air sampling. Upon receiving satisfactory clearance air results, the prefabricated units shall be sealed then separated from the regulated abatement work area and removed from the site.

(8) **Clean Room.** The clean room shall be sized to accommodate a full workshift of asbestos abatement contractor personnel, as well as the air sampling technician and the project monitor. The clean room shall be a minimum of six (6) feet in height. A minimum of thirty-two (32) square feet of floor space shall be provided for every six (6) full shift abatement workers, calculated on the basis of the largest work shift. If the largest work shift consists of three (3) or less full shift abatement workers, the minimum clean room size requirement is reduced to twenty-four (24) square feet of floor space. Benches, lockers and hooks shall be provided for street clothes. Shelves for storing respirators shall be provided. Clean clothing, replacement filters for respirators, towels and other necessary items shall be provided. The clean room shall not be used for storage of tools, equipment or materials. It shall not be used for office space. A lockable door shall be provided to permit access to the clean room from outside the regulated abatement work area or enclosure and shall be used to secure the regulated abatement work area and decontamination enclosure during non-work hours.

(9) **Shower Room.** The shower room shall contain one (1) shower per every six (6) full shift abatement workers, calculated on the basis of the largest work shift. Multiple showers shall be simultaneously accessible (installed in parallel) to certified personnel. Each showerhead shall be supplied with hot and cold water adjustable at the tap. The shower enclosure shall be constructed to ensure against leakage of any kind. Uncontaminated soap,

shampoo and towels shall be available at all times. Shower water shall be drained, collected and filtered through a system with at least 5.0-micron particle size collection capability. Submersible pumps shall be installed, maintained and utilized in accordance with pertinent OSHA regulations and manufacturer's recommendations. A multi-stage filtering system containing a series of several filters with progressively smaller pore sizes shall be used to avoid rapid clogging of the filtering system by larger particles. Filtered wastewater shall be discharged in accordance with applicable codes. Contaminated filters shall be disposed of as asbestos-contaminated waste.

(10) **Equipment Room.** The equipment room shall be used for the storage of decontaminated equipment and tools. A one (1) day supply of replacement filters for HEPA-vacuums and negative pressure ventilation equipment in sealed containers, extra tools, containers of surfactant and other materials and equipment that may be required during the abatement project may also be stored here. A container lined with a labeled, at least six (6) mil plastic bag for collection of clothing shall be located in this room. Contaminated footwear and work clothes shall be stored in this area.

(11) **Airlocks.** Airlock construction shall consist of two (2) curtained doorways with three (3) alternating six (6) mil fire retardant polyethylene curtains per doorway, separated by a distance of at least three (3) feet, such that one passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the next doorway. Minimum airlock size shall be three (3) feet wide, by three (3) feet long, by six (6) feet in height.

(c) **Personal Decontamination System Enclosure - Small Project.**

(1) **Enclosure Requirements.** A personal decontamination system enclosure for a Small asbestos project shall consist of, at a minimum, an equipment room, a shower room and a clean room separated from each other and from the regulated abatement work area and other areas by curtained doorways as defined in Section 56-2.1. All other provisions for personal decontamination system for a Large asbestos project shall apply. Equipment storage, personal gross decontamination and removal of clothing shall occur in the equipment room just prior to entering the shower. (See Figure 4 in this Section) The full personal decontamination system enclosure specified for Large asbestos projects is recommended.

(d) **Remote Personal Decontamination System Enclosure.** If a personal decontamination system cannot be attached to the regulated abatement work area, due to available space restrictions or other building and fire code restrictions, a remote personal decontamination system enclosure may be used for limited Special Projects as per subpart 56-11, negative pressure tent enclosure work areas with glovebag only abatement, or if non-friable ACM is being removed in a manner which will not render the ACM friable. **If it is found**

during Phase IIB, that the non-friable ACM or asbestos material will become friable during the removal process, and it is logistically possible to attach the decontamination system enclosure, abatement work must stop immediately while the remote personal decontamination system is relocated to be attached and contiguous to the regulated abatement work area. The following requirements apply for all remote personal decontamination systems:

(1) **Protective Clothing.** Workers shall don two (2) sets of disposable protective clothing and a supply of protective clothing shall be kept in the airlocks attached to the regulated abatement work area.

(2) **Location.** The remote personal decontamination system shall be constructed as close to the regulated abatement work area as physically possible. If the remote personal decontamination system must be located at the exterior of the building/structure due to space or code restrictions, it shall be constructed within fifty (50) feet of the building/structure exit used for access by the asbestos abatement contractor personnel. The decontamination unit shall be cordoned off at a distance of twenty-five (25) feet to separate it from public areas.

(3) **Airlocks.** At a minimum, two (2) extra airlocks as defined in Section 56-2.1 shall be constructed as per Section 56-7.5(b)(11). One shall be constructed at the entrance to the equipment room or equipment/washroom. The other extra airlock shall be constructed at the entrance to the containment or regulated abatement work area(s). These airlocks shall have lockable doorways at the entrance to the airlock from uncontaminated areas. These airlocks shall be cordoned off at a distance of twenty-five (25) feet and appropriately signed in accordance with Section 56-7.4(c). Airlocks shall not be used as a waste decontamination area and shall be kept clean and free of asbestos containing material.

(4) **Designated Pathway.** The walkway from the regulated abatement work area to the personal decontamination system or next regulated abatement work area shall be cordoned off and signage installed as per Section 56-7.4(c), to delineate it from public areas while in use during Phase IIA through IID.

(5) **Travel Through Uncontaminated Areas.** If at any time a worker must travel through an uncontaminated area to access the personal decontamination area, the worker shall HEPA-vacuum and/or wet wipe his/her outer protective clothing while in the regulated abatement work area, then proceed into the airlock, which serves as a changing area, where he/she shall remove the outer clothing and don a clean set of protective clothing. The worker may then proceed to the personal decontamination system enclosure only along a designated pathway as described above. Travel in any other area shall not be allowed.

(6) **Removal.** The remote personal decontamination unit shall be removed only after satisfactory clearance air sampling results have been achieved.

(e) **Waste Decontamination System Enclosure - Large and Small Asbestos Projects.**

(1) **Enclosure – General.** A waste decontamination system enclosure shall be provided outside the regulated abatement work area and shall be attached to the regulated abatement work area. One (1) waste decontamination enclosure for each regulated abatement work area shall be required. This system may utilize adequate existing lighting sources separate from the decontamination system enclosure, or shall be supplied with a GFCI protected temporary lighting system. The waste decontamination system enclosure shall be sized to accommodate the number of workers and equipment for the intended purpose. Such system may consist of existing attached rooms outside of the regulated abatement work area, if the layout is appropriate, that can be plasticized and are accessible from the regulated abatement work area. When this situation does not exist, enclosure systems may be constructed of metal, wood or plastic supports covered with fire-retardant plastic sheeting. A minimum of one (1) layer of six (6) mil fire-retardant plastic sheeting shall be installed on the ceiling, and walls of the enclosure system. At least two (2) layers of six (6) mil fire-retardant reinforced plastic sheeting shall be used for flooring protection of this area. This system must be kept clean, sanitary and climate controlled at all times in conformance to all federal, state and local government requirements. This system shall remain and be used until completion of Phase II C of the asbestos project.

(2) **Rooms and Configuration.** A waste decontamination system enclosure shall consist of a washroom and a holding area connected in series but separated from each other by an airlock. There shall be a lockable door to the outside, and there shall be a curtained doorway between the washroom and the regulated abatement work area. (See Figure 2 in this Section)

(3) **Curtained Doorway.** An assembly which consists of at least three (3) overlapping sheets of six (6) mil fire retardant plastic over an existing or temporarily framed doorway. One (1) sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to insure that the sheets hang straight and maintain a seal over the doorway when not in use.

(4) **Washroom.** A room/chamber between the regulated abatement work area and the holding area in the waste decontamination system enclosure, where equipment and waste containers are wet cleaned or HEPA-vacuumed. Adequate drainage and bag/container wash water shall be provided within the room/chamber, as well as a sufficient quantity of clean waste bags/containers.

(5) **Equipment/Washroom Alternative.** Where there is only one (1) exit from the regulated abatement work area, the holding area of the waste decontamination system enclosure may branch off from the equipment room of the personal decontamination system enclosure. The equipment room will also be used as a waste washroom. (See Figure 3 in this Section)

(6) **Plastic Sheeting.** Waste decontamination system enclosures constructed at the work site shall use at least one (1) layer of six (6) mil fire-retardant plastic sheeting on walls and ceiling. At least two (2) layers of six (6) mil fire-retardant reinforced plastic sheeting shall be used for flooring protection of these areas.

(7) **Enclosure Security.** The waste decontamination system enclosure and regulated abatement work area airlock(s) (when remote decontamination systems are used) shall be constructed with lockable doors to prevent unauthorized entry. Enclosures systems located within twenty-five (25) feet of an area of public access shall be fully framed and hard-wall sheathed for safety.

(8) **Drains.** The waste washroom shall be equipped with a wash bin of sufficient size to perform waste container washing operations and shall have a submersible pump installed to collect waste water and deliver it to the shower wastewater filtration system where it shall be filtered in accordance with paragraph (b)(9) of this Section.

(9) **Shower/Washroom Alternative - Small Asbestos Project.** For Small asbestos projects with only one (1) exit from the regulated abatement work area, the shower room may be used as a waste washroom. The clean room shall not be used for waste storage, but shall be used for waste transfer to carts, which shall be immediately removed from the enclosure. Waste shall be transferred only during times when the showers are not in use. (See Figure 4 in this Section)

(f) **Waste Decontamination System Enclosure – When Remote Personal Is Allowed.** When a remote personal decontamination system enclosure is allowed and utilized for a regulated abatement work area, the following requirements shall apply:

(1) **Minor Size Regulated Abatement Work Area.** No specific waste decontamination system enclosure is required for minor size regulated abatement work areas. The waste generated shall be immediately bagged/containerized within the regulated abatement work area.

(2) **Small & Large Size Regulated Abatement Work Areas.**

(i) **Washroom.** An additional chamber shall be constructed within the regulated abatement work area, attached to the existing airlock used to access the work area. The washroom/airlock combination shall be utilized as the contiguous waste decontamination enclosure for waste bagging/containerization and waste transfer

activities. The washroom shall be constructed and supplied with equipment/materials consistent with waste decontamination system enclosure washroom requirements for contiguous personal and waste decontamination system enclosures.

(ii) **Removal.** The washroom chamber shall be removed only after satisfactory clearance air sampling results have been achieved.

Figure 1
PERSONAL DECONTAMINATION SYSTEM ENCLOSURE
LARGE ASBESTOS PROJECT (OPTIONAL FOR SMALL ASBESTOS PROJECT)

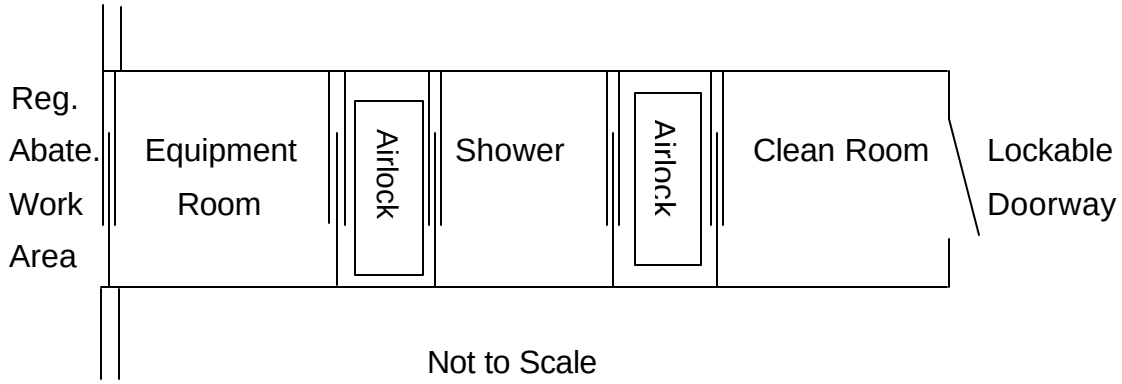


Figure 2
WASTE DECONTAMINATION SYSTEM ENCLOSURE
LARGE ASBESTOS PROJECT
(OPTIONAL FOR SMALL ASBESTOS PROJECT)

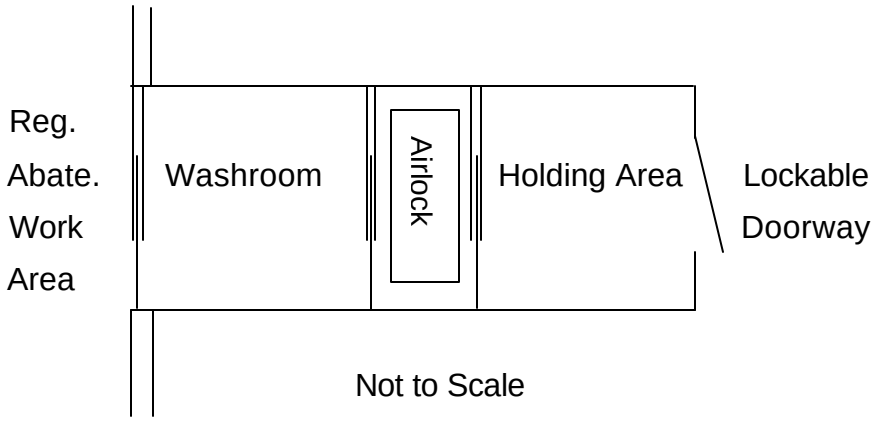


Figure 3

PARALLEL PERSONAL AND WASTE DECONTAMINATION SYSTEM ENCLOSURES

LARGE ASBESTOS PROJECT
(OPTIONAL FOR SMALL ASBESTOS PROJECT)

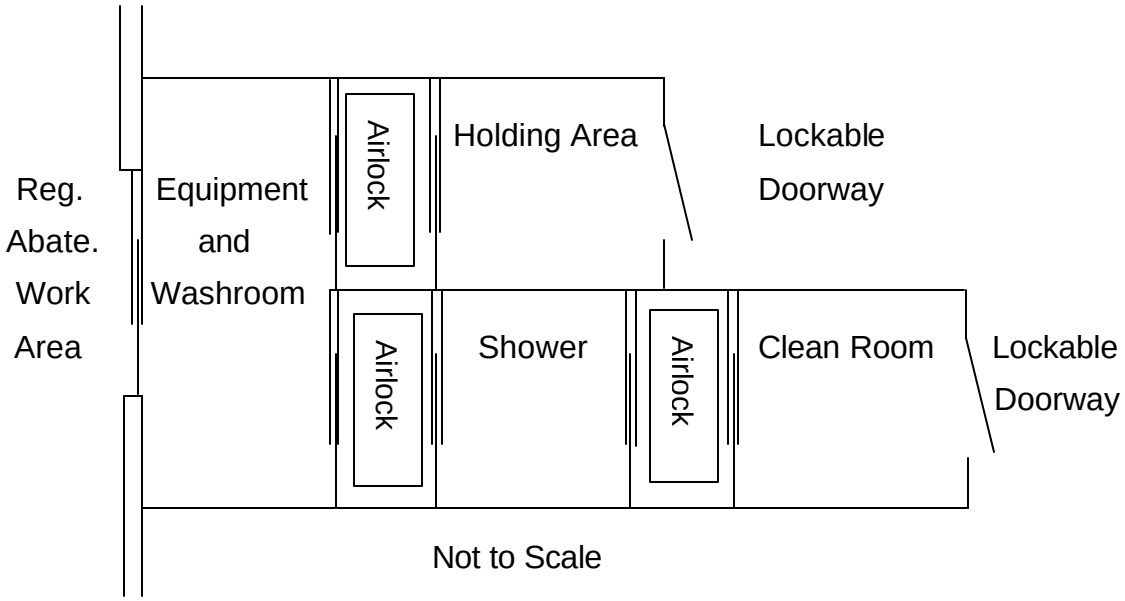
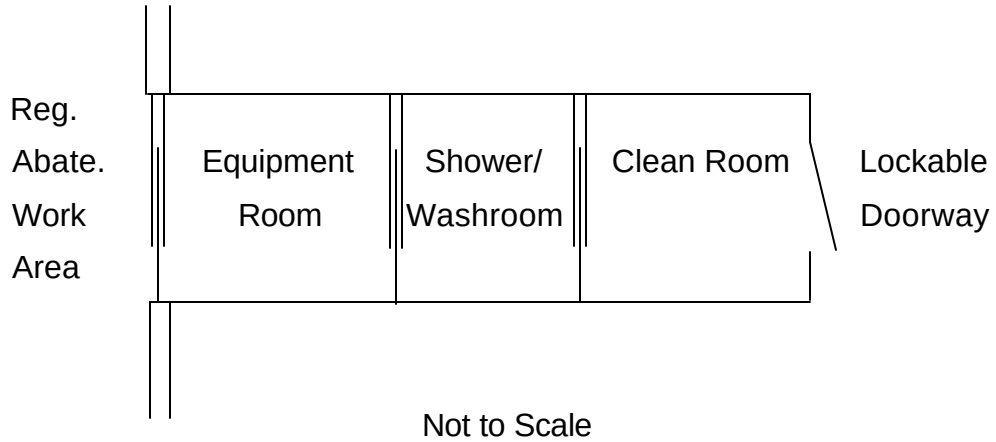


Figure 4

PERSONAL AND WASTE DECONTAMINATION SYSTEM ENCLOSURE FOR A SMALL ASBESTOS PROJECT



56-7.6 Personal Protective Equipment (PPE). After the installation of the personal decontamination system, full PPE in compliance with current OSHA regulations shall be worn in regulated abatement work areas during preparation activities, for all friable OSHA Class I or Class II asbestos projects. Asbestos abatement contractor's respirator selection, filter selection, medical surveillance and respiratory training must be consistent with current OSHA regulations. Appropriate respiratory protection is also required of authorized visitors in accordance with this Part.

