

The City of New York  
HOUSING AND DEVELOPMENT ADMINISTRATION  
Department of Buildings

DEPARTMENTAL MEMORANDUM

DATE: November 17, 1972

TO: Borough Superintendents

FROM: Thomas V. Burke, P.E., Director of Operations

SUBJECT: NOISE CONTROL CODE - Supplement to  
Memorandum dated October 6, 1972

Paragraph 3 of the October 6, 1972, memorandum deals with the permissible hours and days of construction activities and authorizes this department to issue a variance from the requirement of Section 1403.3-4.11 of the Noise Control Code.

A variance from the requirements of Section 1403.3-4.11 (Noise Control Code) may be granted for construction activities of urgent necessity in the interest of public safety, where a hazardous condition exists or must be prevented or where the public would be greatly inconvenienced by construction during working days. For example, the following construction activities, when carried on in the Manhattan downtown area or other city-wide locations where there are no residence buildings nearby, would qualify for a variance from noise control provisions:

1. Excavation and shoring
2. Driving of Piles
3. Erecting of structural steel
4. Erection of formwork, placement of reinforcement and the pouring of concrete, etc.
5. Emergency work to shore or brace a structure

Variances should be granted for not more than 3 days, initially, to determine whether persons in the community register complaint. Where no residences are nearby and no complaints are received, additional variances may be granted for periods for not more than one week at a time. It is especially important that when emergency work is done, as in the case of a building collapse or a similar emergency, a variance to work at night or Sunday shall be given within 12 hours of the commencement of such work to preclude complaints that unauthorized work is being performed. (Sub-division b of Section 1403.3-4.11 of the Noise Control Code).

This supplement outlines, for the purposes of uniformity, the details of the variance procedure.

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710

PROCEDURE FOR ISSUING OF VARIANCE:

- A. Authorization of a variance from the prescribed hours and days of construction activities shall be by letter

FROM: Borough Superintendent or Deputy Boro Supt.

TO: The applicant for the variance

- B. Salient features of letter

1. Reference

- (a) Address of premises
- (b) Application number

2. Body

- (a) Statement that this situation is a case of urgent necessity in the interest of public safety pursuant to Section 1403:3-4.11 of the Administrative Code followed by a statement setting forth nature of necessity.


- (b) Explicit statement as to the term of the variance:

Hours of the day  
Day(s) of the week  
Date(s) of the month

3. Copies

One copy shall be mailed to:

Environmental Control Board  
% Bureau of Noise Abatement  
199 Church Street - 14th Floor  
New York, N.Y. 10007

  
Thomas V. Burke, P.E.  
Director of Operations

TVB/PEO/sl

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711