

**Int. No. 1015: The Stalled Sites Bill
Housing & Buildings Committees
Testimony by Buildings Commissioner Robert D. LiMandri
September 21, 2009**

Good morning, Chairman Dilan and members of the Housing and Buildings Committee. I am Robert LiMandri, Commissioner of the New York City Buildings Department. First Deputy Commissioner Fatma Amer and other members of my staff join me here today.

Our Agency's goals are clear: advance public safety, facilitate compliant development and enforce the Building Code and other laws governing construction. The Stalled Sites bill helps us accomplish these goals.

Intro 1015 would encourage property owners to come forward with faltering or halted projects, craft a plan to increase the safety on their sites, and make it easier for us to monitor their maintenance and regulate their compliance with the Building Code. Adopting this bill will also make it easier for work to resume on these sites once the owners get their financing in place.

This bill will not affect vesting for zoning purposes. The Board of Standards and Appeals is empowered under the Zoning Resolution to address vesting issues that could arise from stalled construction.

Intro 1015 supports New York City's economy in a number of ways. It would eliminate nuisances in our neighborhood and offset the adverse affects that poorly maintained sites have on property values.

Moreover, it would help the City's unemployed and under-employed construction workers by getting them back on the job faster.

The bill would do this by easing the process for property owners who comply with the law to get their crews back to work once they've secured financing.

If a site is maintained in a safe manner, there's no reason why construction should not be encouraged to start up as quickly as possible once financing is in place. History has taught us that a completed building is much safer than one under construction. In addition, for a construction worker who's been laid off the job and struggling to pay his bills, the difference between getting back to work in days instead of months is critical.

Under the Construction Codes today, Buildings Department permits automatically expire if a construction site's work is suspended for more than 12 months.

While economic downturns are always detrimental to construction projects, this recession is especially ill-timed. Stalled projects that have been filed under the 1968 Building Code would be required to re-file under the 2008 Construction Codes. As a result, re-filing can have far-reaching implications for many construction projects.

Property owners whose projects started under the 1968 Building Code and put on hold for more than a year would essentially be forced to start the entire project over, *even if the building is partially built.*

They would be required to re-design the building, re-file the project, go through the approval process again – and possibly demolish the work that's been completed to meet new Building Code requirements.

The results can reach well beyond workers not getting back on the job. Property owners may be forced to secure financing to build a significantly different building, not just get the funds to finish what they've started.

The uncertain credit market increases the chance of projects going bankrupt, owners disappearing – and sites languishing in our neighborhoods until a buyer with adequate financing comes in to launch a new project.

In the interim, weather conditions can damage these properties and create possible dangers. Some property owners have failed to maintain their stalled sites, and we realize more safeguards need to be in place. For instance, we have issued 400 violations to various stalled sites since March.

To put these in real terms, two Brooklyn properties provide examples of why we need to encourage owners to communicate with us.

On 52nd Street in Borough Park, previous property owners abandoned a site, leaving a deep excavation where a 12-story apartment building would have been built. Neighbors complained that the pit accumulated deep, stagnant water – clearly a danger and a nuisance.

Our Stalled Sites Inspectors first inspected the site in May and reached out to the new owners. The owners removed the stagnant water, backfilled the site, cleared the overgrown vegetation and accumulated debris – and is monitoring the sheet piles to be sure they remain safe.

In Crown Heights on Lefferts Avenue, residents had been forced to navigate around construction trailers blocking the sidewalk and avoid a weakened, dangerous fence. Our inspections also found that a fence was down – making the stalled 7-story building's superstructure open and accessible.

Our Stalled Sites Unit inspected six times since April 2009. After reaching the ownership, the owner has moved the trailers, installed a proper construction fence and new sidewalk. It no longer poses a danger to the community.

It's important that residents alert us to the stalled sites in their neighborhoods, though there is a difference between a site that doesn't have workers on it for a few days and a site that's actually stalled.

For example, the property might be quiet for a week while the crews are waiting for a window delivery. In a situation like this, construction activities might not be taking place at the site, but the project is moving forward.

For this reason, we must encourage property owners to come into this program on their own.

So far, we've identified more than 400 stalled sites throughout the five boroughs. Every two weeks, we post a list of these properties on our website for easy public access. While we anticipate this total to increase, the number changes regularly as construction begins and properties are removed from the stalled sites list.

Intro. 1015 will help to offset the risk that stalled sites pose, better protecting New York's communities from unsafe, unattended and unsightly stalled construction.

The bill would amend Administrative Code Section 28-105.9 by giving the Buildings Commissioner the power to continue and renew permits that have expired at stalled sites.

It would authorize the Department to establish a program to maintain the safety of construction sites where work is temporarily suspended.

Under this program, the Department would be able to renew these permits for up to four years, but only if property owners meet certain conditions to enter the program.

Owners opting into the program will have to devise a site-specific plan to maintain the property while the work is stalled. Property owners will be required to show us how they will:

- Monitor their sites' structural stability, including excavation and shoring maintenance and construction fencing;**
- Monitor scaffolding, sidewalk sheds and temporary walkways—and remove them if they're not necessary to protect the public while the work is stalled;**
- Implement any necessary excavation site dewatering;**
- Schedule regular inspections to ensure that the site has no nuisances and supply monthly inspection reports to the Department; and**
- Take measures to prevent trespassing, which includes installing proper construction fencing with view panels to enable Department Inspectors to monitor site conditions.**

They must also take specific preventative safety measures.