56-7.7 Electric Power. Shutdown and lock out of electric power to all negative pressure containment enclosures within the regulated abatement work areas shall be required as per current applicable OSHA standards. All existing power to fixtures, lights, machinery and outlets within the enclosure must be shut down and locked out. The asbestos abatement contractor shall provide temporary power and lighting to the regulated abatement work area, and insure safe installation of temporary power sources and equipment used where high humidity or water shall be sprayed in accordance with all applicable codes. All temporary power to regulated abatement work areas shall be brought in from outside the regulated abatement work area. This temporary power shall be protected by a ground fault circuit interrupter (GFCI) before the entry point to the regulated abatement work area. The negative air equipment shall be on GFCI protected circuits separate from the remainder of the regulated abatement work area temporary power circuits. The GFCI temporary power connections shall be located outside of the regulated abatement work area, in a secure, dry area, which is accessible to the asbestos abatement contractor.

(a) **Electric Power Shutdown Exemption.** If electrical circuits, machinery and other electrical systems in or passing through the regulated abatement work area must stay in operation due to health and safety requirements, the following precautions must be taken:

(1) All unprotected cables (except low-voltage [less than 24 volts] communication and control system cables), panel boxes of cables and joints in live conduit that run through the regulated abatement work area shall be covered with three (3) independent layers of six (6) mil fire retardant polyethylene. Each layer shall be individually duct taped and sealed. All three (3) layers of polyethylene sheeting shall be left in place until satisfactory clearance air sampling results have been obtained.

(2) Any energized circuits remaining in the regulated abatement work areas shall be posted with a minimum of two (2) inch high lettering warning sign which reads: DANGER LIVE ELECTRICAL – KEEP CLEAR. The sign shall be placed on all live covered barriers at a maximum of ten (10) foot intervals. These signs shall be posted in sufficient numbers to warn all persons authorized to enter the regulated abatement work area of the existence of the energized circuits.

56-7.8 Engineering Controls.

(a) **Negative Air Pressure Equipment.** All OSHA Class I, Class III, and interior Class II asbestos abatement projects shall employ negative air pressure equipment ventilation.

(1) **Operation.** The negative air pressure equipment shall operate continuously, twenty-four (24) hours a day, from startup of negative air pressure equipment , through the cleanup operations and satisfactory clearance air sampling results being obtained, or the asbestos project is complete.

(2) **Timing of Installation.** The negative air ventilation units shall be installed and made operational after the critical barriers and isolation barriers are installed.

(3) **Negative Air Pressure.** A negative air pressure, relative to areas outside of the enclosure, shall be maintained at all times in the regulated abatement work area during the asbestos abatement project to ensure that contaminated air in the regulated abatement work area does not escape back to an uncontaminated area.

(4) **Manometer.** A manometer shall be used to document the pressure differential for all OSHA Class I Large and Small size asbestos project regulated abatement work areas. A minimum of –0.02 column inches of water pressure differential, relative to pressure outside the regulated abatement work area, shall be maintained within the regulated abatement work area, as evidenced by manometric measurements. Once installed, on a daily basis at least twice per workshift, the asbestos abatement contractor's supervisor shall document the manometer reading within the daily project log. The manometer shall be installed and made operational once the negative air has been established in the regulated abatement work area. Magnahelic manometers shall be at a minimum calibrated semi-annually, and a copy of the current calibration certification shall be posted at the work site during Phase II operations.

(5) **Ventilation Units.** If more than one (1) primary HEPA-filtered ventilation unit is installed, the units shall be turned on one (1) at a time and the integrity of temporary hardwall isolation barriers checked for secure attachment or the need for additional reinforcement shall be checked. A minimum of one (1) additional unit having a capacity of at least equal to that of the primary unit shall be installed, as a backup unit to be used upon primary unit failure, or if necessary during primary unit filter changes. Ventilation Unit exhaust ducting shall not exceed twenty-five (25) feet in length, due to reduction in volumetric flow rates caused by friction.

(6) **Power Supply.** A GFCI protected temporary power supply shall be available to satisfy the requirements of the total of all ventilation units.

(7) **Power Failure.** In the event of electric power supply failure, abatement shall stop immediately and shall not resume until power is restored and

exhaust units are operating fully. In the event of extended power failure (longer than one hour), after evacuation of all persons from the regulated abatement work area, the decontamination system enclosure facilities shall be sealed airtight.

(8) **Air Changes.** Negative air pressure ventilation equipment shall be installed and operated continuously to provide at least four (4) air changes in the regulated abatement work area every hour including during clearance air sampling.

(9) **Openings in Enclosure.** Openings made in the enclosure system to accommodate these units shall be made airtight with duct tape or caulking or both. Where possible, the intake side of the negative air ventilation unit shall remain within the regulated abatement work area to permit filter changing, while minimizing equipment contamination and the likelihood of contamination of non-work areas.

(10) **Installation and Care.** Proper installation procedures, including use of appropriate filters and manufacturer's recommended operating procedures shall be followed.

(i) Each HEPA filter should be individually tested and certified by the manufacturer to have an efficiency of not less than 99.97% when challenged with 0.3 micron particles. Testing shall be in accordance with accepted methodologies, and each filter should bear an appropriate UL label to indicate ability to perform under specified conditions.

(ii) Negative pressure HEPA filtered ventilation units shall be exhausted to the outside of the building or structure and away from public access and to a controllable area.

(iii) Air sampling at exhaust duct termination locations and daily inspections shall be conducted to insure that procedures are followed to maintain the negative pressure air ventilation filtration systems.

(iv) Pre-filters, secondary filters and HEPA-filters shall be replaced when dirty.

(v) Ducts of at least equivalent shape and dimension as those of the negative pressure ventilation exhaust shall be used to exhaust to the outside of the building or structure.

(vi) All fans, ducts and joints shall be sealed, braced and supported to maintain an airtight system.

(vii) Once installed and operational, daily inspections shall be conducted to insure the airtight integrity of the system, and the findings shall be documented by the asbestos abatement contractor's supervisor in the daily project log. Inspection, necessary repairs and documenting is required daily, including

days when no Phase IIB or IIC work or support activities are scheduled.

(viii) A four (4) foot high construction fence with appropriate signage in compliance with Section 7.4(c) shall be constructed at a minimum of ten (10) feet from the end of the exhaust duct tube, or bank of duct tubes, to surround and control this area from public access. For ground level exhaust duct terminations at the immediate exterior of the building/structure, the fence shall be installed at the tube discharge location.

(11) **Exhaust Location.** The exhaust shall be vented to the outside of the building or structure, to a controllable area away from public access. Each negative pressure ventilation unit exhaust duct shall not terminate less than fifteen (15) feet from a receptor or adversely affect the air intake of any building or structure. If the exhaust duct termination location for this Section cannot be met due to allowable space restrictions or the regulated abatement work area being located above the ground floor, the exhaust shall terminate at the exterior of the building or structure, and all receptors less then fifteen (15) feet from the exterior exhaust duct termination location shall be plasticized with two (2) layers of at least six (6) mil polyethylene. Exhaust tubes may be grouped together in banks of no more than five (5) tubes, with each tube exhausting separately and the bank of tubes terminating together at the same controlled area.

(i) **Exception.** HEPA-filtered vacuums used to exhaust Minor size tent enclosure regulated abatement work areas, do not require exhausting to the exterior of the building/structure.

(b) **Exemption From Ventilation And Use of Negative Pressure Equipment.**

(1) The use of negative pressure air equipment is not required for the following:

(i) OSHA Class II non-friable ACM exterior projects;

(ii) asbestos projects where enclosures (i.e. hard walls, tents, etc.) are not required by this Part;

(iii) Controlled demolition asbestos abatement projects. (see Section 56-11.5)

(2) This exemption does not relieve the asbestos abatement contractor from the negative pressure equipment requirements on other portions of the same project that require the use of negative pressure equipment.

56-7.9 Heating, Ventilation, and Air Conditioning (HVAC) Systems

(a) **Isolation.** HVAC systems shall be isolated from the regulated abatement work area. Acceptable means of HVAC system isolation include:

(1) **Shutdown and Isolation.** Shutdown and isolation of HVAC systems to prevent contamination and asbestos dispersal to other areas of the building or structure.

(2) **Local Isolation.** Local isolation and provision for temporary HVAC.

(3) **Positive Pressurization.** Positive pressurization of the HVAC system.

(i) Positive pressurization shall be restricted to circumstances where HVAC must service the remainder of the building or structure and the HVAC equipment is in the regulated abatement work area or the ducts run through the regulated abatement work area. The appropriate HVAC duct and plenum outlets, inlets and exhaust dampers shall be sealed with caulking and a minimum 3/8-inch thickness plywood, or oriented strand board, or sufficient gauge sheet metal, covered with a double layer of at least six (6) mil fire-retardant plastic sheeting and duct taped airtight. The HVAC duct and plenum joints shall be duct taped airtight. The mixing and balancing damper positions shall be altered and the return fan(s) shall be shut down to produce the required positive pressures.

(ii) Project phasing, climate conditions, load conditions and HVAC equipment limitations and controls shall be considered when this alternate procedure is evaluated. Aerodynamics in the duct system, particularly spurs or trunks, shall be considered and, if necessary, the ducts or dampers shall be altered or removed to prevent loss of positive pressure in any part of the system. Precautions shall be taken during abatement activities to ensure that the ducts, seals and static pressure lines are not damaged.

(iii) The presence of positive pressure shall be demonstrated daily by testing, including days when no Phase II work or support activities are scheduled, and the results must be noted in the asbestos abatement contractor supervisor's daily project log. Air sampling in occupied, downstream, non-work areas shall be performed on a daily basis as per the requirements of Section 56-7.1(b)(1) of this Subpart, except days when there are no Phase IIA, IIB, or IIC activities. Positive pressure verification shall be done on a continuous basis. The differential pressure shall be easily verifiable by use of a leak free, rigid static pressure taps, static lines on the supply and return ducts and static lines originating in the regulated abatement work area, adjacent areas or downstream non-work areas.

(b) **HVAC Filters and Ducts.** Potentially contaminated HVAC filters in existing building/structure HVAC systems shall be handled and disposed of as asbestos contaminated waste material. The ducts and filter assembly shall be wet cleaned and HEPA-vacuumed where system air samples or bulk samples indicate asbestos contamination within the interior of the HVAC ducts. Existing building/structure HVAC system filters shall be treated as potentially

contaminated for all friable OSHA Class I and Class II asbestos projects, and shall be removed and disposed of by the asbestos abatement contractor after the affected filters are identified by the building/structure owner's HVAC contractor or maintenance personnel. The building owner or their agent shall supply appropriate replacement HVAC system filters to the asbestos abatement contractor during HVAC system filter removal and replacement.

(c) **Chimney Effects.** All boilers and other equipment exhausts within the regulated abatement work area shall be shut down and the burner/boiler/equipment accesses and openings shall be sealed until abatement is complete and satisfactory clearance air-sampling results have been achieved. If the boiler(s) or other exhausted equipment will be subject to abatement, all breeching, stacks columns, flues, shafts and double-walled enclosures serving as exhausts or vents, shall be segregated from the affected boilers or equipment and sealed airtight to eliminate potential chimney effects within the regulated abatement work area.

56-7.10 Regulated Abatement Work Area Pre-Cleaning.

(a) **Movable Objects.** Movable objects within the regulated abatement work area shall be precleaned using HEPA-filtered vacuum equipment and/or wet cleaning, and such objects shall be removed from the regulated abatement work area to an uncontaminated location. Upholstered furniture and drapes shall be HEPA-vacuumed twice before removal from the regulated abatement work area. Carpeting shall be HEPA-vacuumed twice and cleaned before removal from the regulated abatement work area. If disposed of as asbestos-contaminated waste material, cleaning of carpeting is not required. If carpeting is left in place, it shall be covered with three-eighths (3/8) inch thick plywood sheathing prior to required plasticizing.

(b) **Fixed Objects.** Fixed objects and other items which are to remain within the regulated abatement work area shall be precleaned using HEPA-filtered vacuum equipment and/or wet cleaning methods. Such objects and items shall be enclosed with two (2) layers of at least six (6) mil fire retardant plastic sheeting and sealed airtight with duct tape.

(c) **Precleaning.** The regulated abatement work area shall be cleaned using HEPA-filtered vacuum equipment or wet cleaning methods or both. Methods that raise dust, such as sweeping or vacuuming with non HEPA-filtered equipment shall be prohibited. ACM, PACM or asbestos material shall not be disturbed during precleaning. Precleaning is intended for preparation work, not gross cleaning of visible asbestos debris such as disturbed ACM, PACM or asbestos material on floors or other work area surfaces. Precleaning shall be performed in the following order.

(1) Locations in which critical barriers and isolation barriers are to be installed shall be cleaned first using a HEPA-filtered vacuum and wet cleaning methods before the barriers are installed. After the critical barriers and isolation barriers are installed, the negative air ventilation units shall be

started. Once the negative air ventilation units are operational, the remainder of the precleaning shall take place and area plasticization shall begin.

56-7.11 Regulated Abatement Work Area Enclosure.

(a) **Critical Barriers.** Critical barriers shall be constructed to seal off all openings and penetrations to the regulated abatement work area including, but not limited to, operable windows and skylights, doorways and corridors (which shall not be used for passage), ducts, grills, diffusers, HVAC system seams, and any other penetrations to surfaces within the regulated abatement work area. Critical barriers shall be constructed using two (2) independent layers of at least six (6) mil fire-retardant plastic sheeting with each layer sealed separately with duct tape. Caulk and fire-retardant expandable foam may be used to seal small openings or penetrations. Doorways and corridors, which shall not be used for passage during the asbestos project, shall also be sealed.

