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## Scarano pointing the finger back

In an interview, architect defends his role amid firestorm

By Abby Luby



Architect Robert Scarano has come under scrutiny most recently for worker safety.

For the last two years, embattled Brooklyn architect Robert Scarano has been under the gun. Not only have there been fatal accidents at construction sites for buildings he has designed, but critics have slammed Scarano for manipulating zoning regulations to build bigger buildings, most times out of character with the neighborhood. Vehemently speaking out against Scarano has been Brooklyn Councilman Bill de Blasio (D-Park Slope/Carroll Gardens).

He wants to empower the New York City Department of Buildings to severely discipline architects like Scarano with a history of safety violations.

"I fundamentally believe if someone has numerous violations and are being investigated by the state Department of Education, the Department of Buildings should have the right not to give them [building] permits until the investigation is concluded," said de Blasio. "The DOB understands the logic, but they don't have the legal power."

De Blasio has been quoted as saying Scarano has a "shoddy" track record. The New York State Education Department, which oversees licensed architects, is looking into Scarano's projects.

Tom Dunne, spokesman for the Education Department, said there is no record of disciplinary action against Scarano from his agency, but he couldn't discuss any complaints or ongoing actions because of due-process rules.

Disciplinary action can include license revocation, fines or censure. "The department keeps abreast of current issues surrounding Scarano," said Dunne. "We respond to complaints, and we also follow the media."

In one of his first in-depth interviews since the controversy intensified, Scarano defended his role as an architect -- as one who creates building plans but doesn't inspect construction sites. He also maintained that opposition to his building designs is based on vague zoning laws that leave much to interpretation.

The end of self-certification

About two years ago, the city Buildings Department started to scrutinize Scarano projects for safety and zoning violations. It slapped several stop-work orders on his projects and demanded reviews, forcing Scarano to repeatedly deliver reams of documents, drafts and drawings to be re-evaluated.

In the middle of this tussle, Scarano decided to voluntarily give up his self-certification. Self-certification is an honor system (started during the Giuliani administration) that allows architects to monitor their own projects, expediting the building process with little or no Buildings Department oversight.

The program, which allows architects to sign off on their own plans, replaced a process that usually took the Buildings Department several months.

Scarano maintains that he gave up self-certification to protect his clients.

"At some point, a light goes off in my head," said Scarano of the review process. "If I continue to fight, it's only hurting my clientele because the work is bogged down with reviews and extra scrutiny."

Buildings Department press secretary Kate Lindquist verified that Scarano relinquished his self-certification last year. "Mr. Scarano's privileges to professionally certify were voluntarily surrendered in 2006," Lindquist said. "Since then, all permit applications must be reviewed by a Buildings Department plan examiner. When a plan examiner finds issues with his permit applications, Mr. Scarano takes steps to amend the plans accordingly."

Critics said that when Scarano had self-certification privileges, it gave him leeway to interpret zoning regulations to his benefit -- and as a result, he designed outside buildings in low-rise neighborhoods. The Buildings Department eventually accused Scarano of ignoring building codes and zoning rules by naming mezzanines and other spaces as storage space, which is exempt from square-footage regulations.

Now, with the Buildings Department looking over Scarano's shoulder, he said he has adjusted.

"I very happily go through what I used to before self-certification," said Scarano. "The extra scrutiny brings a higher level to the way we do our work. Now we are forced to dot the i's and cross the t's -- but we still push the envelope."

Although media attention has focused on Scarano's self-certification surrender, he hasn't been the only architect to throw in the towel. Since 2000, 42 New York City-based architects have voluntarily surrendered their self-certification privileges, while 49 architects have had their privileges revoked by the Buildings Department. In 2007 alone, five architects voluntarily gave up self-certification: Stuart Gold of SDG Engineering; Ramy Issac of Issac & Stern Architects; Sergey Mozer of Sergey Mozer Architect Design; Boleslaw Ryzinski of BR Architects; and George Turner of the Network Architecture Group.

According to the Buildings Department, many architects choose not to be in the self-certification program because they prefer the Buildings Department's oversight as guidance. Others voluntarily surrender the privilege because of pending disciplinary action.

#### Safety concerns

More recently, headlines have focused on safety issues at Scarano projects.

Buildings Department records show that Scarano currently has approximately 350 active construction projects citywide; the majority are in Brooklyn, and 20 percent of those have stop-work orders.

Jeff Strabone of Brooklyn's Community Board 6, which covers Cobble Hill, Carroll Gardens, Park Slope, Gowanus and Red Hook, is committed to keeping Brooklyn neighborhoods low-rise. He has publicly protested against some of Scarano's proposed buildings as well as those being constructed that were found unsafe and dangerous.

"There are government regulations that exist to protect the workers and residents," said Strabone. "With Scarano's disregard for safety, we can't let him continue to endanger the public."

In the last two years, three construction-related fatalities have occurred at sites of buildings designed by Scarano. In 2005, Arturo Gonzales, 27, was struck and killed by an 800-pound steel girder at 187 20th Street in Sunset Park, and Heng Zheng, 50, fell to his death at 207 South 1st Street in Williamsburg. In 2006, Anthony Duncan, 47, was killed when a garage wall collapsed at 733 Ocean Parkway in Flatbush.

"Construction accidents are obviously unfortunate. [They are] terrible tragedies, but they can be prevented if you take safety precautions. Although the sites are the responsibility of the general contractor, we have made it a policy for everyone on site to take OSHA safety courses," Scarano said. "We did this seven months before the Buildings Department made this a mandatory requirement. Everyone in my office takes it also."

According to the Occupational Safety and Health Administration, at least 98 construction workers in New York City have been killed since 2001.