These include:

- **Maintaining all fire suppression and fire detection systems;**
- **Removing all formwork or other materials that could be blown off the site;**
- **Removing all construction debris and properly storing any construction materials;**
- **Removing any volatile gasses or liquids that don't support emergency generators; and**
- **Relocating all heavy construction equipment to safe locations.**

Property owners must file their plan to us, and we'll review it to make sure all important safety items are covered. If the maintenance strategies don't meet the sites' complexities, we'll require the owners to submit improved plans.

Once property owners have created a plan that satisfies Department requirements, they'll have to submit regular maintenance reports to us. These reports will indicate when and how these owners are doing their part to keep the public safe.

We'll also be conducting our own quality assurance inspections to confirm that these property owners are doing what they've committed to do.

There's ample motivation for these owners to comply with the program's requirements. If we find that they're not, we'll issue violations, their permits will expire, and they'll face the permitting challenges and financing concerns I've described.

In any situation where a property owner fails to correct an immediate danger, we will. We will alert the Department of Housing Preservation and Development, and HPD does the necessary work. This can include installing construction fences or even backfilling an excavated property.

We're regularly monitoring the locations on this list, the frequency depending upon the conditions we find. We'll inspect an unsafe site every week – unannounced – and we'll visit the safe sites at least once a month.

When we find safety issues – like loose construction debris – property owners must correct the issues immediately. Developers failing to maintain safe conditions can face violations with penalties as high as \$25,000.

Of course, we'll continue to enforce the Building Code at the stalled properties we identify, even if the property owner doesn't opt into the Stalled Sites Program.

Finally, under section two of the bill, it would take effect immediately and remain in effect until July 1, 2013. We expect that

the economy will have recovered at that point and this additional incentive to property owners will not be necessary.

In closing, the Stalled Sites Bill will help make our neighborhoods safer, support property values by eliminating nuisances and dangers, and help construction workers get back to the job faster. This legislation offers property owners a new incentive to increase their sites' safety standards, helps us maintain an open dialogue with them – and gives us a viable entity to work with in case there's an emergency.

I would be happy to answer any questions you may have. Thank you.

###

FOR THE RECORD

**JOINT TESTIMONY OF THE QUEENS & BRONX BUILDING ASSOCIATION AND
THE BUILDING INDUSTRY ASSOCIATION OF NEW YORK CITY, INC. BEFORE
THE CITY COUNCIL COMMITTEE ON HOUSING & BUILDINGS
SEPTEMBER 21, 2009**

GOOD DAY. MY NAME IS ROBERT ALTMAN AND I AM THE LEGISLATIVE CONSULTANT TO THE QUEENS & BRONX BUILDING ASSOCIATION AND THE BUILDING INDUSTRY ASSOCIATION OF NEW YORK CITY, INC., TWO LOCAL CHAPTERS OF THE NEW YORK STATE BUILDERS ASSOCIATION.

MY TESTIMONY TODAY IS VERY SHORT. BOTH ORGANIZATIONS SUPPORT INTRO. NO. 1015. THE LEGISLATION'S DUAL GOALS OF SAFETY ENHANCEMENT WHILE GIVING CONSIDERATION TO BUILDER AND DEPARTMENTAL NEEDS DURING THIS CHANGING ECONOMY ARE ONES THAT BOTH ORGANIZATIONS SUPPORT. WE URGE THE COUNCIL TO PASS THIS LEGISLATION.



FOR THE RECORD

Testimony before the Housing and Buildings Committee of the New York City Council in support of Intro. 1015

By Marolyn Davenport

Sr. Vice President

Real Estate Board of New York

September 21, 2009

The Real Estate Board of New York, representing nearly 12,000 owners, managers, developers and brokers of real property in the city of New York, urges the City Council to pass this bill. This legislation is vitally important and deserves quick action.

Unfortunately, one aspect of this severe recession is a chronic lack of financing for new development. As a result of this credit crunch, many developers have had to suspend construction on building sites around the city. In many instances these sites have undergone excavation and foundations have been started, but financing is not available at the moment to proceed with the full building.

Int. 1015 would require developers to create a plan to ensure the safety of construction sites where permitted work has been suspended. Under the plan, developers would prevent access by unauthorized persons, create schedules for inspecting equipment, implement fire and building safety measures and take other such steps to secure the site as directed by the Department of Buildings.

This plan is important to protecting both public safety and site safety. For example, some of the stalled sites had already completed the excavation of the site and poured their foundations when they ran out of financing. Others may have begun construction of their superstructure. Whatever the status of the construction, keeping the site secure is a clear public policy interest. Likewise, providing for dewatering as necessary, periodic inspections, ensuring equipment and materials are properly handled are all in the public interest.

Additionally, this bill provides for the resumption of construction by extending permits provided developers continue to maintain the safety of the site. This will allow developers to begin building again when the economy improves and financing becomes available rather than facing substantial additional delays while they go through the permit reinstatement process. Proceeding with construction is much safer than leaving a partially built site stand dormant.

Keeping these stalled sites secure is essential to public safety. This legislation provides a path to ensure the maintenance of the sites. We strongly encourage you to pass this bill.