(b) **Isolation Barriers.** Temporary hardwall barriers to complete the containment enclosure and establish the asbestos project regulated abatement work area shall be constructed using the following framing, sheathing, sealing and plasticizing criteria:

(1) **Framing.** Isolation barrier partitions shall be constructed of wood or metal framing in all openings larger than thirty-two (32) square feet, except that where any one dimension is one foot or less, framing is not required. Existing walls or framing may be used to support isolation barrier partition framing and sheathing.

(2) **Sheathing.** A plywood or oriented strand board (OSB) sheathing material of at least 3/8-inch thickness shall be fastened to the regulated abatement work area side of the barrier partition.

(3) **Sealing of Isolation Barriers.** The edges of the isolation barrier partition shall be sealed at the floor, ceiling, walls and fixtures using caulk, fire-retardant expandable foam or duct tape to form an airtight seal. The seams of the partition sheathing shall also be sealed airtight using these techniques.

(4) **Plasticizing Isolation Barriers.** The regulated abatement work area side of the isolation barrier partition shall be covered with two (2) layers of, at a minimum, six (6) mil fire-retardant plastic sheeting with staggered joints and sealed airtight.

(c) **Removal of Mounted Objects.** After critical barriers and isolation barriers are in place, mounted objects shall be removed and HEPA-vacuumed or wet wiped or both. Localized HEPA-filtered vacuum equipment shall be used during mounted object removal to reduce potential asbestos dispersal.

(d) **Elevator Shutdown or Isolation.** Elevators running through the regulated abatement work area shall be shut down except as noted in this Subdivision:

(1) **Isolation Detail.** In projects where the elevator cannot be shut down, the hoistway door frames shall be enclosed with nominal 2" x 4" framing, 16 inch on center, covered with 3/8-inch thickness plywood or OSB sheathing, and caulked or duct taped airtight at all seams. The enclosures shall be covered with two (2) seamless layers of at least six (6) mil plastic sheeting duct taped and sealed airtight. A final larger layer of at least six (6) mil plastic sheeting shall be duct taped and sealed airtight, but with slack, forming a larger perimeter diaphragm to sense air movement caused by elevator operation.

(2) **Elevator Shaft Ports.** Elevator shaft ports for pressure equalization when within the regulated abatement work area, shall be vented to the outside or non-work areas using oversized solid-walled ducts or chambers constructed with 3/8-inch thickness plywood or OSB sheathing over nominal 2" x 4" framing, 16 inch on center. The joints shall be caulked and the ducts or chambers shall be sealed with two (2) layers of at least six (6) mil fire-retardant plastic sheeting and duct tape. The first layer of plastic sheeting shall be attached to the ducts or chambers using spray adhesive. This system shall be subjected to and pass a negative pressure test daily.

(e) **Floor, Wall & Ceiling Plasticizing and Sealing.** All floor, wall and ceiling surfaces, except where abatement of ACM, PACM or asbestos material shall be performed on those specific surfaces, shall be covered with two (2) layers of, at a minimum, six (6) mil fire-retardant plastic sheeting. The floor shall be plasticized first, and its plastic sheeting shall extend up the walls a distance of at least twelve (12) inches on all sides. The walls shall then be plasticized by applying plastic sheeting from the ceiling to the floor, overlapping the floor sheeting by at least twelve (12) inches. Next, the ceiling shall be plasticized overlapping the walls by at least twelve (12) inches, to form a secure airtight seam. This process shall be repeated for the second layer of plastic sheeting for the floor, walls and ceiling. All seams within a layer shall be separated by a distance of at least six (6) feet and sealed airtight with duct tape. All seams between layers shall be staggered at least two (2) feet.

(f) **Barrier/Plasticizing Exemptions.**

(1) **Negative Pressure Tent Regulated Abatement Work Area Enclosure.** An alternate isolation method may be used where preparation of the entire room/space is either unfeasible or not necessary to adequately access all impacted ACM, PACM or asbestos material.

(i) **Where Allowed.** Negative pressure tent enclosures are allowed to be utilized for gross abatement of any quantity interior and exterior non-friable ACM or asbestos material, glovebag abatement of any quantity friable TSI, or gross abatement of Minor and Small quantities of friable ACM, PACM or asbestos material. For tent enclosures with gross abatement of friable materials, attached (contiguous) decontamination system enclosures shall be

constructed, maintained and utilized as per this Part. Minor size tent enclosure work areas shall at a minimum have decontamination areas installed and utilized, as per the requirements of Section 56-11.3.

(a) **Multiple Minor Size Regulated Abatement Work Areas.** If the small or large asbestos project consists of multiple negative pressure tent regulated abatement work area enclosures with minor quantities of ACM to be abated within each tent enclosure, these tent enclosures shall be constructed as per this Subpart, including attached airlock if remote decontamination systems are allowed and utilized for the asbestos project.

(ii) **Tent Construction.**

(a) Tents with greater than twenty (20) square feet of floor space, that are scheduled for gross removal of friable ACM, PACM, or asbestos material, shall be constructed of two (2) layers of six (6) mil fire-retardant plastic sheeting and shall include walls, ceiling and a floor (except for portions of walls, floors and ceilings that are the removal surface) with double-folded seams. Seams shall be duct taped airtight and then duct taped flush with the adjacent tent wall.

(b) Tents with no gross removal of friable ACM, PACM or asbestos material, shall be constructed of one (1) layer six (6) mil fire-retardant plastic sheeting and shall include walls, ceiling and a floor (except for portions of walls, floors and ceilings that are the removal surface) with double-folded seams. Seams shall be duct taped airtight and then duct taped flush with the adjacent tent wall.

(c) Tents or tent-like structures or enclosures shall be adequately supported and reinforced to withstand local environmental conditions and the negative pressures developed within them.

(d) **Airlock.** An airlock shall be constructed as per Section 56-7.5(b)(11), at the entrance to each tent that utilizes remote decontamination system facilities. Each tent and airlock shall be cordoned off twenty-five (25) feet from it perimeter, or the interior space/room where the tent and airlock is located shall be secured from non-certified personnel or public access, and signage shall be installed as per Section 56-7.4(c).

(iii) **Negative Air.** Manometers consistent with the requirements of Section 56-7.8(a)(4), are required for negative pressure tent enclosure regulated abatement work areas with OSHA Class I

abatement. Negative air shall be maintained at four (4) air changes per hour for non-friable and glovebag abatement tent enclosure work areas. Eight (8) air changes shall be maintained for friable gross removal tent enclosure work areas. If a HEPA-filtered vacuum is used for a Minor size abatement tent enclosure work area to maintain the required air changes, after final cleaning is completed twenty (20) minutes shall elapse, then ventilation may be stopped, clearance air samples collected if required, and the tent sealed until results are read. If air sample results are unacceptable, ventilation shall be re-established, the area re-cleaned and new samples taken.

(2) **Fire-Retardant Spray Plastic.** Fire-retardant spray plastic may be used in lieu of two (2) layers of six (6) mil plastic sheeting as required by 56-7.11(e), under the following conditions:

(i) Critical barriers are installed per Section 56-7.11(a) of this Part.

(ii) The fire-retardant spray plastic is used, applied, maintained and removed in accordance with the manufacturer's detailed procedures by persons who have been trained by the manufacturer or others authorized to perform such training. Proof of appropriate training shall be located at the work site and shall be produced upon verbal request of the Commissioner or his or her duly authorized representative.

(iii) Application shall be made to result in a dry thickness of not less than six (6) mils.

(3) **Special Projects.** See Subpart 56-11 regarding work area preparation requirements for special projects. These projects include exterior non-friable ACM roofing, siding, caulking, glazing compound, transite, tars, sealers, coatings, and other NOB ACM abatement, abandoned intact pipe/duct/conduit wrap and cut abatement, flooring and mastic abatement, pre-demolition abatement, demolition with asbestos in place, in-plant operations abatement, emergency project abatement and Minor size project abatement.

(4) **Removal of Ceilings and Components.** Suspended ceiling and components that exist below friable ACM or PACM material, and that are not themselves ACM or PACM, shall remain in place until the remainder of the regulated abatement work area has been plasticized, negative air established, and personal and waste decontamination enclosures have been constructed. The ceiling tiles and components shall then be removed and disposed of as asbestos waste or decontaminated if possible. This type of removal must be done prior to commencement of Phase II B abatement, but after the remaining regulated abatement work area preparation has been completed. Critical barriers shall be installed

above the suspended ceiling as per Section 56-7.11(a), prior to the commencement of Phase IIB abatement.

(5) **Exits.** Emergency and fire exits from the regulated abatement work area shall be maintained or alternate exits shall be established and appropriately signed according to all applicable codes. Temporary hardwall barriers are not required at emergency and fire exit locations.

(g) **Toilet Facilities.** Adequate toilet facilities shall be readily accessible to the personal decontamination enclosure.

SUBPART 56-8
PHASE II B ASBESTOS ABATEMENT

56-8.1 Air Sampling Requirements.

(a) **Personal Air Sampling.** Air sampling shall be performed in the worker's breathing zone, by the asbestos contractor for his personnel, as required by current OSHA regulations.

(b) **Daily Air Sampling.** Project air sampling shall be conducted daily for the full workshift for Large projects. If more than one daily workshift is required to accomplish the work, air sampling shall be performed on each workshift. Air sampling is not required on days when there are no Phase II B activities.

(1) **Number And Location Of Samples – Large Asbestos Projects.** A minimum of five (5) samples shall be taken on a daily basis. The locations of samples to be taken are the same as specified for Phase IIA. (See Section 56-7.1 and Table 2 within Subpart 56-4)

(2) **Work Stoppage Criteria During Phase II B Abatement Procedures.** If air samples collected outside the regulated abatement work area, indicate airborne fiber concentrations at or above 0.01 fibers per cubic centimeter, or the established background level, whichever is greater, work shall stop immediately for inspection and repair of barriers and negative air ventilation systems as necessary. Clean up of surfaces outside of the regulated abatement work area using HEPA-vacuums and wet-cleaning methods shall be performed prior to resumption of abatement activities. A summary of clean up activities and the results of barrier inspections including any necessary repairs, shall be documented in the supervisor's daily project log. Work methods shall be altered accordingly to reduce fiber concentrations to acceptable levels.

(c) **Exemption from Daily Air Sampling.** Daily air sampling is not required on exterior asbestos projects with abatement of non-friable ACM roofing, siding, caulking or glazing compound, tars, sealers, coatings or other NOB ACMs, unless the ACM is rendered friable during removal or debris falls inside the building/structure.

56-8.2 Access to and Maintenance of Decontamination Systems and Regulated Abatement Work Area Enclosures.

(a) **Access.** Entry to the personal and waste decontamination system enclosures shall be restricted to the asbestos contractors involved with the asbestos project, appropriately certified employees of the asbestos contractors, authorized visitors, police, fire and other public safety personnel.

(b) **Waiting Periods.** Prior to beginning Phase IIB asbestos abatement work and upon completion of the construction of all Small and Large size regulated abatement work area enclosures and decontamination system enclosures, including establishment of the negative air system, a four (4) hour waiting period with negative air units operating shall be required to ensure that all barriers shall remain intact and secured to the walls, ceilings, floors and fixtures.

(c) **Waiting Period Exemption.** The four (4) hour waiting period may be eliminated for exterior work where negative air is not required.

(d) **Inspection of Barriers.** All barriers shall be inspected by the asbestos abatement contractor's supervisor at least twice daily, before the start of and following the completion of the day's abatement activities. Inspections are also required on days when there is no Phase II work or support activities scheduled. Inspections and observations shall be documented by the asbestos abatement contractor's supervisor in a daily project log.

(e) **Repairs to Barriers and Enclosures.** Damage and defects in the barriers and enclosures shall be repaired immediately upon discovery and shall be documented by the asbestos abatement contractor's supervisor in a daily project log, prior to resumption of abatement activities.

(f) **Testing of Barriers and Enclosures.** Smoke tube testing to ensure the effectiveness of all isolation barriers, personal decontamination system enclosures, waste decontamination system enclosures and regulated abatement work area enclosures shall be performed prior to the beginning of abatement activities and at least once a day thereafter until satisfactory clearance air sampling results have been obtained. Negative air pressure ventilation units shall be in operation during this testing. Testing of barriers and enclosures is not required on days when there are no Phase IIB or cleaning activities scheduled. Test results, observations and any modifications shall be documented by the asbestos abatement contractor's supervisor in a daily project log.

(g) **Loss of Enclosure Integrity.** If visible emissions or water leaks are observed outside of the regulated abatement work area, or if a glovebag, tent or enclosure of any type fails or loses its integrity, work shall be stopped and the following procedures shall be followed:

(1) **Isolation and Critical Barrier Construction.** Isolation and critical barriers shall be constructed as follows:

(i) **Isolate HVAC Systems.** The HVAC systems shall be shut down immediately and all openings shall be sealed with at least six (6) mil fire retardant plastic sheeting and duct tape.

(ii) **Isolate Uncontaminated Areas.** Passageways to uncontaminated areas of the building or structure shall be sealed with at least six (6) mil fire retardant plastic sheeting and duct tape.

(iii) **Install Critical Barriers.** Critical barriers within 25 feet of the regulated abatement work area shall be installed as per Section 56-7.11 of this Part.

(2) **Negative Air Pressure Equipment Ventilation.** Negative air pressure equipment ventilation that complies with Section 56-7.8 of this Part shall be installed and utilized.

(3) **Cleanup.** Cleanup shall be accomplished as follows:

(i) **Method, Tools and Equipment.** All accumulations of asbestos waste material shall be containerized and removed. Non-metal shovels and HEPA-vacuums may be used to pick up or move waste except in the vicinity of isolation barriers which might be breached. The areas around isolation barriers shall be cleaned utilizing rubber or plastic dustpans, squeegees or shovels. HEPA-vacuums shall be used to clean all surfaces after gross cleanup.

(ii) **Cleanup of Surfaces.** All surfaces in the regulated abatement work area shall be wet-cleaned using rags, mops and sponges.

(iii) **Second Cleaning.** After the first cleaning, at least twelve (12) hours shall be allowed for asbestos to settle. Thereafter, all objects and surfaces in the regulated abatement work area shall be HEPA-vacuumed and wet-cleaned. All windows, doors, HVAC system vents and all other openings shall remain sealed.

(4) **Removal of Contaminated Equipment and Waste.** All remaining contaminated equipment and containerized waste shall be removed from the regulated abatement work area.

(5) **Clearance Air Sampling.** Clearance air sampling shall be conducted, as per the schedule for air sampling and analysis.

(6) **Isolation Barrier Removal.** Isolation barriers shall be removed only after satisfactory clearance air sampling results have been achieved.

(h) **Daily Cleaning of Enclosures.** The asbestos abatement contractor shall HEPA-vacuum or wet-clean the waste decontamination system enclosures, the personal decontamination system enclosures, and airlocks when remote decontamination units are used, daily during Phase II A through C abatement activities. This cleaning shall take place at the end of each work shift and the asbestos abatement contractor's supervisor shall document it in the daily project log.

56-8.3 Regulated Abatement Work Area Entry and Exit Procedures.

(a) **Procedures.** The following procedures shall be followed throughout the asbestos abatement project until satisfactory clearance air-sampling results have been achieved:

(1) **Entry to the Work Area.** All persons shall enter the regulated abatement work area through the personal decontamination system enclosure, or through an airlock when used with an approved remote decontamination unit.

(i) **Entry/Exit Log.** All persons who enter the regulated abatement work area or enclosure shall sign the entry/exit log, located in the clean room, upon every entry and exit.

(ii) **Knowledge of Procedures.** All persons, before entering the regulated abatement work area or enclosure, shall read and be familiar with all posted regulations, personal protection requirements, including regulated abatement work area entry and exit procedures and emergency procedures. The entry/exit log headings shall indicate, and the signatures shall be used to acknowledge that these have been reviewed and understood by all persons prior to entry.

