



# Queens Civic Congress

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May 14, 2009

Hon. Michael Bloomberg  
Mayor  
City Hall  
New York, NY 1007

Dear Mayor Bloomberg,

On Monday, April 20, 2009 Buildings Commissioner Robert LiMandri addressed the Queens Civic Congress following an invite he accepted last fall. More recent events caused the program focus on the details of his agency's proposed 30 day challenge process will work. Though Queens Civic Congress welcomes an early opportunity to community members, civics, community boards and our local elected to provide input before a construction project breaks ground, the rule as drafted continues to concern our members with its lack of clarity surrounding complaints about possible violations noticed after the 30 day period concludes. The civic community – and this represents the views in the other boroughs as well – and many others express strong exception to the rule's failure to cover violations found during and after construction. The civic community recommendation remains to hold the rule pending clear confirmations that no changes in policy and in practice concerning illegal building activity will occur.

At present, any deviation from the Zoning Resolution or Building Code remains arguable and enforceable at any time. The civic community views the proposed 30 day challenge process as *de facto* adding another loophole to the already troubled building and zoning laws, and a shift in the burden from the builder/developer to the community. In affect, this proposal asks the public to verify the legality of work signed off by the Department of Buildings (DOB) within a specific time frame. It is unreasonable for the City to rely on the public by asking the neighborhood residents to continuously check the construction activity in their neighborhood and verify that any given project satisfies the ever complex zoning laws. The burden must remain on the City, its DOB and the applicants to ensure compliance. The 30day period must be made out as an additional tool that in no way and in no intent allows a developer to avoid compliance and worse, enable the DOB to avoid requiring a law-breaker to avoid any sanctions.

Many communities lack any civic volunteer familiar with zoning and building requirements. As a result, problems with a project may go undetected during the 30-day challenge period.

If problems/ violations discovered during construction or after its completion later result in a complaint filed by the public beyond the challenge period, the public must have confidence that the Commissioner will exercise his power under the law to require compliance.

Concerns remains about selective enforcement of the law. This cannot be; this must not be and every effort must be made to ensure that the 30 day rule does not evolve into a means to avoid compliance by in effect “sneaking through” or cheating during that process.

When Queens Civic Congress asked then Commissioner Lancaster about making building application drawings available on line it was understood that it would be to the same quality level as the original drawings available at the DOB. Although the new proposal is a positive step, more visibility is necessary because the proposal only provides a depiction of overall building size, height, floor area and yard sizes that provides no clear ability to determine if an application satisfies all zoning requirements. As a result it would still unreasonable require citizens to visit the DOB and go through the microfiche files for every construction project. With the imposition of the limited time 30-day challenge process many instances instances will exists where seeing the entire set of detail drawings is necessary yet not possible. An example of this include a builder seeking a variance to build a one-family house on an undersized lot in an R2 zone; we found that the detailed drawings included an outside stairway to the second floor, as well as the first floor, and complete plumbing for another kitchen on the second floor. In addition it was discovered that this single family house was designed with four bathrooms, one of which was located in the basement. This can only be found on the detail drawings which, according to the new visibility proposal, will not be available on line.

In conclusion, Queens Civic Congress strongly recommends that you direct the Buildings Commissioner to reconsider this proposal as presently written, eliminating any 30 day challenge time period that effectively works to bar community opportunities to report illegal building and construction and work towards the inclusion of detailed construction drawings on line for complete visibility of every project.

Sincerely,  
*Corey Bearak*  
Corey Bearak, Esq.  
President

c. Commissioner Robert LiMandri, via email: [rlimandri@buildings.nyc.gov](mailto:rlimandri@buildings.nyc.gov)

Find Queens Civic Congress [Members](http://queensciviccongress.org/organization/members.php) on the web at: <http://queensciviccongress.org/organization/members.php>.

#### **Queens Civic Congress Members**

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