CITY COUNCIL INTRO 1015-2009

September 21, 2009

Comments for hearing by NYC Council Committee on Housing and Building

The bill before the Committee seems to give the developers extra time and special considerations for joining a program that only requires them to do what they should be doing in the first place, which is to keep their sites safe for the public. Why would the bill reward the developers with extensions and exclusions from any recent building code changes for doing the very basic upkeep to their sites.

I live on a block in southern Brooklyn with small single-family homes. Developers bought several homes at one time and then left them boarded up for many years. The home opposite mine has been suspended for five years.

All the sites became eyesores as well as health and safety hazards affecting the neighbors, with problems such as:

SNOW AND ICE REMOVAL - Each winter, none of the properties which were suspended, shoveled the snow from their sidewalks, which turned to ice and remained for days. This was repeated many times throughout the winter. People, including children and the elderly, had to go into the street with the traffic since they could not safely walk on these sidewalks.

DEBRIS AND GARBAGE - On a daily basis, these suspended sites and vacant spaces attract garbage and debris, not only on their property, but also all over their sidewalks. They are never cleaned

as required by law. The garbage blows onto the neighbors' properties, and then they have to clean it up or face a fine.

STANDING WATER - There have been many cases of standing water every spring and summer causing these sites to become health hazards for attracting mosquitoes.

There are so many unsafe conditions on these suspended sites; however, they are not always evident at the time a building inspector comes a week or two after a neighbor calls 311.

Under this bill, would a site be removed from the program for causing these unsafe conditions? Would the Commission take into account DOB violations and remove a site from the program because of them? Would there be any strong penalties? Surprise inspections of the sites should be made, rather than an appointed day and time. Otherwise, the Commission would not get a true picture of the site conditions. The bill should include very specific references to site upkeep and penalties in addition to the stated "securing the site and checking the equipment."

All of these continuing problems greatly impact the quality of life for our neighbors and reduces our property values.

From:
Marilyn Schan
Director
Madison-Marine-Homecrest Civic Association.
2240 East 14th Street
Brooklyn, New York 11229
917 697-0339

Information/comments for hearing by NYC City Council Committee on Housing and Building, Mon., Sept. 21, 2009, regarding proposed bill: City Council Intro 1015-2009 (in relation to the safety and security of construction sites at which permitted work has been suspended).

From:

Ed Jaworski

Executive Vice President, Madison-Marine-Homecrest Civic Association

1821 East 28 St., Brooklyn, NY 11229

718-375-9158; cell 347-661-6960

coachedj@aol.com

According to the Department of Buildings (DOB), currently there is no law as to how long a construction site may remain dormant. Owners of these locations merely have a responsibility to safeguard the property whether work is ongoing or stalled.

In a story under the headline, "Building Skeletons Haunting Nabes", a DOB spokeswoman was quoted in the NY Daily News, March 31, 2009: "We are in the process of identifying stalled sites and working closely with property owners to develop plans to keep these sites in a safe condition until work resumes."

This quote implies that DOB has the information it needs to identify stalled sites across the City. Does the list include reports from 311 calls, emailed complaints, and civic associations about what they see as egregious sites?

Brooklyn leads the stalled statistics. Since Brooklyn's Community Board 15 has had more demolition permits and stop work orders (SWO) in recent years than neighboring districts (maybe all of Brooklyn), CB15 may be near the top of the list. Last April, the Chair of CB15 wrote a letter of concern about this issue, which was reported in the local paper, the Kings Courier.

So, the DOB has information; communities across this entire city are voicing concern; yet, there are no laws on the books to clear up the creeping blight of these dormant sites. "Why not?" is a legitimate question.

We are told, via this bill, that, rather than a law to get these eyesores cleared, the developers will be offered an incentive to continue the stalling, to legalize it for additional years, plus the bonus of being able to circumvent any laws that are adopted after the eyesores came into existence. All they

have to do is exactly what they are expected to do now, that is, vouch for the site's safety...forget correcting the overgrown weeds, standing water, garbage, rats, hideous fence, vandals, and other negative impacts on the quality of life of the block and residents.

Many people found out about this bill through a story in the Real Estate section of the July 19, 2009 NY Times: "Fighting Eyesores Before They Start." How many residents living on blocks with long-time dormant construction sites (some pre-recession) surrounded by graffiti covered, splintered plywood fences, breathed a sigh of relief after reading it? Unfortunately, the headline is misleading. These eyesores already exist, some for years... how can they be fought *before they start*?

The Times story mentions threatening fines "up to \$25,000," but even this punishment provides no relief to residents of blocks living with the blight—indeed, there are instances of SWOs and fines of any size being laughed at and ignored, and they may wind up being forgiven. Importantly, specific "punishments" aren't mentioned in the bill, neither are reasonable aesthetic and sanitary upkeep, terms and conditions are ambiguous, and much is left to the goodwill of the developer. While safety is vital, the issue of blighting for extended periods also is. Shouldn't the rights and quality of life of neighbors be considered? The neighbors want their investments protected as much as the developers.

The basis of the bill, according to Council Speaker Quinn's Times quote, is belief that developers have encountered difficult economic times and merely "lost their financing." But, many dug themselves into their holes: looking to become millionaires (or add to their fortunes) without a realistic business plan (including adequate funds, cost projections, and market study), or playing "beat the clock" with zoning changes, or simply doing illegal work.