(iii) **Personal Protective Equipment.** All persons shall proceed first to the clean room, remove all street clothing, store these items in lockers and don personal protective equipment as appropriate for the abatement work area. Two (2) layers of protective clothing shall be donned for entry to regulated abatement work areas from remote personal decontamination systems. All authorized visitors shall also don NIOSH-approved respiratory protection for work areas with negative air established. Respirators and personal protective equipment shall be utilized by each authorized visitor for each separate entry into the regulated abatement work area. Respirators shall be inspected prior to each use and tested for proper seal using positive and negative pressure fit checks.

(iv) **Tools.** Persons wearing designated personal protective equipment shall proceed from the clean room through the shower room to the equipment room, where necessary tools are collected and any additional clothing shall be donned, before entry into the regulated abatement work area.

(2) **Exit From the Work Area.** All persons shall exit the regulated abatement work area through the personal decontamination system enclosure, or through an airlock when used with an approved remote decontamination unit.

(i) **Removal of Gross Contamination.** Before leaving the regulated abatement work area, all persons shall remove gross contamination from the outside of respirators and protective clothing by HEPA-vacuuming, or wet cleaning.

(ii) **Exit.** All persons shall exit the regulated abatement work area through the personal decontamination system enclosure, or through an airlock when used with an approved remote decontamination unit, except in case of an emergency, when an emergency exit or other means of escape may be used.

(iii) **Regulated Abatement Work Area Exit Procedures Utilizing Remote Decontamination Systems**. If at any time a person has to travel through an uncontaminated area to access the personal or waste decontamination enclosure system, the person shall HEPA-vacuum and/or wet wipe his/her outer protective clothing while in the regulated abatement work area, then proceed into the airlock where he/she shall remove his/her outer clothing and don a clean set of protective clothing. He/she may then proceed to the personal or waste decontamination enclosure along a designated pathway. The walkway from the regulated abatement work area to the decontamination system shall be cordoned off to delineate it from public areas, as per Section 56-7.5(d)(4).

(iv) **Removal of Personal Protective Equipment.** Persons shall proceed to the equipment room where coveralls, head covering, foot covering and gloves shall be removed. Disposable clothing shall be deposited into labeled containers for disposal. Reusable contaminated clothing, footwear, head covering and gloves shall be stored in the equipment room when not being used in the regulated abatement work area. Respirators shall not be removed during this process.

(v) **Showering.** Still wearing respirators, persons shall proceed to the shower area, clean the outside of the respirator and the exposed face area under running water prior to removal of the respirator, and fully and vigorously shower and shampoo to remove residual asbestos contamination. Respirators shall be washed thoroughly with soap and water. Some types of respirators shall require slight modifications to these procedures. An airline respirator with a HEPA-filtered disconnect protection shall be disconnected in the equipment room and worn into the shower. A powered air-purifying respirator facepiece shall be disconnected from the filter/power pack assembly prior to entering the shower.

(vi) **Clean Room.** After showering and drying, all persons shall proceed to the clean room and shall don either street clothing, if

exiting the enclosure, or clean personal protective equipment if returning to another regulated abatement work area.

56-8.4 Handling and Removal Procedures.

(a) **Glovebag Procedures.** Glovebags are allowed to be utilized for abatement of pipe or duct insulation within negative pressurized regulated abatement work area enclosures. Glovebags may only be used on piping and ducts up to 150 degrees Fahrenheit. The following procedures must be followed for glovebag use:

(1) **Size.** When abating pipe or duct insulation, the pipe or duct insulation diameter worked shall not exceed one half the bag working length.

(2) **Sealing.** Duct tape shall be placed securely around the area of abatement to form a smooth seal. The glovebag shall then be secured to the duct tape and sealed airtight.

(3) **Seal Testing.** After placement, each glovebag shall be subjected to and pass a smoke test as follows:

(i) Smoke testing should not be completed using a positive pressure test. The glovebag, once secured in place, should be placed under negative pressure, utilizing the HEPA-vacuum, and a smoke tube should be aspirated to direct smoke at all seals and seams from outside the glovebag.

(ii) If there are any leaks, they will be detected by the smoke entering the bag. All leaks shall be duct taped airtight.

(4) **Surface Irregularities.** If material adjacent to the work section is damaged, or if it terminates, is jointed or contains an irregularity adjacent to the work section, the material shall be wrapped in at least six (6) mil fire-retardant plastic sheeting and sealed airtight with duct tape.

(5) **Post-Stripping Wetting.** After the asbestos material has been stripped, the surface from which it has been removed shall be wetted with amended water and scrubbed with a brush or abrasive pad to remove all visible asbestos material. The surfaces from which it has been removed, the interior of the bag, the affected area and the tools shall then be thoroughly wetted with amended water.

(6) **Sealing of Pipe Ends.** When abating pipe insulation, any pipe insulation ends created shall be sealed with wettable cloth or otherwise encapsulated with a non-asbestos product.

(7) **Collapsing of the Glovebag.** A HEPA-vacuum shall be used to collapse the glovebag.

(8) **Tool Segregation.** With the glovebag collapsed and the asbestos material in the bottom of the bag, twist the bag several times and duct tape the twist to seal that section. The tool pouch shall be separated from

the bag by twisting it several times, taping the twist and thus sealing the pouch. Alternately, the tools may be segregated using one or both glove inserts and pulling the tools through, thus turning the glove inside out. The glove(s) shall then be twisted several times, duct taped and thus sealed.

(9) **Sealing the Contaminated Items.** The glovebag shall be tied off to contain the asbestos material prior to the glovebag being detached from the area where the asbestos was removed within the bag.

(10) **Containerizing the Glovebag.** The sealed glovebag shall be placed into at least a six (6) mil plastic bag, sealed airtight and transferred from the regulated abatement work area as per Section 56-8.9, for disposal as asbestos waste.

(11) **Failure.** The requirements of Section 56-8.2(g) shall be complied with in the event of glovebag losing seal or integrity.

(b) **Dry Removal or Dry Disturbance.** No dry removal or dry disturbance of asbestos material shall be permitted.

(c) **Wetting Requirements.** The asbestos material shall be adequately wetted with amended water. Sufficient time shall be allowed for penetration to occur prior to abatement activities. All friable asbestos materials shall be thoroughly saturated. All non-hygroscopic (material that resists wetting) asbestos material shall be thoroughly wetted, prior to and during abatement.

(d) **Asbestos Abatement.** Only one type of asbestos containing material shall be abated at a time within an enclosure. Prior to the abatement of another type of asbestos containing material, the area shall be cleaned. (See Section 8.6 - Multiple Abatement within a Single Regulated Abatement Work Area)

(e) **Handling.** ACM, PACM and asbestos material, on detachment from the substrate, shall be directly bagged or dropped into a flexible catch basin and subsequently bagged or containerized. Materials removed in negative pressure tent enclosure work areas shall be bagged or containerized immediately upon detachment. Additional amended water shall be added as necessary to the waste bags/containers to ensure that all waste remains adequately wet within the bag/container.

(f) **Sealing of Surfaces and Edges.** Where ACM, PACM or asbestos material was removed, any exposed edges of material that remain shall be sealed with wettable cloth or otherwise encapsulated with a suitable non-asbestos material, prior to commencement of final cleaning and collection of clearance air samples.

(g) **Exterior Chutes.** For asbestos material lowered or conveyed greater than ten (10) feet in height, dust tight, enclosed, inclined chutes shall be used as follows:

(1) The upper end of the chute shall be furnished with a hinged lid to be closed when a chute is not being used,

(2) The chute shall be dust tight along its lateral perimeter and at the terminal connection to a dumpster or container with a hard wall and a hard top.

(h) **Handling Large Components.** Large components, removed intact, shall be wrapped in two (2) layers of at least six (6) mil plastic sheeting secured and made air tight with duct tape.

(i) **Sharp-Edge Components**. Asbestos waste material with sharp edged components that may tear or damage the plastic bags or sheeting shall be placed in a poly lined hard wall container or a rip proof bag then double bagged or wrapped and sealed airtight.

(j) **Loss of Integrity on Asbestos Projects.** If a regulated abatement work area enclosure of any type, including a negative pressure tent enclosure, fails or loses its integrity, the required procedures of Section 56-8.2(g) shall be followed.

56-8.5 Waste Clean-Up Procedures. The following procedures shall be required for Phase II B Large and Small projects.

(a) **Tools and Equipment.** All accumulations of asbestos waste material shall be adequately wetted and containerized using HEPA-vacuums or rubber or plastic dustpans, squeegees or shovels. Metal shovels shall not be used to pick up or move waste. HEPA-vacuums shall be used to clean all surfaces after gross cleanup.

(b) **Frequency for Containerizing.** During Phase II B, all waste generated shall be bagged, wrapped or containerized immediately upon removal. Cleanup of accumulations of loose debris/waste material shall be performed whenever enough loose debris/waste material has been removed to fill a single leak-tight container appropriate for the type of ACM being removed. Cleanup of all remaining waste generated shall be performed at least once prior to close of each workshift. All waste material shall be kept adequately wet at all times.

(c) **Frequency for Dust or Debris.** Accumulations of dust or debris shall be cleaned off all surfaces on a daily basis using HEPA-vacuum or wet-cleaning methods or both.

(d) **Frequency for Decontamination System Enclosures.** Decontamination system enclosures shall be HEPA-vacuumed or wet-cleaned or both at the end of each workshift.

(e) **Waste Housekeeping.** The regulated abatement work area, holding area, waste trailer and hardtop dumpster areas must be kept free of uncontainerized asbestos waste/debris at all times.

56-8.6 Multiple Abatement within a Single Regulated Abatement Work Area.

(a) **Simultaneous Abatement.** Simultaneous or concurrent abatement of multiple types of ACM within a single regulated abatement work area shall not be allowed, unless the multiple types of ACM are part of the same system (e.g. floor tile/cove base and mastics, or ceiling/wall tile and mastic). Simultaneous removals are allowed on a project provided they are within different regulated abatement work areas.

(b) **Requirements for Sequential Abatement.** When multiple types of abatement work are done in a common regulated abatement work area or enclosure, a sequential order of abatement is required as shown below.

(1) **Initial Plasticizing.** Initial plasticizing of the containment area shall be as required for the most stringent case of removal.

(2) **Sequential Removal.** Sequential removal shall allow for only one type of removal of ACM at a time in a sequential order within the work area until that type of material is completely removed. Thereafter, another type of ACM can be removed within the same work area. Relief from plasticizing is for the surfaces to be abated only at the time of that specific material abatement. Other surfaces shall be plasticized as the material being abated dictate, except as noted below.

(i) **Order of Sequential Abatement.** The following sequence of abatement within a work area shall begin at the ceiling or upper level and progress one material at a time down to the floor and from most friable material to least friable material.

(ii) **Example:**

(a) First. All ceiling fireproofing, ceiling plaster or similar ceiling OSHA Class I friable material shall be completely abated so that no visible exposed ACM, PACM or asbestos material remains. Then the friable mechanical/tank insulation, isolation/ vibration damper material and thermal pipe, ducts, pipe fitting insulation, mudded firebrick, or similar OSHA Class I or Class II friable material shall be completely abated so that no visible exposed material remnants remain. Glovebags may be used. After all friable ACM has been abated, the area shall be cleaned of all debris/residue using HEPA vacuuming and wet wiping.

(b) Second. OSHA Class II non-friable materials shall be abated. If other areas/surfaces were abated, no new plasticization shall be required. Ceiling and wall tiles, transite, interior window glazing, expansion joint, millboard and other NESHAP Category I and II non-friable ACM shall be abated so that no visible exposed material remnants

remain and the area shall be cleaned of all debris/residue using HEPA vacuuming and wet wiping.

(c) Last. OSHA Class II non-friable flooring abatement shall be last. Non-friable ACM flooring materials and ACM mastic shall be abated so that no visible exposed material remnants remain and the area shall be cleaned of all debris/residue using HEPA vacuuming and wet wiping. If beadblaster or a similar abrasive type of abatement method is used, full work area preparation, including establishment of negative pressure filtration systems, shall be required and this abatement may be done as one of the first types of abatement and then the flooring area abated shall be re-plasticized with a double-layer of six (6) mil fire retardant plastic sheeting, to be utilized as a dropcloth during the remaining abatement.

(iii) **Temporary Walls.** New temporary hardwalls used to separate an enclosed regulated abatement work area into smaller regulated abatement work area enclosures shall be constructed as per Section 56-7.11(b). Existing columns, I-beams and interior walls may be used to support or to act as part of the new containment walls provided that the existing walls, columns, and I-beams to which these temporary walls are to be attached or used shall be completely abated prior to the erection of these new containment walls to allow this attachment. Caulk, fire-retardant expandable foam or duct tape shall be used to form an airtight seal for these partitions.

(a) **Airlock.** Each newly enclosed regulated abatement work area shall have an attached airlock as defined in Section 56-2.1, and the airlock shall be constructed at the enclosure entrance, as per Section 56-7.5(b)(11). Each enclosure and airlock shall be cordoned off twenty-five (25) feet from its perimeter. Critical openings within the cordoned off area shall be covered with two (2) layers of six (6) mil fire retardant polyethylene in conformance to Section 56-7.11(a).

(iv) **Intermediate Completions.** On completion of each type of asbestos abatement within these work area enclosures, a complete single clean of all surfaces in the entire area – ceiling, walls and floors - shall be performed by HEPA vacuuming and wet wiping. No final clearance air samples shall be required for each individual type of material abatement, until the last type of ACM, PACM or asbestos material is abated. Each intermediate completion shall include a visual inspection for completeness by the asbestos abatement contractor's supervisor. Results of the visual inspection

and time of intermediate completion shall be documented by the asbestos abatement contractor's supervisor in the daily project log.

(v) **Final Required Cleaning.** A complete single clean of all surfaces in the entire area – ceiling, walls and floors, followed by a visual inspection as described in Subpart 56-9 shall be performed by HEPA vacuuming and wet wiping, after all abatement is complete.

(vi) **Final Clearance Air Samples.** After the final cleaning and visual inspection requirements are completed and the final settling/drying period is observed, prior to dismantling the regulated abatement work area, Phase IIC final clearance air samples shall be collected and satisfactory clearance air results obtained as per Section 56-9.2 of this Part.

56-8.7 Encapsulation Procedures. All material used for repair or encapsulation of asbestos material shall have a flame spread rating, fireproofing and smoke characteristics similar to the material being repaired or encapsulated. Also, the encapsulant shall not alter the insulating characteristics of the material subject to encapsulation, and the encapsulant shall not add excess weight to the material increasing the potential that the material may delaminate from itself (cohesion failure), or from its substrate (adhesion failure). Encapsulation of asbestos material shall be conducted in accordance with the following:

(a) **Regulated Abatement Work Area Preparation.** The regulated abatement work area shall be pre-cleaned, isolated and negative air established in accordance with Subpart 56-7 of this Part.

(b) **Repair Materials.** Damaged and missing areas of existing materials shall be repaired with non-asbestos material. The material shall adhere to existing surfaces and provide a base for application of encapsulating agents.

(c) **Asbestos Material Removal.** Loose or hanging ACM, PACM or asbestos material shall be removed in accordance with the requirements of Section 8.4 of this Subpart.

(d) **Testing of Encapsulants.** Encapsulants shall be field tested prior to use by applying each to a small area to determine suitability for the material to be encapsulated. Testing shall be conducted only after the isolation barriers are in place and negative air has been established.

(e) **Bridging Encapsulants.**

(1) **Thickness Requirements.** Bridging encapsulants shall be applied to provide the manufacturer's specified minimum dry-film thickness over sprayed asbestos surfaces.

(2) **Color Requirement.** When using bridging encapsulant, a different color for each coat shall be used.

(f) **Latex Paint.** Latex paint shall not be used as a bridging encapsulant. It shall be considered a dilute lockdown encapsulating agent and used only as a coating for lockdown purposes for surfaces during cleanup procedures as per Subpart 56-9.

(g) **Penetrating Encapsulants.**

(1) **Penetration Requirements.** Penetrating encapsulants shall be applied and penetrate existing asbestos material to the substrate.

