



Queens Community Board 13

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Testimony before the City Council Committee on Buildings

On Introduction Number 232 and 433

Relative to the Issuance of Buildings Permits

October 20, 2004

By Richard C. Hellenbrecht, Chairman, Queens Community Board 13

Good afternoon Mr. Chairman and members of the Buildings Committee. My name is Richard C. Hellenbrecht and I am speaking today as Chair of Queens Community Board 13. I am here today to support Introductions number 232 and 433 concerning the issuance of building permits for residential construction. The Borough of Queens and particularly eastern and southeastern Queens have been overrun with construction that is either inappropriate to zoning requirements or unsafe by its nature. The resulting problems manifest themselves in at least overcrowding and congestion and at worst unsafe conditions and in too many cases deaths due to fire and collapse.

The community is the first line of defense to identify questionable construction activities in neighboring homes and our only recourse is to file a complaint with the Department of Buildings for most of these problems. There are woefully too few buildings inspectors and all too often they are hampered by access regulations that prevent the physical inspection without the voluntary agreement of the occupant. Most often, the occupant is not there or the wrongdoers do not going submit to an inspection. In the pressure of their hectic schedule inspectors are only required to return to a complaint location once before "resolving" the case. Since the Department has no right of access, existing laws have no teeth. Dangerous violations often continue without punishment or correction. Too often, an expansion, extension or major modification may proceed and be approved without an inspector ever observing the outstanding complaint.

On occasion an inspection occurs or the inspector can observe sufficient evidence to file a violation, which usually goes before the Environmental Control Board or Housing Preservation and Development. The agency may adjudicate the violation and issue a fine, but all too often the fine may remain unpaid and unchecked. The spirit of these introductions is to ensure that the public is protected and renters have a greater confidence that their residence is legal and safe.

It is critical to note that current law only allows the Department of Buildings to consider outstanding, uncorrected violations for violations of Stop Work Orders to deny a permit application. This has to change.

I am happy to compliment the efforts of the Department of Buildings in trying to keep up with the growing workload of examination and complaint inspection. In particular, I compliment the Buildings Information System as a tremendous resource for interested community members to verify aspects of the permit and inspection process. Something must be done, however, to provide equivalent access to information on the handling of ECB violations and on collections and follow up DOB inspections when corrections are mandated. I found numerous examples, many listed below, of violations simply listed as dismissed or dismissed on affidavit, but no explanation. In addition many ECB entries show that fines may or may not have been paid, but the remedy is annotated as “obtain a permit or restore to legal condition ...” yet no evidence of a refiling exists in BIS or apparently has any effort been made to check. Several examples of all of these issues follow.

These introductions, in part, are intended to mandate the inspection of prior complaints to protect the occupants and the public, to ensure the correct, legal and appropriate usage of structures and require the payment of the necessary and appropriate fines, penalties and taxes.

I urge you to adopt these and additional legislation that will compel the Department of Buildings, the Environmental Control Board and Department of Housing and Preservation to strictly enforce the zoning and building code and other applicable laws for the health and safety of our residents and the continued quality of life of our communities.

Some Examples:

1. 85-31 247th Street, three outstanding ECB Violations for illegal dormer and illegal chimney. Dormer and chimney are now totally enclosed without inspection or resolution
2. 84-16 252nd Street, the BIS record shows two outstanding ECB violations for occupancy without a Certificate of Occupancy dating back to March 2002 and numerous construction violation fines totaling in the thousands of dollars. Nine BIS complaints, including an outstanding “illegal apartment” complaint, have been unresponded to since 7/30/04.
3. 234-07 Hillside Avenue, a legal two family in R3-2 zone. In 1998, based on a complaint an inspector found an illegally installed third apartment in the converted garage with kitchen and bathroom. 2 violations were issued for illegal construction. Violations were dismissed on an affidavit. Other complaints for not following plans could not be verified – inspectors could not get access. Update: Owner filed a building permit for partitions and toilet facilities in 1998. Permit was signed off SIX years later – 2004. Permit indicates two family dwelling, but this is clearly a third apartment.
4. 244-11 88th Drive, November 2003 based on a complaint an inspector found illegal construction for opening a basement entry without a permit and issued a Stop Work

Order. Inspector said there is no basement apartment. Outstanding ECB violation due 5/9/04. Work Permit filed 12/19/03 but was disapproved 3/1/04. But the entry is still there.

5. 87-01 Commonwealth Blvd, in response to a community complaint, a DOB interpretation authorized a significant expansion to a semidetached house in an R2 zone. There are currently 7 outstanding ECB violations including inadequate fence, no plans, no dumpster, faulty foundation and work not complying with permit. Work proceeds.
6. 93-11 212th Street, a huge third floor expansion creating dwelling space on a colonial was dismissed because the ECB had the recorded deed as proof that the work was completed by a prior owner. No permit has ever filed for the expansion.
7. 81-59 Commonwealth Blvd, 2 violations were dismissed by ECB for basement conversion from Dr. office to apartment, violation for illegal construction for expanding the garage have been ignored since 7/8/03.
8. 85-09 247th Street, ECB Major expansion of a one family house was recently permitted and proceeded despite a violation for demolition without a permit dated 9/30/03 still no answer or compliance.
9. 224-02 Braddock Avenue, Violations issued for no permit for construction fence, no permit for work, no contractor sign. All in default. Permits applied for and received after violations received.
10. 241-25 Braddock Avenue, Despite non-permitted work that undermined neighbors property and despite Stop Work Orders issued for hazardous work and despite issuance of DOB and ECB violations, the violations were dismissed with no penalty.
11. 88-61 242nd Street, violations issued for construction without a permit. Garage/storage at rear of house finished, no permit was ever applied for. A \$500 ECB penalty was paid but the structure was not removed. A second violation, ECB# 34448455N, issued on 9/23/04 but further information is not available on BIS. The owner must be compelled to remove this structure.
12. 83-22 247th Street, This huge expansion was self certified and permits issued despite two outstanding violations for illegal use and work without a permit dating as far back as 1998.
13. 255-08 87th Road, a second story was added to an existing garage and listed as “for caretakers use” (on a simple 40 x 100 single family lot), inspected and violated. ECB dismissed the violation and indicated on 5/29/04 “REMEDY OBTAIN PERMIT OR RESTORE TO PRIOR LEGAL CONDITION STOP ALL WORK”. BIS as of today shows only one disapproved permit application dated October 2003.