Cases of illegal work need serious consideration, and it must go beyond DOB's response to complaining residents: take it to Civil Court. Long-time SWO sites don't deserve to be included in the Council's plan, but you can bet that somehow they'll find a way in. The illegal site owners often get away with applying for Post Approval Amendments (PAA), which are exemptions/ "get out of jail free" passes, to legalize their wrongdoings. It is standard operating procedure: do illegal work; hope you don't get caught; if applying for a permit, file questionable details; hope for a "friendly" inspector; hope complainers get scared, move or die; receive a PAA.

This City needs to give the DOB not just some temporary enforcement teeth, but iron fists and steel jaws with the will and tools to get a tough job done. While no proponent of eminent domain, if it can be used to benefit developers, why not consider employing it to clear up the long-time illegal and dormant construction sites? Besides heavy-duty fines, why not add jail-time as a deterrent in enforcing zoning and building code violations? And, how about a close examination of the Board of Standards and Appeals (BSA), the shadow, mayoral-controlled agency that gives variances and special permits to developers seeking a waiver for zoning regulations, and entertains requests for legalizations?

The Bloomberg administration has made development such a priority that the New York City government is the partner of the real estate developers and speculators. In its present form, Int 1015 continues to favor developers. It is a betrayal of the public's trust that citizens' interests will be protected.

Int 1015 allows a developer to purchase property, do demolition and maybe a little foundation work, and then go away for years while figuring out the next step. He may well have sped along the initial steps to beat a new zoning or building rule.

This intro presents a chance to circumvent sect. 28.205.9 of the administrative code. The new part, the "Exception," appears to allow the Commissioner the ability to reverse the impact of the first paragraph. That needs correction. The provision "that the work shall comply with all the requirements of this code and other applicable laws and rules in effect *at the time application for reinstatement is made*" should not be superseded. Also, the first paragraph's reference to "suspended or abandoned" should be defined, for the sake of clarity.

Since dormant sites are blights, extended periods for renewals and resumption of work perpetuates the condition, and makes no sense to those living with these abominable situations. Instead, consideration should be given to shortening the time as much as possible. Reapplying every six months, for example, presents better control and continuing indication as to whether the property is being cared for and will ever be developed by the owner, or whether it is being abandoned and should be sold or taken over and improved in some way. Reapplying with more frequency at a higher fee

and requirement to meet guidelines each renewal might be an incentive to complete a project once begun—or given second thought before starting.

While Int 1015 is worthy in finally opening for discussion the topic of dealing with blight-producing-construction sites, and the lack of laws for DOB to regulate them, much has to be done to turn this from a developer benefit to addressing the concerns of nearby residents, the real victims—including aesthetics, sanitation, security, general site upkeep, quality of life, maintaining the character of the block, and preservation of neighboring home values.

Some questions: If a variance or special permit is issued but work is not begun, does it expire? (Owners applying for such variances and permits should prove to the BSA that they have funds to complete a project). What happens if the dormant site is removed from the Commissioner's program, the owner does not apply for it, or it is illegal and under a SWO? Where do PAAs fit in? Will plans that owners submit wind up being perfunctory, conclusory, meaningless statements; will they be carefully examined or rubber stamped? Will the definition of "in good standing" become "*in good enough standing*"?

Finally, a law requiring that a neighborhood be protected from blight is not something that should expire in July 2013. It is something that should be ongoing and, if necessary, examined and strengthened in the future.

Int. No. 1015

By Council Members Garodnick, Brewer, Lappin, Gentile, James, Mealy, Nelson, Palma, Sanders Jr., Seabrook, Mark-Viverito and Fidler (in conjunction with the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the safety and security of construction sites at which permitted work has been suspended.

Be it enacted by the Council as follows:

Section 1. Section 28-105.9 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-105.9 Expiration. All permits issued by the commissioner shall expire by limitation and become invalid if the permitted work or use is not commenced within 12 months from the date of issuance of the permit or, if commenced, is suspended or abandoned for a period of 12 months thereafter. All permits for work in an area of special flood hazard pursuant to Appendix G of the New York city building code shall expire if the actual start of permanent construction has not occurred within 180 days from the date on which such permit is issued. The commissioner may, however, upon good cause shown, reinstate a work permit at any time within a period of two years from the date of issuance of the original permit, provided that the work shall comply with all the requirements of this code and other applicable laws and rules in effect at the time application for reinstatement is made, and provided further that the applicant shall pay all reinstatement fees as required by section 28-112. The permit shall automatically expire upon the expiration of required insurance or if the applicant holds a license issued by the department upon the expiration or revocation of such license during the term of the permit.

Exception. The commissioner may establish a program to maintain the safety of construction sites where permitted work is temporarily suspended. The owner of such a construction site may apply to the commissioner for inclusion in such

program upon such terms and conditions as the commissioner shall determine but which shall, at a minimum, include a requirement that the owner of such a construction site notify the commissioner when permitted work will be suspended and when it will be resumed, and a requirement that the owner submit to the commissioner for the commissioner's approval a detailed plan for maintaining the safety of the construction site during the period when permitted work will be suspended. Such plan shall contain proposed measures for securing the site from access by unauthorized persons and monitoring such measures, schedules for inspecting the equipment remaining on such site and such other provisions as the commissioner shall require. Work permits issued at a construction site approved for such program that would otherwise expire because of the suspension of work at the site shall remain in effect until the end of the term for which they were issued and may be renewed for up to two additional terms so long as the site is in good standing under the program. The commissioner may remove a site from the program for failure to comply with the terms and conditions of the program. The permit shall expire by operation of law upon the removal of the site from the program.