(2) **Testing of Penetration.** During treatment with a penetrating encapsulant, selected random core samples of asbestos material shall be removed and checked to verify full depth of penetration.

(3) **Color Requirement.** Each coat of penetrating encapsulant shall be color coded as per manufacturer's recommendations, if any, except for the prohibition of pigment use.

(h) **Methods of Application.** Encapsulants shall be applied using airless spray equipment as follows:

(1) **Spraying Pressure.** Spraying shall be performed at the lowest pressure range possible to minimize asbestos fiber release.

(2) **Spray Tip.** The optimum spray tip shall be chosen on the basis of the viscosity and percent solids of the encapsulant. The cone projection of the tip shall be as specified by the manufacturer.

(3) **Subsequent Coats.** Each subsequent coat of encapsulant shall be applied at a 90-degree angle to the preceding coat application or per manufacturer’s specifications.

(4) **Encapsulant Solvent or Vehicle.** The encapsulant solvent or vehicle shall not be or contain a volatile material. It shall not release hazardous air pollutants, as defined by NYS DEC 6 NYCRR 200.1(ag), into the air when applied or during curing.

(i) **Encapsulant Fire-Resistance Properties.** If the asbestos material has been used for fire retardation or protection of structural members or both, the encapsulant material used shall have a flame spread rating, fireproofing and smoke characteristics similar to the material being repaired or encapsulated.

(j) **Marking or Labeling.** Encapsulated ACM, PACM, or asbestos material shall be conspicuously marked or labeled in order to warn persons of its presence.

(k) **Cleanup.** Waste cleanup shall be in accordance with Section 56-8.5.

(l) **Final Cleaning and Clearance Air Sampling.** Final cleaning and clearance air sampling shall be in accordance with Subpart 56-9.

56-8.8 Asbestos Material Encasement/Enclosure Procedures. The encasement/enclosure of existing ACM, PACM or asbestos material shall be conducted in accordance with the following:

(a) **Regulated Abatement Work Area Preparation.** The regulated abatement work area shall be pre-cleaned, isolated and negative air established in accordance with Subpart 56-7 of this Part.

(b) **Use of Amended Water.** Areas that may be disturbed during the installation of hangers or other support and framing materials for the enclosure shall be sprayed with amended water. These areas shall be kept damp to reduce airborne asbestos concentrations.

(c) **Loose and Hanging Asbestos Material.** Loose or hanging ACM, PACM or asbestos material shall be removed in accordance with the requirements of Section 8.4 of this Subpart.

(d) **Repair of Fireproofing and Thermal Insulation.** After installation of hangers, brackets or other encasement/enclosure supports, and before installation of encasement/enclosure sheathing material, damaged areas of fireproofing and thermal insulation shall be repaired using a non-asbestos material as per Section 56-7.2 of this Part. Surfaces shall be prepared and replacement material applied in accordance with manufacturer's recommendation.

(e) **Integrity of Installation.** Encasements/enclosures shall be designed to be permanent and shall be constructed to provide an airtight barrier. The encasement/enclosure sheathing material shall be impact resistant and shall be installed with adequate supports, reinforced to withstand local environmental conditions, casual contact and any internal pressures developed within the encasement/enclosure structure.

(f) **Utility Maintenance.** Utilities shall be lowered as necessary and reinstalled in a manner which allows proper utilization, and does not disturb the integrity of the encasements/enclosures. Utility maintenance shall not require the encasements/enclosures to be opened or disturbed.

(g) **Ducts.** Ducts insulated with ACM, PACM or asbestos material shall not be encased or enclosed.

(h) **Air Plenums.** ACM, PACM or asbestos material-insulated air plenums, which are not readily accessible for inspection, shall not be encased or enclosed.

(i) **Marking or Labeling.** Encased/enclosed asbestos material shall be conspicuously marked or labeled in order to warn persons of its presence.

(j) **Cleanup.** Waste cleanup shall be in accordance with Subpart 56-8.5.

(k) **Final Cleaning and Clearance Air Sampling.** Final cleaning and clearance air sampling shall be in accordance with Subpart 56-9.

56-8.9 Equipment and Waste Container Decontamination and Removal Procedures.

(a) **Timing of Waste Transfer Activities.** During Phase II B of the project, after ACM, PACM, asbestos material and debris is bagged, wrapped, or containerized, waste transfer from the regulated abatement work area as per this Section, shall occur when no gross removal is taking place.

(b) **First Cleaning.** External surfaces of contaminated bags/containers and equipment shall be cleaned by wet wiping or HEPA-vacuuming or both in the regulated abatement work area before moving such items into the waste decontamination system washroom by persons assigned to this duty.

(1) **Exception.** Minor size regulated abatement work areas that do not have a contiguous washroom, are allowed to have all waste bag/container cleaning with additional containerization completed within that work area. The waste generated shall be immediately bagged/containerized within the regulated abatement work area. Once the abatement and cleaning is complete within the regulated abatement work area, each waste bag/container shall be wet-wiped, placed in a second bag/container and sealed airtight (except for non-porous drums which shall be washed and dried only), labeled with the generator's name, location generated and other caution labels as per current EPA NESHAP regulation requirements, then moved to the airlock. The waste bags/container shall then be transferred to the secured waste trailer/dumpster for disposal by appropriate legal method.

(c) **Washroom Procedures**. All bagged/containerized contaminated items and asbestos waste shall be passed into the washroom during waste transfer operations. Workers from uncontaminated areas in full protective clothing and appropriate respiratory protection shall enter the washroom and place the appropriate supply of specified clean waste bags/containers within the washroom. One team of workers shall be stationed in the washroom for bag/container cleaning and additional containerization as necessary. The workers shall ensure all curtained doorways are closed during the waste container transfer procedure and that all bags/containers are sealed properly before removing for transport and disposal.

(1) **Additional Cleaning.** Once in the waste decontamination system, external surfaces of the contaminated bags/containers and equipment shall be cleaned an additional time by wet cleaning in the washroom.

(2) **Additional Containerizing.** Once the additional cleaning is completed and the cleaned bags/containers of asbestos waste are dried of any excessive pooled or beaded liquid, they shall be placed in a clean uncontaminated plastic bag or wrapped in sheeting (except for non-porous drums which shall be washed and dried only), as the items physical characteristics demand, and sealed airtight. When the bags/containers are moved to the holding area, lockable trailer, or lockable hardtop dumpster, the bags/containers shall be appropriately labeled with the date they are moved from the waste decontamination system marked on the container in waterproof markings. Caution labels as per the requirements of current EPA NESHAP regulations, including the generator's name and location generated shall also be affixed at this time.

(3) **Removal to Airlock or Small Project Clean Room.** The equipment and cleaned/containerized waste shall be moved into the airlock, or for Small projects to the clean room, that leads from the washroom. The washroom workers shall not enter this airlock, Small project clean room or the regulated abatement work area until waste transfer is finished for that transfer period. Once waste transfer is complete, the washroom workers shall proceed to the regulated abatement work area and then to the personal decontamination system, or immediately to the remote personal decontamination system.

(d) **Removal to Holding Area, Lockable Trailer Or Lockable Hard Top Dumpster.** Bags/containers and equipment shall be moved from the airlock and into the holding area, or directly from the holding area to the lockable trailer or lockable hardtop dumpster by persons attired in clean personal protective equipment who have entered from uncontaminated areas. Asbestos waste may stay in the holding area no longer than one (1) week or in a lockable trailer or lockable hard top dumpster until filled, but in no instance longer than ten (10) calendar days after successful completion of Phase II C for all regulated abatement work areas at the site.

(e) **Cart Usage and Cleaning**. The cleaned containers of asbestos waste and equipment shall not be stored in the clean room but shall be placed in holding carts adjacent to but outside of the clean room, after passing through the decontamination unit. The carts may be used for temporary storage adjacent to the clean room until the end of the work shift.

(f) **Holding Carts.** The carts shall be watertight and have doors or tops that shall be closed and secured. The carts shall be HEPA-vacuumed and wet cleaned at least once a day.

(g) **Trailers and Dumpsters.** Waste transport trailers and dumpsters used to transport RACM waste, shall be hard topped, lockable and lined with two (2) layers of six (6) mil fire-retardant polyethylene. Prior to transport from the work site, all waste trailers and dumpsters shall be sealed to ensure air, dust and watertight integrity, utilizing six (6) mil plastic, duct tape and expandable foam sealant as necessary. The waste transporter is responsible for

cleaning/decontamination of waste trailers or dumpsters, once the waste has been properly disposed of at the appropriately licensed and permitted landfill facility. Waste haulers (truck drivers) accessing the work area to remove waste trailers/dumpsters do not require certification as asbestos handlers. Waste hauler truck operators shall be allowed within the regulated work area for loading of waste and shall remain in their vehicle with the windows up and the ventilation system off while in the work area.

(h) **Enclosure Security.** The entrance to and exit from the waste decontamination system enclosure(s) shall be secured to prevent unauthorized entry. Signs per Section 56-7.4 shall be posted at the entrance to the decontamination units.

(i) **Assigned Persons For Small Asbestos Projects.** Where only one egress exists and the shower is used as a waste removal washroom, workers shall be stationed in each area/room of the decontamination system enclosure to transfer/process the contaminated bags/containers and equipment through adjacent areas/rooms as per this Section. These workers shall not cross into the adjacent areas/rooms until waste transfer is finished for that transfer period and all other workers have decontaminated as per this Part. The clean room/holding area workers shall enter from uncontaminated areas attired in clean personal protective equipment. The clean room shall not be used as a holding area, but shall be used as a waste bag/container transfer area for loading waste bags/containers into carts, for immediate transfer to the waste transport trailer/dumpster.

SUBPART 56-9

PHASE II C FINAL CLEANING AND CLEARANCE PROCEDURES

56-9.1 Final Cleaning Procedures. The following cleanup procedures shall be required after completion of Phase II B activities:

(a) **Continuous Negative Pressure Ventilation.** If required during Phase IIB, the negative pressure ventilation units shall remain in continuous operation during implementation of Phase IIC, including observance of settling/waiting periods and drying times.

(b) **First Cleaning, Lockdown Encapsulation and Top Layer Removal.** All surfaces of the regulated abatement work area shall be first wet-cleaned using rags, mops and sponges. For collecting excess liquid and wet debris, a wet purpose HEPA filtered shop vacuum may be used and shall be emptied prior to removal from the regulated abatement work area. When the first cleaning has been completed, a thin coat of a lockdown encapsulant agent shall be applied to all surfaces within the regulated abatement work area which were not the subject of removal or abatement. In no event shall lockdown encapsulant be applied to any surface which was the subject of removal or other abatement response activity, prior to obtaining satisfactory clearance air results for the regulated abatement work area. Once the lockdown encapsulant has been applied, and the appropriate waiting/settling or drying time requirements of this Subpart have been met, the cleaned, exposed top barrier layer of plastic sheeting shall then be removed from walls, ceilings and floors. Windows, doors, HVAC system vents and other openings shall remain sealed. Decontamination system enclosures shall remain in place and shall continue to be utilized.

(c) **Second Cleaning and Bottom Layer Removal**. After the top layer of plastic sheeting has been removed, all objects and surfaces in the regulated abatement work area shall be HEPA-vacuumed and then wet-cleaned. After the second cleaning and waiting/settling or drying time requirements of this Subpart, then the remaining bottom layer of plastic sheeting on walls, ceilings and floors shall be removed. All windows, doors, HVAC system vents and all other openings shall remain sealed.

(d) **Third or Final Cleaning and Visual Inspection.** After the bottom layer of plastic sheeting has been removed, all objects and surfaces in the regulated abatement work area shall be HEPA-vacuumed and then wet-cleaned. After the final cleaning is complete, clearance air sampling shall not commence until the appropriate waiting/settling or drying time requirements of this Subpart have elapsed and a visual inspection has been completed by the project monitor to confirm that the scope of abatement work for the asbestos project is complete, and no visible asbestos debris/residue, pools of liquid, or condensation remain. The asbestos abatement contractor supervisor must complete a satisfactory

visual inspection for completeness of abatement and cleaning, prior to commencement of the project monitor visual inspection.

(1) **Project Monitor Visual Inspection.** An appropriately trained and certified project monitor, contracted by the building/structure owner, independent of the asbestos abatement contractor, shall complete the visual inspection. The project monitor visual inspection for completeness of abatement and completeness of cleanup shall be performed as per the provisions of the current ASTM Standard E1368 "Standard Practice for Visual Inspection of Asbestos Abatement Projects". If the property owner is the asbestos abatement contractor for the asbestos project, the owner shall contract with an independent project monitoring firm asbestos contractor for the necessary visual inspection on the asbestos project. The asbestos abatement contractor and property owner, prior to the scheduling of the required visual inspection, shall provide a complete abatement scope of work for the asbestos project to the project monitor. An entry shall be made into the asbestos abatement contractor supervisor's daily log by both the supervisor and the individual performing the inspection, detailing the findings of the visual inspection. The full name and NYSDOL asbestos handling certificate number of the certified individual performing the inspection shall also be documented in the supervisor's daily log.

(e) **Exemption From Multiple Cleaning And Sheeting Removal.** When the regulated abatement work area is not required to be plasticized, or when a tent enclosure unit is used, one thorough final cleaning followed by the observance of the appropriate waiting/settling or drying time requirement of this Subpart shall be required. For regulated abatement work areas where one (1) layer of plastic sheeting is allowed, such as the use of spray plastic or pre-demolition asbestos projects, two (2) cleanings (first and final), each followed by observance of the appropriate waiting/settling or drying time requirements of this Subpart is required. Cleanings shall consist of all surfaces in the regulated abatement work area being HEPA vacuumed first and then wet-cleaned.

(f) **Waiting/Settling And Drying Times Requirements.** For sequential removals as per Section 56-8.6(b), the most stringent waiting/settling/drying time shall be observed.

(1) The following waiting and drying times per material abated shall be observed for each stage of cleaning as per this Subpart:

(i)	fireproofing, plaster, TSI and other friable materials	- 12 hours
(ii)	abrasive removals of floor tile/mastic with machinery (such as a bead blaster, grit blaster, etc.)	- 12 hours
(iii)	manual removal of floor tiles/mastic	- 4 hours
(iv)	manual abatement of interior non-friable materials	- 4 hours

(v) Incidental disturbance asbestos project - 4 hours

(vi) tent with glovebag abatement of TSI - 2 hours

(vii) intact transite panel removals indoors - 2 hours

(viii) Exterior non-friable ACM abatement without negative pressure enclosure - None

(h) **Decontamination of Tools & Equipment.** All equipment (except negative air ventilation system) and tools shall be removed from the regulated abatement work area and properly decontaminated as per this Part, prior to commencement of clearance air sampling.

56-9.2 Air Sampling Requirements.

(a) **Personal Air Sampling.** Air sampling shall be performed in the worker's breathing zone, by the asbestos contractor for his personnel, as required by current OSHA regulations.

(b) **Daily Air Sampling.** Project air sampling shall be conducted daily for the full workshift for Large projects, until satisfactory clearance air results have been obtained for the regulated abatement work area. If more than one (1) daily workshift is required to accomplish the work, air sampling shall be performed on each workshift. Air sampling is not required on days when there are no Phase II C activities.

(1) **Number And Location Of Samples – Large Asbestos Projects.** A minimum of five (5) samples shall be taken on a daily basis. The location of samples to be taken are the same as specified for Phase IIA and IIB. (See Section 56-7.1 and Table 2 within Subpart 56-4)

(2) **Work Stoppage Criteria During Phase II C Abatement Procedures.** If air samples collected outside the regulated abatement work area indicate airborne fiber concentrations at or above 0.01 fibers per cubic centimeter, or the established background level, whichever is greater, work shall stop immediately for inspection and repair of barriers and negative air ventilation systems as necessary. Clean up of surfaces outside of the regulated abatement work area using HEPA-vacuums and wet-cleaning methods shall be performed prior to resumption of abatement activities. A summary of the elevated results, clean up activities, the results of barrier and negative air system inspections including any necessary repairs, shall be documented in the asbestos abatement contractor supervisor's daily project log. Work methods shall be altered accordingly to reduce fiber concentrations to acceptable levels.

