



Queens Civic Congress

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QUEENS CIVIC CONGRESS QUESTION DOB RULES CUTTING PUBLIC REVIEW OF PROJECTS & DEVELOPMENT

Thank you for affording Queens Civic Congress (QCC) this opportunity to comment on the Department of Buildings proposed new rules that add sections [105-03](#) and [105-04](#) to Chapter 100 of Title 1 Rules. As an umbrella group of 110 and growing civic organizations, our [membership](#) represents every community in the borough. QCC generally opposed any statute of limitation type prohibition on complaints beyond the 30 day process outlined in the proposed rules. These rules need to be clarified and amended to make clear that complaints can be made at any time and be acted upon. Absent that reform, Queens Civic Congress must oppose the imposition of these rules.

At first glance, Queens Civic Congress welcomes what appeared as a formal opportunity for community input since the rules delayed final approvals, subject to community input. However, a consensus exists that The Department of Buildings will no longer allow complaints after the 30 day process expires, That makes no sense. It becomes a Statute of Limitations in fact and that may be illegal.

Absent changes to address the concerns we outlined above and discuss further below, the new rules could result in rampant inappropriate development in many neighborhood, particularly low density ones. Absent change, those who seek to skirt the rules would try to manipulate and deceive to get past the 30 days. This would be just unacceptable.

Although the DOB asserts an intent to increase the transparency of the department by allowing public challenges to the issuance of permits for new construction and major alterations, this proposed rule risks actually opening the door to more illegal construction. To date, no time limit existed prevent to public challenges of illegal construction. Imposing such a time restriction for the enforcement of laws meant to protect the public and preserve our zoning standards actually reduces the public's **opportunity** to object to permitted plans.

In practice, it presents only a small window during which developers must wait for the DOB to correct any errors the agency has made when approving construction projects.

The most important function of the DOB is to enforce the Zoning Resolution and the NYC Building Code. Both include extensive and often complicated provision. At best, only a small percentage of the population has any knowledge about either; that knowledge is generally limited to an individual's personal experiences. The process of Professional Certification already places

an added burden on the public, since many abuses have been discovered. Restricting our challenge to thirty days without at least the confidence that a neutral examiner has reviewed the plans, is arbitrary and dangerous.

DOB needs community input to help identify any infractions of the laws it enforces. Staffing and funding restraints make this so. Queens Civic Congress finds unreasonable and unworkable any rules that asks the general population within a 30 day window to verify that the DOB has correctly allowed a permit within a 30 day window.

Most communities lack resources to identify errors; as a result, many projects get built that endanger our quality of life, safety and property values. The amount of information that the DOB proposes to put on the website depicting the proposed building projects remains far too limited for even an expert to determine if a project satisfies all of the zoning laws and building code requirements.

An “expert” would need to review all of the detailed drawings and compare all of the project's attributes with the Zoning Resolution, NYC's Building Code and a long list of DOB's Professional Certification and Buildings Bulletins (new name for Policy and Procedures Notices - “PPN”s). To successfully accomplish this he or she must be in possession of, or have easy access to, both and have the ability to understand the often complex language in each document.

Queens Civic Congress finds it would be an awful burden to inflict on the average citizen. Most people will see something wrong with a construction project when they realize that it does not conform to the other buildings in the community. This may not be noticed by the average person until construction has progressed, long after a permit has been issued. If the project does not conform to both the Zoning Resolution and the NYC Building Code it must be stopped and corrected at ANY time – without restrictions. It appears that in this DOB attempt to increase visibility and transparency the agency – hopefully unwittingly – shifts the burden of this responsibility to the public.

In this light, Queens Civic Congress also calls attention to the Professional Certification and Buildings Bulletins . These Bulletins have the effect of clarifying – often in fact modifying – actual zoning text. The Public must have adequate access to these and Queens Civic Congress seeks assurances that the DOB will timely post the Bulletins on line and afford groups such as Queens Civic Congress, and NYC Community Board – not to mention our public officials, the opportunity to look at discuss the substance before their issuance. Queens Civic Congress has been made aware of complaints made that were covered by these bulletins. While we understand the Law Department does not believe the PPNs that preceded the Bulletin should follow the City Charter rule-making process, we differ with that view and expect to resolve this legislatively or through Charter Revision.

Finally, so-called Professional Certification, of course, takes review out of the hands of neutral DOB examiners. These applications should be subject to at least 60-day reviews and specific notification to the local community board to “trigger” a review period.

Any procedure that inflicts a narrow time frame during which our laws can be enforced must, in itself, be unlawful.

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