§2. This local law shall take effect immediately and shall remain in effect until July 1, 2013 when it shall be deemed repealed.

COMMUNITY TARNISHED BY TAGGER

Say Vandal Hit Close To Home



Suspected graffiti vandal Matthew Young was escorted out of the 104th Precinct's Ridgewood stationhouse on Tuesday, Oct. 7 by Detectives Lisa Hansen and Andrew Arias of the NYPD Transit Bureau Special Investigations Unit.

by Robert Rozarycki

Following a lengthy investigation by detectives, an alleged graffiti vandal from Glendale was arrested on Tuesday, Oct. 7 for scrawling his tag all over public and private properties blocks from his home over the last several months, it was announced.

The suspect was identified by NYPD Transit Bureau Special Investigations Unit under the supervision of Sgt. Kevin Cooper. Based on information obtained by detectives during their probe, law enforcement agents reportedly linked Young to several acts of vandalism that occurred in the Glendale area between March and August of this year in which a 65th Street home, a Myrtle Avenue property and a railroad trestle along Central Avenue were marked with the same tag.

According to police, the suspect has been arrested on nine other occasions since 2004 for allegedly painting graffiti at locations within the confines of the 104th Precinct.

The drawing was also found on the upper floors of numerous commercial properties along Myrtle Avenue near Fresh Pond Road, said a source with knowledge of the investigation. Many of the tags were made on the upper floors of each structure, making them difficult to remove by conventional means.

"These are locations that we can't get to without a bucket truck," the source said.

According to law enforcement sources, the first graffiti incident was reported to police between 3:30 and 3:35 p.m. on the afternoon of Mar. 1 at the northwest corner of Myrtle and Central avenues.

It was determined that Young allegedly spray-painted the tag onto the bridge that carries the Long Island Rail Road Bay Ridge branch above Myrtle Avenue.

The following day, authorities said, the suspect allegedly scrawled the same drawing on the front of an apartment building on 65th Street near Central Avenue between 11:30 and 11:35 a.m. on Mar. 2.

Using spray paint, according to information provided by the Queens District Attorney's office, the suspect marked a wall on the second floor of the structure with his tag.

Young was also charged with marking his tag on the front of a building on Myrtle Avenue near 66th Place. The vandalism was discovered between 7 and 7:05 a.m. on the morning of Aug. 18, it was reported.

The suspect was charged with multiple counts of criminal mischief in the fourth degree and making graffiti, said a spokesperson for Queens District Attorney Richard A. Brown.

Greater Ridgewood Restoration Corporation

"Community stabilization and redevelopment through Community participation and cooperation"

Good afternoon, my name is Theodore Renz, Executive Director of the Myrtle Avenue Business Improvement District.

Let me give you the attitude of one of the criminal judges in Queens on graffiti. Matthew Young, a resident of Glendale, was arrested around Christmas time. He was accused of vandalizing the second stories of multiple properties in the Business Improvement District, plus the railroad trestle. It is common knowledge amongst graffitists that neither the City nor community agencies like the Greater Ridgewood Restoration Corporation can remove graffiti from the second floor.

A copy of the newspaper article on this arrest is attached to my testimony.

Upon his arrest, the BID and GRRC asked the assistant DA handling this case that this vandal be made to pay restitution of \$10,000 to cover the cost of removing his vandalism by a private contractor. We also asked that he be assigned a minimum of 200 hours community service since this was not his first offense. The Assistant DA, during a bench conference with the judge, supported our position for restitution and community service.

The judge said that she would probably not impose restitution because he wasn't working and couldn't afford it. As for community service, she thought that 200 hours was too severe and would not assign him to the GRRC community service detail since she thought they would be too tough on him.

This case was adjourned and is back on the calendar for September 17.



We bring this matter to the Council's attention now because this is what the police and graffiti cleaning programs like GRRC have to face when dealing with a judiciary that is thinking with its heart not its head.

Clearly, this needs your attention also. It does no good to pass laws and try to enforce them, if the judiciary ignores them and refuses to carry them out.

Greater Ridgewood Restoration Corporation

“Community stabilization and redevelopment through Community participation and cooperation”

Good afternoon, my name is Paul Kerzner, president of Greater Ridgewood Restoration Corporation.

There are two new wrinkles in our graffiti vandalism that you should be aware of: - the first is the new frontier for graffiti vandals that the City has to now address, and second has to do with the criminal courts who deal with graffiti vandals.

The new graffiti vandal frontier – If one tracks the history of graffiti vandalism in New York City, it first appeared on our subways. Once the MTA decided to aggressively eradicate it, taking several years, the vandals started to graffiti private property above ground. That started about 18 years ago when the Greater Ridgewood Restoration Corporation had to start its graffiti removal program. GRRC has been at it ever since.