(c) **Exemption From Daily Air Sampling.** Daily air sampling is not required on exterior asbestos projects with abatement of non-friable ACM roofing, siding, caulking or glazing compound, tars, sealers, coatings or other NOB ACMs,

unless the ACM is rendered friable during removal, or debris falls inside the building/structure.

(d) **Clearance Air Sampling.** There is no exemption from these requirements for Small or Large size negative pressure tent enclosure work areas. The amount of material abated within each regulated abatement work area determines the project size clearance air sampling requirements for each regulated abatement work area.

(1) **Aggressive Sampling Techniques.** The following aggressive sampling techniques must be used for Phase II C clearance air sampling:

(i) **Pre-Sampling Agitation.** Before starting the air sampling pumps, the exhaust of forced air equipment shall be directed against all walls, ceilings, floors, ledges, and other surfaces in the rooms. This shall continue for at least five (5) minutes per 1,000 square feet of floor space.

(ii) **Ongoing Agitation.** At least a 20-inch fan shall be placed in the center of each room. One (1) fan per 10,000 cubic feet of room space shall be used. The fan shall be operated on slow speed and pointed toward the ceiling.

(iii) **Begin Sampling.** The sampling pumps shall then be turned on.

(iv) **End Sampling.** When sampling has been completed, the sampling pump shall be turned off first, followed by the fan.

(2) **Number and Location of Samples - Large Project.** A minimum of ten (10) area samples shall be taken. Five (5) samples shall be taken inside the regulated abatement work area and five (5) samples shall be taken outside of the regulated abatement work area within the building or structure in uncontaminated areas that are within ten (10) feet of the isolation barriers. One additional inside sample shall be required for every 5,000 sq. ft. above 25,000 sq. ft. of floor space within the regulated abatement work area. If the entire building/structure is the regulated abatement work area, the five (5) area samples outside the regulated abatement work area shall be eliminated and one (1) sample shall be collected outside the building/structure within ten (10) feet of isolation barriers.

(3) **Number and Location of Samples - Small Project.** A minimum of six (6) samples shall be taken. Three (3) samples shall be taken inside the regulated abatement work area and three (3) samples shall be taken outside of the regulated abatement work area, within the building or structure, in the uncontaminated areas within ten (10) feet of the isolation barriers. If the entire building/structure is the regulated abatement work area, the three (3) area samples outside the regulated abatement work area shall be eliminated and one (1) sample shall be collected outside the building/structure within ten (10) feet of the isolation barriers.

(4) **Number And Location Of Samples – Minor Asbestos Projects & Minor Size Regulated Abatement Work Areas.** For a Minor asbestos project, air samples are not required unless the glove bag or tent fails or if it is an incidental disturbance asbestos project, in which case the following sampling will be required. Also, if a Minor size regulated abatement work area is part of a Small or Large asbestos project, the following sampling will be required per minor size regulated abatement work area.

(i) **Clearance Air Sampling.** A minimum of two (2) samples shall be collected. One (1) sample shall be collected inside the regulated abatement work area and one (1) sample shall be collected outside of the regulated abatement work area, within the building or structure, in an uncontaminated area within ten (10) feet of the isolation barriers.

(e) **Exemption From Clearance Air Sampling.** Clearance air sampling is not required for exterior asbestos projects completed without a negative pressure enclosure. When clearance sampling is not required as per this Part, once the final cleaning is complete, the appropriate waiting/settling or drying time requirements, as defined in Section 9.1 shall commence. Once the appropriate time period has elapsed, a visual inspection shall be completed by the project monitor to confirm that the scope of abatement work for the asbestos project is complete, and no visible asbestos debris/residue, pools of liquid, or condensation remain. The asbestos abatement contractor supervisor must complete a satisfactory visual inspection for completeness of abatement and cleaning, prior to commencement of the project monitor visual inspection.

(1) **Project Monitor Visual Inspection.** An appropriately trained and certified project monitor, contracted by the building/structure owner, independent of the asbestos abatement contractor, shall complete the visual inspection. The project monitor visual inspection for completeness of abatement and completeness of cleanup shall be performed as per the provisions of the current ASTM standard E1368 “Standard Practice for Visual Inspection of Asbestos Abatement Projects”. If the property owner is the asbestos abatement contractor for the asbestos project, the owner shall contract with an independent project monitoring firm asbestos contractor for the necessary visual inspection on the asbestos project. The asbestos abatement contractor and property owner, prior to the scheduling of the required visual inspection, shall provide a complete abatement scope of work for the asbestos project to the project monitor. An entry shall be made into the asbestos abatement contractor supervisor’s daily log by both the supervisor and the project monitor performing the inspection, detailing the findings of the visual inspection. The full name and NYSDOL asbestos handling certificate number of the certified project monitor performing the inspection shall also be documented in the supervisor’s daily log. If the regulated abatement work area is determined to be acceptable, this qualified project monitor may

authorize breakdown of the regulated abatement work area, removal of all remaining barriers and waste removal from the site.

(2) **Exemption from Project Monitor Visual Inspection.** Asbestos projects which are exempt from clearance air sampling requirements at one or two-family owner occupied residential buildings/structures, are also allowed an exemption from the project monitor visual inspection requirements. For asbestos projects utilizing this exemption, once final cleaning is complete, a visual inspection shall be completed by the asbestos abatement contractor's supervisor to confirm that the scope of abatement work for the asbestos project is complete, and no visible debris/residue, pools of liquid, or condensation remain. The results of this inspection shall be documented by the asbestos abatement contractor's supervisor in the asbestos abatement contractor daily project log, and once the asbestos project is complete the asbestos abatement contractor's supervisor shall also obtain the owner's written acceptance of the final results of the asbestos project within the daily project log.

(f) **Satisfactory Clearance Air Sample Results.** The clearance air sample results shall be considered acceptable when the clearance criteria in Section 56-4.11 have been satisfied.

(g) **Unsatisfactory Clearance Air Sample Results.** Required actions if the non-exempt regulated abatement work area clearance air sampling results are unsatisfactory are as follows:

(1) **Recleaning.** If the results of inside work area group of air samples are unsatisfactory, recleaning of regulated abatement work area surfaces using wet methods is required, with the negative air pressure equipment operating as per the requirements of this Part. If only the results of the outside work area group of air samples are unsatisfactory, clean-up of surfaces outside of the regulated abatement work area using HEPA-vacuums and wet-cleaning methods shall be performed.

(2) **Collection of New Samples.**

(i) If the results for the inside work area group of air samples are unsatisfactory, after recleaning of work area surfaces, clearance air sampling shall not commence until the appropriate waiting/settling or drying time requirement as per Section 56-9.2(f) has elapsed and no visible asbestos debris/residue, pools of liquid, or condensation remain, then collection and analysis of an additional full set (both inside and outside work area samples) of clearance air samples as required by Section 56-9.2(d) shall be completed. Samples shall be placed in the same positions as before, and the new samples analyzed for concentrations of airborne fibers.

(ii) If only the results for the outside work area group of air samples are unsatisfactory, following clean-up of surfaces outside of the regulated abatement work area, collection and analysis of an

additional group of outside work area clearance air samples as required by Section 56-9.2(d) shall be completed. Samples shall be placed in the same positions as before, and the new samples analyzed for concentrations of airborne fibers.

(3) **Repeating Air Sampling and Analysis.** The requirements of this Subdivision shall be repeated until satisfactory clearance air sampling results have been achieved, for all non-exempt regulated abatement work areas throughout the entire work site.

56-9.3 Dismantling of Regulated Abatement Work Area.

(a) **Collapsing and Containerizing of Tent Enclosures.** Each tent enclosure and airlock shall not be dismantled until clearance air sampling has been performed and satisfactory results obtained. The plastic sheeting which formed the tent, airlock, and the contents thereof, shall be fully collapsed, starting from the top and working downward. The tent and contents shall be placed in at least a six (6) mil plastic bag or hardwall container, sealed airtight with duct tape and removed for disposal. The plastic sheeting shall be treated as contaminated material and properly disposed of as asbestos waste.

(b) **Removal of Tools and Equipment.** All remaining tools and equipment shall be removed from the regulated abatement work area after proper decontamination as per this Part.

(c) **Removal of Remaining Barriers.** Once the asbestos abatement contractor receives satisfactory clearance air sample results, or an acceptable visual inspection for an exempt regulated abatement work area, and all tools and equipment are removed, all remaining polyethylene, duct tape, expandable foam and other barrier materials shall be bagged, wrapped or containerized and labeled as asbestos waste. Temporary hardwall barriers must be dismantled and removed from the site. If any debris/residue is observed behind barriers, it shall be removed and bagged/containerized followed by HEPA-vacuuming and wet-cleaning of the surfaces that were hidden behind the barrier. All waste generated shall be removed to the holding area, lockable trailer or lockable hardtop dumpster as per Section 8.9 of this Part. The asbestos abatement contractor's supervisor shall then conduct a final inspection of the regulated abatement work area to certify that the abatement work is complete and no debris/residue remains. The results of the final inspection for each regulated abatement work area shall be noted in the asbestos abatement contractor supervisor's daily project log.

(d) **Removal of Decontamination Enclosure.** After all other remaining isolation barriers, tools and equipment have been removed from the regulated abatement work area, the remaining decontamination enclosure for the regulated abatement work area must be dismantled and removed from the work site. All plastic sheeting shall be removed and disposed of as asbestos waste.

SUBPART 56-10

PHASE II D FINAL WASTE REMOVAL FROM SITE REQUIREMENTS.

56-10.1 Air Sampling Requirements.

(a) **Satisfactory Clearance Air Results.** Satisfactory clearance air results must be obtained, for all non-exempt regulated abatement work areas, before final waste removal from the site may be completed as per this Subpart.

56-10.2 Removal of Tools and Equipment. All remaining tools and equipment shall be removed from the work site after proper decontamination.

56-10.3 Removal of Remote Decontamination Enclosures. After all regulated abatement work areas for the asbestos project have been dismantled as per Section 56-9.3, any remaining remote decontamination enclosures must be dismantled and removed from the work site. All plastic sheeting shall be removed and disposed of as asbestos waste.

56-10.4 Removal of Waste from the Site. All waste generated as part of the asbestos project shall be removed from the site within ten (10) calendar days after successful completion of Phase II C for all regulated abatement work areas at the site. All waste generated during the asbestos project shall be legally disposed of at an approved landfill facility. All generated waste removed from the site must be documented, accounted for and disposed of in compliance with the requirements of EPA NESHAP.

SUBPART 56-11
SPECIAL PROJECTS

56-11.1 In-Plant Operations.

(a) **Air Sampling and Analysis.** Air sampling and analysis on all asbestos projects conducted under this Section shall be conducted in accordance with the requirements of Subpart 56-4 of this Part.

(b) **Where Allowed.** In-plant operations permissible under this Subpart are only those that meet all of the following criteria:

(1) Any work within the premises of an employer other than the State, any political subdivision of the State, a public authority or other governmental agency or instrumentality thereof, in an area to which persons other than those directly involved in the work shall not have access during the course of the work, and which is performed in a manner consistent with federal regulations promulgated under the Federal Occupational Safety and Health Act, pursuant to Chapter 15 of Title 29 of the United States Code and is performed in a manner which shall not expose the public to airborne fibers in excess of background levels or .01 fibers per cubic centimeter, whichever is greater, provided that the work involves the encapsulation, enclosure, removal, repair, disturbance or handling of

(i) less than 160 square feet or 260 linear feet of ACM, PACM, or asbestos material and is performed by employees of such employer or

(ii) any quantity of Non-friable Organically Bound (NOB) asbestos material currently in a non-friable intact condition, provided the abatement methods will not render the asbestos material friable during abatement. Only ELAP approved laboratories compliant with Section 56-4.2 of this Part, can make the determination that bulk samples of a non-friable suspect ACM are NOB asbestos materials.

(c) **Limitations.** The "in-plant operations" exception created in Section 901(12) of the Labor Law is limited in scope, as follows:

(1) There is no exemption from requirements for licensing and certification as per this Part. (See Subpart 56-3 of this Part.)

(2) There is no exemption from air sampling or asbestos survey requirements as per this Part. (See Subparts 56-4 and 56-5 of this Part.)

(3) There is no exemption from requirements for project notification or from notice to residents or occupants as per this Part. (See Sections 56-3.4, 56-3.5, and 56-3.6 of this Part, respectively.)

(4) There is no exemption from record-keeping requirements of Labor Law, Section 904 and Section 56-3.4(a) of this Part.

(5) For all of these purposes, in-plant operations are asbestos projects as defined in Section 56-2.1 of this Part.

(6) There is a limited exemption from other Part 56 work practices where all of the following conditions are met:

(i) the project takes place within the premises of the nonpublic employer;

(ii) the project takes place in an area to which persons other than those directly involved in the work shall not have access during the course of the work;

(iii) the project is performed in a manner consistent with current OSHA regulations;

(iv) the project is performed in a manner which shall not expose the public to airborne fiber concentrations exceeding background levels or .01 fibers per cubic centimeter, whichever is greater; and

(v) the project:

(a) involves encapsulation, enclosure, removal, repair, disturbance or handling of less than 160 square feet or 260 linear feet of ACM, PACM or asbestos material and work is performed by employees of the employer; or

(b) involves the encapsulation, enclosure, removal, disturbance, repair or handling of NOB asbestos materials. If the materials listed in this clause are involved and no asbestos material will be rendered friable during abatement, an employer may employ an outside asbestos abatement contractor (i.e., the work need not be performed by employees of such employer.)

(d) **In-plant Operations Regulated Abatement Work Area.** Every location where an in-plant operation is performed shall be considered to be a regulated abatement work area for purposes of this Subpart.

(e) **Licensing, Notification and Certification.** Asbestos contractors and other individuals engaged in asbestos projects conducted under this Subpart shall comply with the requirements of Subpart 56-3 of this Part.

(f) **Failure to Meet "In-Plant Operations" Criteria.** If, at any time prior to, during or subsequent to the asbestos project, conditions are such that any of the criteria of Subdivision (c) of this Section are not met, all anticipated, current and further work or activity on such project shall be conducted in accordance with all requirements of Part 56.

56-11.2 Emergency Projects.

(a) **Air Sampling and Analysis.** Air sampling and analysis on emergency asbestos projects shall be conducted in accordance with the requirements of Subpart 56-4.

(b) **Where Allowed.** Permissible under this Section are only those projects that are deemed by the Commissioner or his or her duly authorized representative as being necessary to respond to an unexpected, unanticipated or unforeseen occurrence, including but not limited to, an incidental disturbance of ACM, PACM or asbestos material, a steam, chemical, gas or water line rupture, or boiler failure or a building/structure collapse, which poses

(1) an imminent danger to the health and safety of the public or

(2) an asbestos related risk to the health and safety of the public from release of airborne asbestos fibers.

(c) **Licensing and Certification.** Emergency asbestos projects conducted under this Subpart shall comply with the requirements of Sections 56-3.1, 56-3.2 and 56-3.3 of this Part.

(d) **Notification.** Prior to the commencement of an emergency asbestos project, the asbestos abatement contractor shall comply with the emergency asbestos project notification requirements set forth in Sections 56-3.5 and 56-3.6.

(e) **Approved Emergency Project.** If permission to proceed as an emergency asbestos project is granted as per this Subdivision and Section 56-3.5, all work done on the project must be performed in a manner consistent with applicable provisions of this Part or with approved variance conditions required by the Commissioner or his or her designee. If the asbestos project will be completed using alternative procedures defined within a site-specific variance, the approved variance decision must be obtained prior to proceeding with the asbestos project. If permission to proceed with the emergency asbestos project is denied, all work shall be performed in accordance with all applicable provisions of this Part.