Meanwhile, according to the Buildings Department, since 2002, a total of 1,349 Environmental Control Board violations have been issued to property owners retaining Scarano's services or to contractors for some 600 Scarano projects. Violations concern health, safety and clean environment in neighborhoods; they are not criminal offenses but involve monetary penalties. The violations served at Scarano buildings included an overturned cement truck, inadequate standpipe systems, improper storage of combustible materials and lack of safety netting.

Lindquist said it would be hard to speculate if that was an inordinate amount of ECB violations for Scarano, since it would take an

exhaustive search of all violations for all city architects, engineers and contractors to put the number in context.

### Vertical Brooklyn

For the past 25 years, Scarano has certainly been both praised and derided for widely changing Brooklyn's architectural landscape. His signature sliver buildings, and his penchant for creating loft spaces and high ceilings in the taller towers, have raised the ire of some Brooklyn community activists and politicians.

A good example of pushing the envelope is Scarano's design for the notorious "Finger Building" at 144 North 8th Street. The project has come under fire for its height, which dwarfed neighboring buildings. Public outcry protesting the height induced the Buildings Department to stop the work about a year ago. When construction was halted on the 16-story structure, a skeleton of the tower was left looming over North 8th Street.

"The Finger Building is a tragedy," said Scarano, pointing to the original rendering on a wall in his Brooklyn office. "It was vested under the old zoning, the DOB audited the job, it's professionally certified and in compliance. But it went against the grain in one respect -- Williamsburg was being rezoned." The project was seen as a race to complete the building before new laws -- limiting new buildings in the area to 10 stories -- kicked in.

Property owner Scott Spector, who originally came to Scarano to design the building, later claimed he was wary of the proposed height and eventually sued Scarano and developers Mendel Brach and Moshe Oknin over misuse of air rights involving adjacent buildings that Spector also owned.

Scarano, for his part, blames Spector for ultimately derailing the project. "That guy [Spector] sat in this room with me, developed that building with that height, with the fact that you had to use all those roofs, and is now denying all of that," Scarano said.

Spector's lawyer, Ray Hannigan at Herrick, Feinstein, said his client never understood how Scarano was building 16 stories. "We discovered Scarano's [air-rights] calculations included roof decks on top of all of our buildings. In my view, he probably expected to get away with it." Hannigan said a judge finally ruled that the Finger Building be only six stories high.

Scarano said failed jobs like the Finger Building don't deter him. "I do not believe that the controls should be so rigid that there can't be some exceptions or exclusions," he said. "Those are the best jobs. The Flatiron Building is the Flatiron Building because somebody let Broadway, that cow path, run recklessly through the grid and all those funny little shapes that got left over created some of the best jobs out there. Should the Williamsburgh Savings Bank never have been built because it's completely out of place, or the St. George Hotel? Is having a Finger Building in the middle of Greenpoint so terrible?"

While expanding living space by pushing boundaries got Scarano into hot water, he seems to enjoy taking risks. Thin towers, also known as sliver buildings, are not only rare opportunities but great challenges for city architects, he said. Early in Scarano's career, he apprenticed with Liebman Liebman & Associates, which in the 1980s designed Morgan Court, a 32-story sliver building on Madison Avenue and 35th Street. "The Liebman boys shaped a lot of the way I think about how jobs are put together," said Scarano. "They believed in exploring architecture and pushing the envelope."

### On the hit list

Being inspired and trained to build different types of living spaces after working with the Liebmans initially became a boon for Scarano, but ultimately placed him under scrutiny. By reconfiguring limited living space with mezzanines, lofts and higher ceilings, Scarano was on the hit list for glossing over zoning regulations by exceeding square-footage limits.

Scarano argued that the high-ceiling loft has been evolving over the last 50 years. "Mezzanines were put in existing buildings all through the 1970s in the Soho renaissance. Then it was perfectly all right. It caught on, and that's what's selling. You have to be able to take a certain level of risk; if not, you won't get ahead -- you'll be paralyzed and never really do anything."

Some of the tension comes from the fact that some zoning rules, which would appear to be cut and dried, are actually open to interpretation, experts said. During the building boom of the past 15 years, zoning regulations have been playing catch-up with new building proposals.

"Zoning is far from being black and white," said attorney Sheldon Lobel, who heads the Zoning Advisory Council, a group of 125 New York City-based architects, engineers, lawyers and planners, which attempts to clarify issues around current zoning regulations. "We deal with zoning resolutions that have a lot of inconsistencies," said Lobel. "You can interpret a zoning regulation, but when it's more closely re-examined, the regulators say the architect didn't make the right interpretation. Most architects and engineers aren't trying to get something that's clearly wrong approved."

De Blasio, however, is persistent in seeking to expose Scarano as someone who clearly breaks the rules. "I think that it's very important that we shine the light on Scarano's example, but there are others as well," said de Blasio, who has introduced legislation to give the Buildings Department greater enforcement powers. "I'm hoping all developers, contractors and architects are taking notice that the public is not going to stand for these kinds of errors any longer."

Scarano was targeted recently in a New York Post story alleging that workers at one of his buildings had drilled through to the L train tunnel. "It was completely fictitious," said Scarano. "Do you think in this day and age, with the amount of inspectors, contractors and the Transit Authority watching the job, that they would permit the drilling into the actual subway tunnel? It's beyond belief."

Scarano explained that the property had an abandoned sewer line, which was accidentally hit. "It was partially active and next to a water line. So they had created a bit of a mess. But it was spun into, 'drilling into the train.'"

"The architectural profession is seen as some sort of prophet to the building industry," intoned Scarano. "They think we should monitor and coddle jobs. The reality is, architects are hired to produce a set of plans for construction entities to build."

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