As we eradicated graffiti vandalism at street level, the resourceful vandal has decided to scale up the side of buildings, el lines, and bulkheads on the roofs of buildings with his vandalism.

The proposed legislation (Intro 1042) does address these two new frontiers of graffiti vandalism. But getting access to both locations is difficult. Might we recommend that the City purchase several four-wheel hydraulic hoists that can be towed behind the City’s anti-graffiti cleaning vans so that second-story graffiti can be addressed.

On roof graffiti, another piece of legislation would be necessary that would require property owners to give access to the roof to the City or to GRRC, as one of its agents to paint over this rooftop graffiti. The access legislation can be modeled after the City’s successful “failure to give access” statute that the City’s Environmental Control Board promulgated in the early 1990’s, when owners refused to give access to DEP asbestos inspectors to check out friable asbestos



complaints. At that time owners just refused to give access. Then as a member of the City's Environment Control Board, I championed the right to know section of the DEP asbestos regulation, a failure to give access statute that fined an owner, if he refused to give a DEP inspector access to his building. The fines were very stiff, starting I believe at \$1000 for the first offense, \$5000 for a second offense, and \$10,000 for subsequent offenses. However, if the owner called DEP to schedule an inspection within 30 days of first receiving a violation and that inspection date was kept, that initial failure to gain access penalty was mitigated to a zero fine. I would recommend a similar approach to getting access from owners to paint their roofs and, if necessary, second story graffiti. It worked with asbestos access cases and there is no reason it cannot work with graffiti cleaning access cases.

The last saga on graffiti removal is dealing with the criminal courts in New York City. Ted Renz, who will be speaking after me, will cover that subject.











Greater Ridgewood Restoration Corporation

“Community stabilization and redevelopment through Community participation and cooperation”

Good afternoon. My name is Joann Schauer, representing the Greater Ridgewood Restoration Corporation.

We are pleased that the City Council is considering Intro 1042 to amend Intro 299, that we fought so strongly and successfully for, that for the first time required our City to clean graffiti off private property as has been done for years in the cities with strong municipally approved cleaning programs namely Chicago, San Francisco, Seattle and Philadelphia.

We at GRRC have been cleaning over 400 buildings per year in Queens Community Board 5, covering the communities of Ridgewood, Glendale, Maspeth, Liberty Park, and Middle Village, and in the adjoining communities of Forest Hills, Bushwick, and Ozone Park. Now in our 17th year of cleaning, using hot water high-pressure washers and utilizing personnel from the DA's Alternative Sentencing Program, GRRC now has two mobile units, cleaning graffitied properties within one week of their being vandalized.

Everyone in the graffiti removal business knows that the key to ending graffiti is to remove it as quickly as possible, hence our one-week cleaning goal.

We've attached a schedule of our graffiti cleaning results over the past 17 years, and we are happy that the City of New York has finally emulated our graffiti cleaning efforts on a citywide scale.

Now intro 1042 is needed to amend 299 so that the burden is on the property owner to tell the City that graffiti should remain on a building - the new presumption under Intro 1042 that, if there is ownership silence, the graffiti will be removed. – What a wonderful presumption! We



would ask that there be one amendment to Intro 1042, that being, that language be added that New York City and its agents be allowed to assume this presumption, so designating the Greater Ridgewood Restoration Corporation as an agent for graffiti cleaning for our municipal government.

As the City has recently learned, as GRRC long ago learned, this presumption is necessary, because the few absentee owners who allow graffiti on their properties consistently ignore both the City and GRRC's requests to sign a waiver, allowing us to clean graffiti off of private property.

We have learned that better than 90 percent of the owners are cooperative. The ten percent who are not are, always absentee owners, who really don't care how their properties are maintained. This new legislation is aimed at addressing this 10 percent who are incorrigible.

We hope this committee, the full Council, and the Mayor support Intro 1042 with the amendment we have requested.