(f) **Corrective Actions for Incidental Disturbance of Asbestos Containing Materials:**

(1) Upon discovery, the affected area shall be cordoned off with barrier tape at a distance of twenty-five (25) feet from the outer most limit of the disturbance. This shall be considered the regulated abatement work area for the cleanup of the disturbed materials. The regulated abatement work area shall be immediately cordoned off and adequate signage shall be posted as described in Subpart 56-7.4. <u>After evaluation and emergency notification for the incidental disturbance as per Section 3.5, the following applies:</u>

(i) A minimum of a Small project decontamination system enclosure, which may be remote from the work area, shall be installed and utilized for the asbestos project. For interior regulated abatement work areas, critical barriers shall be installed as per Section 56-7.11, or an appropriately sized tent enclosure shall be installed to

serve as an isolation barrier, dependent upon the size and configuration of the area disturbed. Then negative air ventilation systems shall be established as per Section 56-7.8(a).

(ii) For outdoor regulated abatement work areas, all adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six (6) mil fire retardant plastic sheeting.

(2) Tent enclosures, if necessary, shall be constructed as per Section 56-7.11(f)(1) to surround the area of disturbance. The tent shall be sealed to the surfaces beyond the limits of contamination, and those surfaces of the tent enclosure (wall, ceiling, or floor) shall not require plastic sheeting. An attached airlock is required.

(3) Due to the nature of this work, background air samples shall not be required.

(4) Wet methods shall be employed to minimize further disturbance of the affected material during cleanup activities. No removal of undisturbed ACM, PACM or asbestos material shall be allowed during the incidental disturbance cleanup emergency asbestos project.

(5) **Visual Inspection.** Once final cleaning is complete, a visual inspection shall be completed by the asbestos abatement contractor's supervisor to confirm that the scope of abatement work for the asbestos project is complete, and no visible debris/residue, pools of liquid, or condensation remain.

(6) **Removal of Personal Protective Equipment**. The worker's disposable protective clothing shall be removed and left in the incidental disturbance work area upon exiting.

(7) **Exiting Procedures.** After exiting the tent, workers shall immediately don clean protective clothing within the attached airlock. Workers shall then proceed immediately to a shower for decontamination.

(8) **Final Cleaning and Clearance Procedures.** Final clean-up procedures shall comply with Section 56-9, except that only one (1) stage of cleaning (final) is to be performed. Lockdown encapsulant use is not required except for porous contaminated surfaces subject to cleaning. After clean-up is complete, a visual inspection followed by completion of clearance procedures, shall be performed consistent with the requirements of Subpart 56-9.

56-11.3 Minor Asbestos Projects or Minor Size Regulated Abatement Work Area.

(a) **Air Sampling and Analysis.** Air sampling and analysis on a Minor asbestos project or Minor size regulated abatement work area conducted under this Section shall be conducted in accordance with the requirements of Subpart 56-4 of this Part.

(b) **Where Allowed.** For asbestos projects or regulated abatement work areas with abatement of less than or equal to ten (10) square feet or twenty-five (25) linear feet of ACM, PACM or asbestos material, Phase II Minor asbestos project abatement procedures as per this Section may be complied with in lieu of full compliance with Sections 56-7 through 56-9. All other requirements of this Part shall apply. Minor asbestos project corrective actions shall include limited enclosure, spot repair/patching, incidental disturbance clean-up, spot removal, and spot encapsulation. All corrective actions except spot removal shall be performed using non-asbestos material. Repairs where spot removal has occurred shall also utilize non-asbestos material. The regulated abatement work area shall be established as per the requirements of Section 56-7.4.

(c) **Ventilation for Power Tools.** Power tools used to drill, cut, or otherwise disturb asbestos material in Minor size regulated abatement work areas, shall be manufacturer equipped with HEPA-filtered local exhaust ventilation.

(d) **Glovebag Use.** Glovebag operations shall be performed within negative pressure tent enclosures, and shall utilize commercially available glovebags of at least six (6) mil, transparent plastic and no larger than needed. See Section 56-7.11 regarding tent construction and Section 56-8.4 regarding proper glovebag procedures. For an isolated event necessary for repair associated with normal operations and maintenance activities, a single glovebag operation may be performed without a negative pressure tent enclosure.

(e) **Tent Use.** Tents may be used to perform Minor size asbestos abatement, with or without the use of glovebags. Commercially available tents with floors, walls and ceilings of at least one layer six (6) mil, fire-retardant plastic or a constructed tent per Section 56-7.11(f)(1) of this Part may be used. When utilizing a tent for Minor size asbestos projects, the following shall be required:

(1) **Personal/Equipment Decontamination Room or Area.** An existing room or area that is adjacent to the regulated abatement work area shall be used for the decontamination of personnel and equipment. The room or area shall be covered by an impermeable dropcloth on the floor or horizontal working surface. The room or area must be of sufficient size to accommodate cleaning of equipment and removing personal protective equipment. Work clothing must be cleaned with a HEPA vacuum before it is removed. All equipment and surfaces of asbestos waste bags/containers must be cleaned prior to removing them from the decontamination room or area. All personnel must enter and exit the regulated abatement work area through the decontamination room or area.

(2) **Personal Protective Equipment.** All persons shall don appropriate personal protective equipment before entering the tent in compliance with current OSHA regulations. Authorized visitors entering the tent shall also don NIOSH-approved respiratory protection.

(3) **Exhausting the Tent.** A HEPA-vacuum or other negative pressure HEPA-filtered ventilation equipment shall be used to continuously exhaust

the tent in accordance with Sections 56-7.8(a) and 56-7.11(f)(1) of this Part.

(4) **Amended Water.** All material to be removed shall be saturated with amended water as specified in this Part.

(5) **Abatement Procedures.** Asbestos material shall be removed and sealed in plastic bags prior to removal from tent. Edges of asbestos material remaining shall be encapsulated or sealed with wettable cloth.

(6) **Sealing of Surfaces and Edges.** The substrate from which asbestos was removed and any exposed edges shall be sealed with encapsulant.

(7) **Clean Up.** Cleanup shall be accomplished as follows:

(i) **Method.** All accumulations of asbestos waste material shall be containerized and removed. HEPA-vacuums shall be used to clean all surfaces after gross cleanup.

(ii) **Removal of Contaminated Equipment and Waste.** Contaminated equipment and all containerized waste shall be removed from the regulated abatement work area.

(iii) **Cleanup of Surfaces.** All surfaces in the regulated abatement work area shall be wet-cleaned using rags, mops or sponges.

(iv) **Waiting Period.** Negative pressure HEPA-ventilated air equipment shall be operated for a minimum of twenty (20) minutes following completion of final wet cleaning.

(8) **Visual Inspection.** Once final cleaning is complete, a visual inspection shall be completed by the asbestos abatement contractor's supervisor to confirm that the scope of abatement work for the asbestos project is complete, and no visible debris/residue, pools of liquid, or condensation remain.

(9) **Removal of Personal Protective Equipment**. The worker's disposable protective clothing shall be removed and left in the tent upon exiting.

(10) **Exiting Procedures.** After exiting the tent, workers shall immediately don clean protective clothing. Workers shall then seal the tent exit and, upon tent collapse, shut down the HEPA-vacuum.

(11) **Collapsing and Containerizing the Tent.** The plastic sheeting which formed the tent, and the contents thereof, shall be fully collapsed, starting from the top and working downward. The tent and contents shall be placed in at least a six (6) mil plastic bag or hardwall container, sealed airtight with duct tape and removed for disposal.

(12) **Showering.** Workers shall proceed immediately to a shower for decontamination.

(13) **Failure.** Actions to be taken in the event of loss of tent integrity are detailed within Section 56-8.4(j) of this Part.

56-11.4 Pre-Demolition Asbestos Abatement Projects. The following Phase II abatement procedure modifications shall apply for building/structures planned for demolition. All ACM, PACM or asbestos material must be removed from a building/structure and the asbestos project completed, prior to commencement of demolition activities.

(a) **Air Sampling and Analysis.** Air sampling and analysis on asbestos projects conducted under this Section shall be conducted in accordance with the requirements of Subpart 56-4.

(b) **Regulated Abatement Work Area Preparation.** Regulated abatement work area preparation shall be as per Subpart 56-7, except as follows:

(1) **Timing - Removal of Salvage.** Objects that can be removed from the regulated abatement work area without disturbing friable ACM prior to beginning Phase II B abatement procedures shall be completed as follows. The removal of nonporous, movable or non-movable salvage shall occur after critical barriers, isolation barriers and decontamination enclosures are in place in that portion of the building or structure, and only after salvage has been wet-cleaned and HEPA-vacuumed.

(2) **Floor, Wall & Ceiling Plasticizing and Sealing.** All porous floor, wall and ceiling surfaces, except where abatement of ACM, PACM or asbestos material shall be performed on those specific surfaces, shall be covered with one (1) layer of, at a minimum, six (6) mil fire-retardant plastic sheeting. The floor shall be plasticized first, and its plastic sheeting shall extend up the walls a distance of at least twelve (12) inches on all sides. The walls shall then be plasticized by applying plastic sheeting from the ceiling to the floor, overlapping the floor sheeting by at least twelve (12) inches. Next, the ceiling shall be plasticized, overlapping the walls by at least twelve (12) inches, to form a secure airtight seam. If the floor surface is not to be plasticized, it shall be made watertight. All seams in the plastic shall be sealed watertight and airtight.

(3) **Suspended Ceilings.** Suspended ceiling tiles and T-grid components in proximity to friable ACM shall remain in place until the regulated abatement work area has been fully prepared in accordance with this Section, and electrical and HVAC systems have been shut down. These potentially contaminated suspended ceiling components shall be removed at the completion of the remaining work area preparation, including establishment of negative air ventilation systems, prior to commencement of Phase II B activities. These removed ceiling components shall be bagged/containerized and disposed of as asbestos waste. Critical barriers shall be installed above the suspended ceiling as per Section 56-7.11(a), prior to the commencement of Phase IIB abatement.

(4) **Elevators.** Elevators running through the regulated abatement work area shall conform to the following:

(i) The elevator door in the regulated abatement work area shall be enclosed per Section 56-7.11(d).

(ii) Elevators not remaining in use shall have the fuses removed and the power switch locked in the open position.

(iii) Elevator shafts shall not be used as waste chutes for asbestos waste material.

(iv) Elevators that remain in use shall conform to the additional procedures to minimize the piston effects.

(a) Elevator controls shall be modified to bypass the regulated abatement work area.

(b) A third (final) layer of polyethylene is to be duct taped airtight but with slack so as to form a larger perimeter diaphragm. Air leakage across the barrier shall be corrected upon discovery, and the elevator shaft shall be checked for airborne asbestos contamination. If contamination is found in this area, the entire affected area shall be wet-cleaned prior to continuing any other work.

(c) This system shall be smoke tested daily.

(c) **Removal.** Removal of ACM, PACM and asbestos material shall proceed as per the requirements of Subpart 56-8.

(d) **Final Cleaning and Clearance Procedures.** Final clean-up and clearance procedures for pre-demolition abatement shall comply with Section 56-9, except that only two (2) stages of cleaning (first and final) are to performed. Lockdown encapsulant use shall be consistent with Section 9.1(b).

(e) **Final Waste Removal From the Site.** The requirements of Subpart 56-10 shall apply, once all asbestos project regulated abatement work areas have been completed.

56-11.5 Controlled Demolition with Asbestos in Place.

(a) **Air Sampling and Analysis.** Air sampling and analysis on an asbestos project conducted under this Section shall be conducted in accordance with the requirements of Subpart 56-4 of this Part.

(1) In addition to the requirement of Subpart 56-4.9(b-c), air monitoring within the work areas shall be conducted daily during abatement and cleaning activities. If more than one (1) shift daily is required to accomplish the work, air monitoring within the work area during abatement shall be performed on each shift, preferably at mid-shift timing.

(b) **Asbestos to Remain During Demolition.** A building/structure may be demolished with asbestos material in place, as per the requirements of this Section, when the following condition is met:

(1) **Building/Structure is Condemned.** A building or structure may be ruled structurally unsafe by a licensed Professional Engineer, Registered Architect, Building Inspector, Fire Inspector or other official of competent jurisdiction. The official shall attest to the condition of the building/structure in writing. A copy of the condemnation letter shall be attached to the project notification mailed to the Department of Labor and a copy shall be posted at the work site.

(c) **Controlled Demolition Procedures.** The following controlled demolition procedures shall be followed:

(1) **Project Size.** Unless the size of the project can be positively quantified it shall be deemed to be a Large project. The maximum fee shall accompany the notification.

(2) **Regulated Abatement Work Area.** The entire demolition area shall be considered the regulated abatement work area. This area shall be enclosed within a barrier to prevent unauthorized entry. Signage on this barrier shall be in accordance with Section 56-7.4. Orange construction fence or snow fence is acceptable for this purpose. For outdoor regulated abatement work areas, all adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six (6) mil fire retardant plastic sheeting, and the exterior asbestos project regulated abatement work area shall extend a minimum of twenty-five (25') feet from the outermost limit of the disturbance.

(3) **Entrance or Exit.** Entrance or exit of all persons and equipment shall be through one (1) designated and controlled “access way” in the barrier or fence, which shall provide a means of egress from the regulated abatement work area.

(4) **Decontamination Areas.** All decontamination areas shall be within the regulated abatement work area. An equipment decontamination area shall be cordoned off within the worksite for cleaning of heavy equipment, i.e., backhoes, excavators, loaders, etc. The ground surface in this decontamination area shall be banked on the sides to confine the contaminated wastewater.

(5) **Equipment Decontamination.** Equipment shall be decontaminated prior to exiting the regulated abatement work area, utilizing a pressure wash system, after which all exposed surfaces inside and out shall be wet wiped. The surface below the equipment shall be scraped or cleaned of any residual asbestos contamination. This material shall be removed and disposed of as asbestos contaminated material.

(6) **Wet Methods.** No dry disturbance or removal of ACM, PACM or asbestos material shall be permitted.

(7) **Debris.** All debris generated by the demolition shall be considered to be asbestos contaminated waste (to be disposed of as RACM), except for

structural members, steel components and similar non-suspect items which shall be fully decontaminated as per this Part.

(8) **Wetted Demolition Waste.** The demolition waste shall be wetted on a continuous basis, that is, prior to, during and subsequent to its actual collection and removal. Fog nozzles or similar type of equipment shall be used to perform the wetting.

(9) **Wetted Piles of Waste.** Piles of waste not actively being worked on, i.e. piles being added to or portions being removed or piles left over extended periods of time, shall be covered with at least one layer of six (6) mil polyethylene to retain its moisture level and to prevent fiber release.

(10) **Wastewater.** Wastewater shall be confined within the controlled demolition regulated abatement work area. All wastewater shall be collected by means of trenching or ditches and directed into a holding tank. Disposal of such wastewater shall be in accordance with applicable laws and regulations. After wastewater has dissipated, the earth surface below the trenches and holding tank shall be scraped and any residual asbestos contamination removed and disposed of as asbestos contaminated waste.

(11) **Pending Disposal.** All demolition waste shall be placed in hard wall, closed containers or vehicles with at least two (2) layers of fire retardant six (6) mil plastic sheeting draped loosely over the sides of the load to facilitate being wrapped over the top of the load and sealed air tight prior to transport from the site. Dumpsters shall be considered to be hard wall containers. There shall be no visible emissions or water leakage from these containers.

(12) **Contaminated Earth Surfaces.** The earth surface below the rubble and or contamination areas shall be scraped clean of any residual asbestos contamination. This material shall be removed and disposed of as asbestos contaminated waste.

(13) **Final Cleaning and Clearance Procedures.** Final clean-up and clearance procedures for abatement shall comply with Section 56-9, except that only one stage of cleaning (final) is to be performed. Lockdown encapsulant use is not required.

(14) **Final Waste Removal From the Site.** The requirements of Subpart 56-10 shall apply, after all asbestos project regulated abatement work areas have been satisfactorily cleared.

