



## MANHATTAN COMMUNITY BOARD SIX

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April 27, 2009

Robert LiMandri  
Commissioner  
Dept. of Buildings  
280 Broadway  
New York, NY 10007

### **RE: Department of Buildings (DOB) Rules 105-03 and 105-04 relating to Public Challenge of Department Decisions dated March 6, 2009**

Dear Commissioner Lancaster:

At the April 15<sup>th</sup>, Full Board meeting of Community Board 6 the following resolution was adopted:

**Whereas**, it is laudable that DOB seeks to improve compliance with the Zoning Resolution though transparency and improvement to the public process, it fails however to adequately incorporate many of the changes that it seeks to address in the areas of meaningful reform that stems from accountability and public involvement; and

**Whereas**, the proposed rules fail to properly implement public challenges as follows:

- Imposes a time-limit on the public's ability to raise concerns about zoning compliance
- It establishes a 30 day review period which does not allow interested parties time to analyze complex zoning and building proposals or to enlist technical expertise to better enable challenges
- It provides inadequate notification for the community boards and other interested parties
- While the applicant is required to provide a site plan and axonometric diagram showing the maximum building envelope, building street wall height and the sky exposure plane, it does not require a detailed zoning analysis; and

**Whereas**, there is a risk that absent mechanisms that guarantee improved notice by the DOB approvals and immediate posting of the approval, the new rules can encourage noncompliance. Developers will understand that if the

the threshold of thirty days without public detection of the DOB approval, they will be able to proceed with construction without the intended benefit of the proposed rules; now

**Therefore, be it**

**Resolved**, that Community Board Six urges the Department of Buildings make the following changes to its proposed Rules 105-03 and 105-04 relating to Public Challenge of Department Decisions dated March 6, 2009:

- Public challenge period must be extended to at a minimum of 60 days and that there should be no time restriction on the public's right to raise red flags about major zoning or other building illegalities
- As part of DOB public notification process, it should send e-mail alerts to community boards, offices of the Borough Presidents and council members, and other interested stakeholders
- Approvals to development plans should accompany with a detailed zoning analysis citing relevant sections of the Zoning Resolution and construction codes
- The site plan should include the applicable zoning district, lot dimensions, and open space
- The axonometric diagram should illustrate the maximum building envelope, the building street wall height, and the sky exposure plan
- The requirement that the failure of the public to cite relevant zoning and construction codes as a cause for dismissal of the challenge should be modified so as to make it easier for the challenge to be seriously reviewed by the DOB
- The DOB should make staff available to assist the public in making challenges to DOB reviews

**VOTE: 37 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

Yours truly,



Toni Carlina  
District Manager

Cc: Hon. Scott Stringer  
Hon. Dan Garodnick  
Hon. Jessica Lappin  
Hon. Rosie Mendez  
Magdi Mossad – DOB, Boro Commsr.  
Steve Figuerido  
Fred Arcaro