GREATER RIDGEWOOD RESTORATION CORPORATION

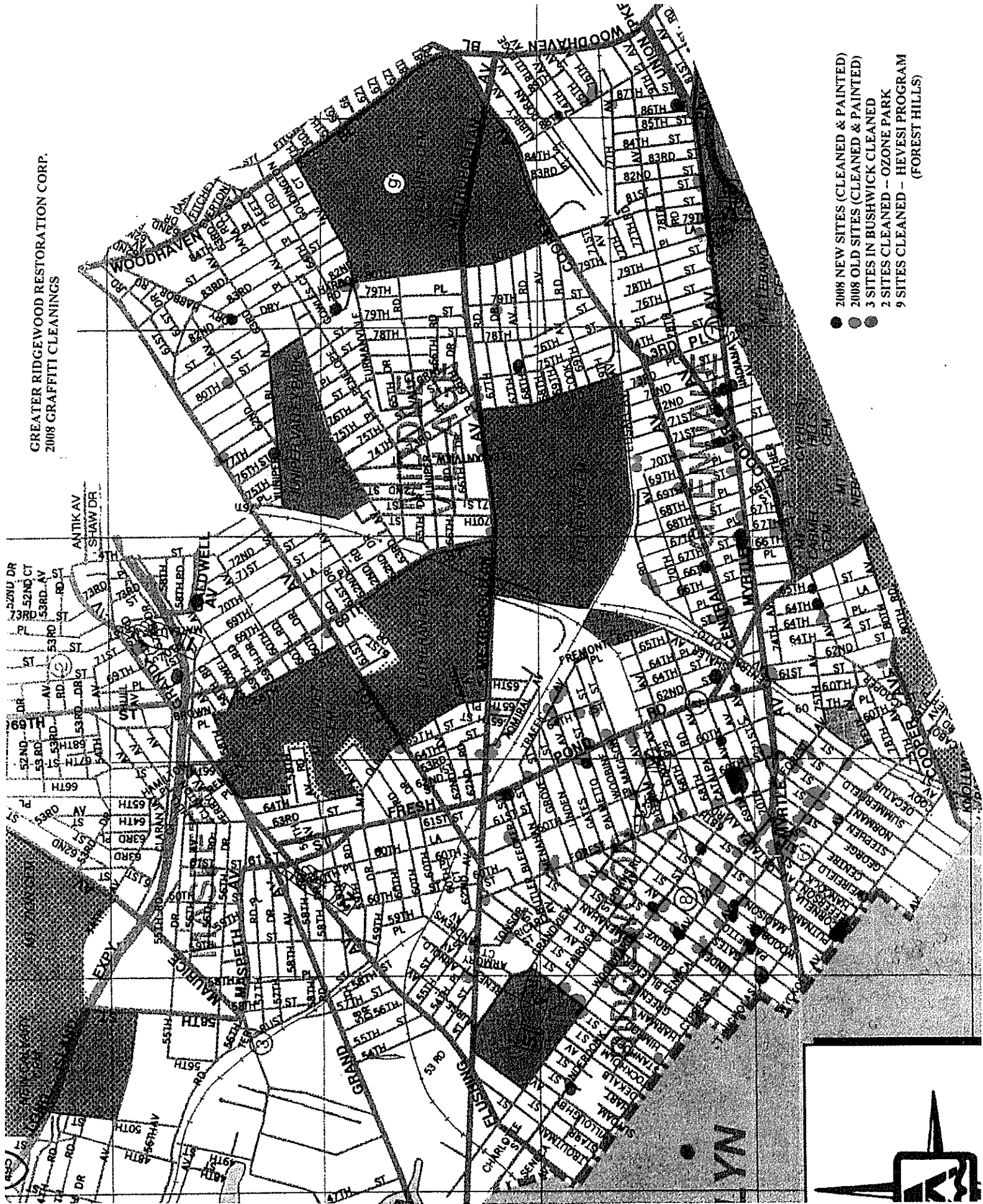
GRAFFITI CLEANING BREAKDOWN BY COMMUNITY AS OF DECEMBER 31, 2008

Year	Middle Village		Maspeth		Glendale		Ridgewood		Bushwick		Ozone Park		Kew Gardens Hills		Hevesi Program (Forest Hills)		Subtotals		Year Totals
	Redone	New	Redone	New	Redone	New	Redone	New	Redone	New	Redone	New	Redone	New	Redone	New	Redone	New	
2000	8	3	9	7	19	4	167	32	0	1	0	0	0	0	0	0	203	47	250
2001	9	9	30	4	11	4	143	21	0	0	0	0	0	0	0	0	193	38	231
2002	33	14	16	3	5	10	90	9	2	0	0	0	0	0	0	0	146	36	182
2003	15	14	43	3	11	10	133	9	0	0	0	0	0	0	0	0	202	36	238
2004	46	13	132	9	26	8	174	25	8	3	0	0	0	0	0	0	386	58	444
2005	28	1	34	2	34	15	139	29	14	1	0	1	0	0	0	0	249	74	323
2006	18	5	4	0	43	13	252	33	4	0	0	0	0	0	0	0	321	66	387
2007	34	4	17	2	41	12	229	39	3	0	0	11	0	0	1	11	325	79	404
2008	23	4	7	2	52	11	172	28	3	0	2	0	0	0	0	9	259	54	313
9 Year Subtotals	214	67	292	32	242	87	1,499	225	34	5	2	12	0	25	1	35	2,284	488	2,772
9 Year Totals*	281		324		329		1,724		39		14		25		36		2,772		

*GRRC's anti-graffiti cleaning program began in 1992, 16 years ago

CLEANINGS 1992 THROUGH 12/31/07 - GRAND TOTAL 4,669

GREATER RIDGEWOOD RESTORATION CORP.
2008 GRAFFITI CLEANINGS



BROOKLYN NEWS

Your 24-page special local newspaper from DAILY NEWS
NYDailyNews.com

3/21/09



Bldg. skeletons haunting nabes

Empty remains of real estate bust

BY ELIZABETH HAYS, JEFF WILKINS AND VERONIKA BELENKAYA

CALL THEM the incredible Hulks. As the economy faltered and building boom turned to building bust, luxury housing construction in Brooklyn has stalled — leaving residents living with skeletons of half-erected buildings and abandoned lots with rusting foundations.

Building owners are just as unhappy, saying they'd love to finish their projects but can no longer get financing.

"It looks like a bomb hit over here. It's just blocks and blocks of everything torn down, and most of the permits are expired," said Williamsburg housing activist Philip DePaolo about the neighborhood's large swaths of boarded-up lots.

"What's going to happen to all these

sites?" said DePaolo. "It's blight." And a Brighton Beach resident said a nearby half-completed structure had become a gathering place for homeless people.