56-11.6 Exterior Project Removal of Non-friable ACM Roofing, Siding, Caulking, Glazing Compound, Transite, Tars, Sealers, Coatings, and Other NOB ACMs. The following Phase II abatement procedures shall apply for exterior removal of non-friable asbestos-containing roofing, siding, caulking, glazing compound, transite, tars, sealers, coatings, and other NOB ACMs, currently in a non-friable intact condition, unless the ACM is rendered friable during removal or debris falls within the

building/structure. The asbestos project shall then be completed in accordance with all requirements of this Part, except Special Projects Subpart 56-11.

(a) **Air Sampling and Analysis.** Air sampling and analysis on asbestos projects conducted under this Section is not required unless the ACM is rendered friable during removal or debris falls inside the building/structure. Air sampling and analysis shall then be conducted in accordance with the requirements of Subpart 56-4.

(b) **Regulated Abatement Work Area Preparation.**

(1) **Establishment and Isolation of Regulated Abatement Work Area.** The immediate work area shall be considered to be the area from which the asbestos containing materials are actively being removed. The asbestos project regulated abatement work area shall extend twenty-five (25') feet from the perimeter of the immediate work area and shall have signage in accordance with Section 56-7.4. An airlock shall be required at the entrance to the regulated abatement work area to serve as a changing area, if the workers shall have to pass through enclosed publicly occupied space, such as from a roof through an interior stairway, to access the decontamination units.

(i) Where the asbestos project regulated abatement work area extends outward twenty-five (25) feet and extends downward one (1) floor to encompass a passage or vehicular door which must be used for either a primary entrance or by an emergency vehicle, thereby precluding sealing such door, a tunnel structure (with sides and roof) built of plywood sheeting, covered with at least two (2) layers of at least six (6) mil plastic, shall extend outward twenty-five (25) feet horizontally from the line of vertical projection of the roof edge downward to grade level

(2) **Preliminary Preparation.** Regulated abatement work area preparation shall also comply with Sections 56-7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.9.

(3) **Decontamination System Location.** The personal decontamination system enclosures can be remote but must be within fifty (50) feet of the building/structure entrance used by the asbestos handlers (workers), and shall be removed only after obtaining satisfactory clearance air results for the regulated abatement work area or an acceptable visual inspection has determined that the abatement is complete, as per Section 56-9. 2(e).

(4) **Critical Barriers.** Prior to the placement of critical barriers, affected surfaces shall be pre-cleaned using HEPA-filtered vacuum equipment and wet cleaning methods. All openings within the regulated abatement work area shall be sealed with critical barriers installed as per Section 56-7.11(a), prior to beginning Phase II B activity on the project. The critical barriers shall be removed only after satisfactory clearance air sampling results have been obtained or the asbestos project is complete. The

requirements of Section 56-7.11(b-e) do not apply. Additional requirements are as follows:

Roofs:

(i) All openings (including operable windows, doors, ducts, grilles, communicating openings, etc.) one (1) story above and one (1) story below the roof level of the regulated abatement work area (this includes any building/structure within twenty-five (25) feet of the immediate work area), shall be sealed directly with two (2) layers of at least six (6) mil flame-retardant plastic sheeting. All vent openings which cannot be sealed shall be extended vertically a minimum of eight (8) feet and remain in operation.

(ii) A polyethylene drape or curtain may be used instead of plasticizing the windows individually. The drape may be removed after the asbestos project is complete.

(iii) The drape or curtain, if used, shall be made of two (2) layers of a continuous eighteen (18) foot curtain (drape) of at least six (6) mil plastic hung from the top of the wall or parapet. The plastic curtain shall be secured using nailer strips and ram set charges or other methods approved by the building/structure owner's authorized representative. The bottom of the plastic curtain shall be sufficiently weighted or anchored to prevent lifting due to winds. Curtain seams shall overlap at least twelve (12) inches and be sealed with duct tape front and back. The curtain ends and each seal shall be reinforced by stapling furring strips to the plastic. The plastic curtain shall extend a minimum of fifteen (15) feet beyond the last opening within twenty-five (25) feet of the regulated abatement work area. When removed, the plastic curtain shall be disposed of as asbestos waste.

(iv) Any windows on the floor below or above and within twenty-five (25) feet of the immediate work area need to be plasticized, but if safety reasons dictate, they may be plasticized from inside the building/structure.

(v) Any fixed or non-operable windows on the floor below or above and within twenty-five (25) feet of the immediate work area need not to be plasticized, but shall be sealed using caulking or duct tape.

Facades:

(vi) Removals without tents will require plasticizing or sealing of nearby windows within twenty-five (25) feet of the immediate work area, placement of dropcloths, plasticizing of a man-lift or scaffolding and other operational safeguards as outlined below.

(vii) For larger work area removals, any operable windows or openings to the building at the work level or on the floor below within twenty-five (25) feet of the immediate work area shall be plasticized with

two (2) layers of six (6) mil fire retardant polyethylene sheeting. The windows can be plasticized outdoors, or for reasons of safety, from the indoors. Window, door and louver units subject to complete removal must have their openings plasticized at the interior of the building. Windows that are fixed or non-operable and that will remain sealed airtight for the duration of abatement activities, do not require installation of critical barriers.

(viii) Under areas where non-friable materials are removed without tents, a dropcloth, made of six (6) mil fire retardant polyethylene sheeting, shall be placed on the ground below the work area to prevent spread of any ACM remnants. This dropcloth shall be a minimum of ten (10) feet wide with an additional ten (10) feet of width for every floor above a 1st floor level where removal work will take place, up to a maximum of thirty (30) feet of width measured perpendicular to the building/structure. In addition, if a straight scaffolding, man-lift, swing scaffolding or similar equipment is used for areas above the 1st floor, the lift/scaffolding unit shall be plasticized with two (2) layers of six (6) mil fire retardant polyethylene on the platform, with plastic sheeting extended vertically to waist-high (as so equipped) guardrail sides and back of the lift unit. While the platform/lift walking surfaces must be plasticized, the asbestos abatement contractor must provide proper traction surfaces or equipment to assure the safety and comfort of abatement workers while performing abatement activities on the lift/scaffold equipment. After non-friable ACM is removed from each work location, the platform and plasticized surfaces toward the building shall be wet wiped and/or HEPA vacuumed clean before reuse. The plasticizing on the lift or scaffolding shall be periodically inspected during use and repaired as needed.

(c) **Removal.** Removal of ACM shall utilize manual wet methods for all non-friable ACM removals, and rotating blade roof cutters for roofing removals, as applicable. In no event shall methods be used that may render the ACM friable.

(1) Residual non-friable ACM shall be wet scraped and HEPA vacuumed. Materials removed shall be containerized or immediately wrapped in two (2) layers of six (6) mil fire retardant plastic sheeting and secured air tight prior to transport to the waste decontamination facility.

(2) Under façade areas where non-friable ACM is to be removed without tents, whenever possible, an asbestos handler (worker) with a HEPA vacuum will position the vacuum hose within four (4) inches of the material being removed to capture small pieces of non-friable ACM and asbestos fines. The hose end will be positioned so that as many smaller pieces of material as possible will fall into the vacuum hose end. Larger pieces of ACM should be immediately bagged or containerized.

(3) Asbestos containing materials will not be allowed to accumulate in the work area or on the drop cloth.

(4) In lieu of using an exterior chute as per Section 8.4(g), waste bags and containers may be lowered to the waste trailer/dumpster by crane or hoist using a temporary waste transfer container of adequate size and strength.

(d) **Clean-Up Procedures During Abatement.** The following clean-up procedures shall be performed during abatement.

(1) Visible accumulations of loose asbestos containing waste material shall be cleaned up using rubber or plastic dustpans and rubber squeegees or HEPA filtered vacuums. Metal shovels may also be used, except in the vicinity of plastic sheeting, critical barriers and isolation barriers, which could be perforated by these tools. To pick up excess water and gross wet debris, a wet-dry HEPA filtered shop vacuum dedicated to asbestos abatement may be used. This cleaning shall be done whenever there is sufficient asbestos waste material to fill a single leak-tight bag/container, or this cleaning shall be done at the end of each work shift whichever shall occur first. Visible debris shall be maintained adequately wet.

(2) Work shall stop whenever excessive water accumulation or flooding is present in the area and shall not resume until the water is collected and disposed of properly.

(e) **Final Cleaning and Clearance Procedures.** Final clean-up and clearance procedures for abatement shall comply with Section 56-9, except that only one (1) stage of cleaning (final) is to be performed. Lockdown encapsulant use is not required.

(1) **Exemption from Project Monitor Visual Inspection.** Asbestos projects which are exempt from clearance air sampling requirements at one or two-family owner occupied residential buildings/structures, are also allowed an exemption from the project monitor visual inspection requirements. For asbestos projects utilizing this exemption, once final cleaning is complete, a visual inspection shall be completed by the asbestos abatement contractor's supervisor to confirm that the scope of abatement work for the asbestos project is complete, and no visible debris/residue, pools of liquid, or condensation remain. The results of this inspection shall be documented by the asbestos abatement contractor's supervisor in the asbestos abatement contractor daily project log, and once the asbestos project is complete the asbestos abatement contractor's supervisor shall also obtain the owner's written acceptance of the final results of the asbestos project within the daily project log.

(f) **Final Waste Removal From the Site.** The requirements of Subpart 56-10 shall apply, once all asbestos project regulated abatement work areas have been completed.

56-11.7 Non-friable Flooring and/or Mastic Removal. The following Phase II abatement procedures shall apply for removal of non-friable asbestos-containing

flooring and/or mastic materials including cove base and associated mastic. **(Note - Full work area preparation, attached decontamination system enclosures, abatement and multiple cleanings per this Part are required for beadblaster use or other abrasive abatement method.)**

(a) **Air Sampling and Analysis.** Air sampling and analysis on an asbestos project conducted under this Section shall be conducted in accordance with the requirements of Subpart 56-4.

(b) **Regulated Abatement Work Area Preparation.**

(1) **Establishment of Regulated Abatement Work Areas.** Each regulated abatement work area shall be established and signage posted as per the requirements of Section 56-7.4. Each regulated abatement work area shall remain vacated except for certified workers until satisfactory clearance air sampling results have been obtained or the asbestos project is complete.

(2) **Preliminary Preparation.** Regulated abatement work area preparation shall also comply with Sections 56-7.1 through Section 7.10, except that six (6) air changes per hour are required within the work area.

(3) **Critical and Isolation Barriers.** Prior to the placement of critical and isolation barriers, affected surfaces shall be pre-cleaned using HEPA-filtered vacuum equipment and wet cleaning methods. All critical and isolation barriers shall be installed as per Section 56-7.11(a-b) and all seams of HVAC or other system components that pass through a regulated abatement work area shall be sealed prior to beginning Phase II B work for each regulated abatement work area on the project. The critical and isolation barriers shall be removed only after satisfactory clearance air sampling results have been obtained.

(4) **Removal of Mounted Objects and Elevator Isolation.** Regulated abatement work area preparation shall also comply with Section 7.11(c-d).

(5) **Plasticizing.** The ceiling, walls and floor need not be plasticized as per Section 56-7.11(e) for manual or chemical removal methods.

(c) **Removal.** Removal of ACM and asbestos material shall proceed as per the requirements of Subpart 56-8.

(d) **Final Cleaning and Clearance Procedures.** Final clean-up and clearance procedures for abatement shall comply with Subpart 56-9, except that only one (1) stage of cleaning (final) is to be performed. Lockdown encapsulant use shall be consistent with Section 9.1(b), with the exception that lockdown encapsulant shall only be applied to non-removal surfaces covered with fire-retardant plastic sheeting.

(e) **Final Waste Removal From the Site.** The requirements of Subpart 56-10 shall apply, once all asbestos project regulated abatement work areas have been completed.

56-11.8 Abandoned Pipe/Duct/Conduit Wrap and Cut Removal. The following Phase II abatement procedures shall apply for wrap and cut removal of asbestos-containing or ACM covered abandoned pipes/ducts/conduits. All other requirements of this Part shall apply:

(a) **Air Sampling and Analysis.** Air sampling and analysis on an asbestos project conducted under this Section shall be conducted in accordance with the requirements of Subpart 56-4 of this Part.

(b) **Regulated Abatement Work Area Preparation.**

(1) **Establishment of Regulated Abatement Work Areas.** Each regulated abatement work area shall be established and signage posted as per the requirements of Section 56-7.4. Each regulated abatement work area shall remain vacated except for certified workers until satisfactory clearance air sampling results have been obtained or the asbestos project is complete.

(2) **Preliminary Preparation.** Regulated abatement work area preparation shall also comply with Section 56-7.1 through Section 7.11(d).

(i) **Exception.** For exterior regulated abatement work areas with ACM, PACM or asbestos material intact, establishment of negative air systems as per Section 56-7.8, and installation of isolation barriers as per Section 7.11(b) is not required. Remote personal decontamination system enclosures are allowed for exterior regulated abatement work areas.

(3) **Critical Barriers.** Prior to the placement of critical barriers, affected surfaces shall be pre-cleaned using HEPA-filtered vacuum equipment and wet cleaning methods. All critical barriers shall be installed as per Section 56-7.11(a) and all seams of HVAC or other system components that pass through a regulated abatement work area shall be sealed prior to beginning Phase II B work for each regulated abatement work area on the project. The critical and isolation barriers shall be removed only after satisfactory clearance air sampling results have been obtained.

(4) **Limitations.** Full regulated abatement work area negative pressure enclosure preparation as per Section 56-7.11(a, b and e) is not required if the following removal conditions are followed:

(i) The ACM, PACM or asbestos material must be intact, and the wetted pipe/duct/conduit shall be wrapped in two (2) independent layers of at least six (6) mil fire-retardant plastic sheeting and sealed airtight.

(ii) A one-layer dropcloth of at least six (6) mil fire-retardant plastic sheeting shall be utilized below the ACM, PACM or asbestos material during all wrapping operations.

(iii) Insulation removals to allow for cuts of pipe/duct/conduit and cuts for removal of ACM pipe/duct/conduit or sections thereof shall be

performed using glovebag procedures within a negative pressurized tent enclosure, per Section 56-8.4(a).

(c) **Removal.** Removal of the wrapped ACM and asbestos material shall proceed as per the requirements of Subpart 56-8.

(d) **Final Cleaning and Clearance Procedures.** Final clean-up and clearance procedures for abatement shall comply with Subpart 56-9, except that only one stage of cleaning (final) is to be performed. Lockdown encapsulant use is not required, except as indicated for glovebag procedures.

(e) **Final Waste Removal From the Site.** The requirements of Subpart 56-10 shall apply, after all asbestos project regulated abatement work areas have been completed.

SUBPART 56-12
MISCELLANEOUS

56-12.1 Severability. If any provision of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the valid provisions or applications and to this end the provisions of this Part are declared to be severable.

56-12.2 Variances. The failure by any person or entity performing work on or in connection with an asbestos project, to comply with the terms and conditions of any general or specific variance issued pursuant to Article 2, Section 30 of the Labor Law, from this Part, Article 30 of the Labor Law, or any other applicable statutes, rules or regulations, shall constitute a violation of this Section and shall render the variance itself null and void in regard to such project. Non-refundable fees for variance processing shall be set forth in Article 2, Section 30 of the Labor Law.

56-12.3 Applicable Variances (AVs). Notice of issuance of applicable variances under this Part, Article 30 of the Labor Law or other applicable Sections of State law, shall be published in the State Register and indexed by subject matter and number. Single copies of such variances may be obtained from the local district office of the Asbestos Control Bureau.

56-12.4 Right of Entry. The Commissioner or officers and employees of the Department shall at any time, from commencement to completion of any asbestos project, have the right to enter any part of such project, or at any time for complaint investigation. Refusal to permit such entry may result in application of appropriate penalties set forth in statute and code including enjoining further work on the project.

End of Appendices