From Carroll Gardens to Kensington to Sheepshead Bay, Brooklynites complained bitterly about the dirty, hollow hulks, which are also dangerous.

"It's just sitting there. Speculators came in hoping to make money and ruined a nice residential neighborhood," said Sheepshead Bay resident Robert Bennett, who lives next door to a six-story condo site at 2485 Ocean Ave. where construction stalled about a year ago.

"It's become dilapidated," said Bennett. "The scaffolding is in bad shape and the fence is falling down."

Modernistic building at Nostrand and Emmons Aves. sits unfinished. Robert Bennett (top r.) stands near his Ocean Ave. home, where a casualty of the bust, an unfinished high-rise, sits a few doors away. Photos by Nicholas Fevelo

Continued on Page 4

Home sweet home turned into horror

Ugly unfinished condo next door

BY JEFF WILKINS

WHAT HE wanted was his dream home. What he got was a nightmare.

Retired Army Capt. Gary Collier, 63, purchased his house in Brighton Beach 10 years ago hoping to enjoy his twilight years with his wife, Jane.

It was a sweet life in the sweet two-story house for the couple — until a developer started putting up condos right next door in 2005.

"This has been a horror story," said Collier. "I would never have moved here if I'd known this could happen."

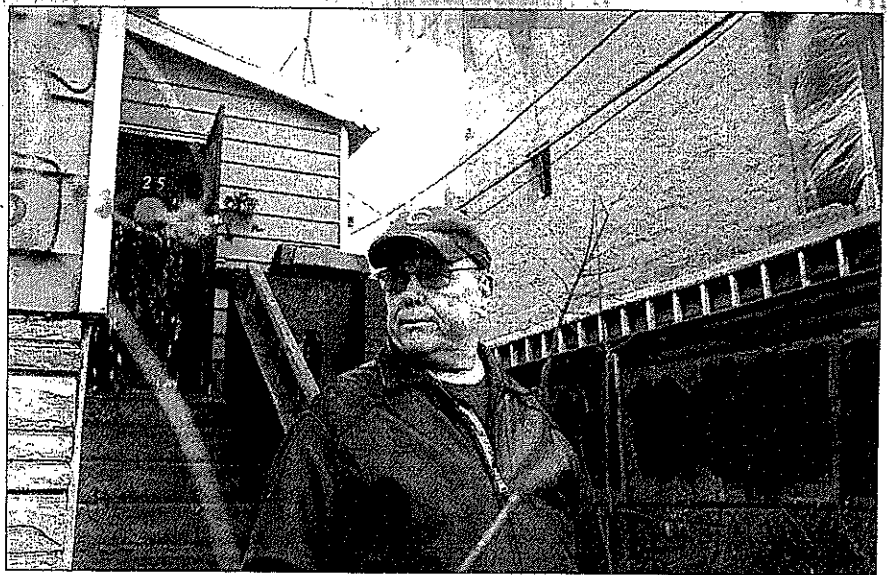
It was bad enough that workers cutting up the Brighton 4th Condominiums cut Collier's sewer and gas lines and that work on the project caused power outages.

Worse than all that, said Collier, is that after four long years, all that stands on the property next door is an ugly skeleton — and the city has been no help.

"They go months without doing anything," said Collier. "It took nearly two years just to get started after they laid the foundation. I go months without seeing anyone there."

Workers at the all-but-abandoned site rarely show up these days, he said.

"If they could have just started and finished, I think it would have actually enhanced the neighborhood," Collier said. "But when it drags on like it has since 2005 it's not a constructive thing. When it goes dead, that's the negative."



Retired Army Capt. Gary Collier stands by his two-story Brighton Beach house. Thanks to the unfinished condominium project next door, his life has been filled with ongoing issues.

Photo by Nicholas Fevelo

Every time construction work started, there were more headaches for the Colliers, beginning with the sewage line problem.

"The sewage had nowhere to go so it backed up through the toilet in my basement," said Collier. "It just ran and ran."

Collier called the police on workers in 2007 when he saw them trying to cut down a tree with a chainsaw right near a power line.

On that same day, firefighters told Collier workers had inadvertently cut the gas line running to his home.

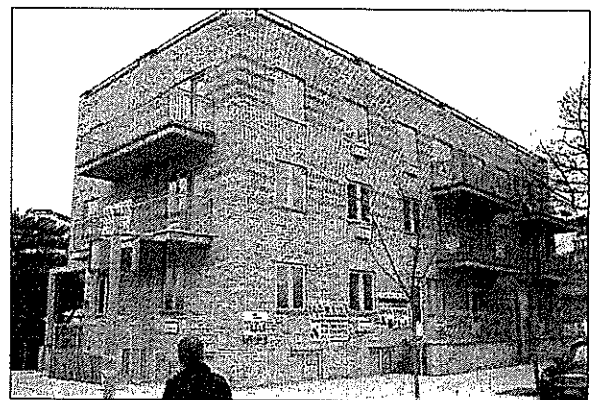
"Fire Department officials told me that if I struck a match to light my pilot there could've been an explosion," he said.

When Brooklyn News called the number listed on an advertisement poster in front of the condos, a man who would only identify himself as "John" returned the call.

"People have nothing better to do than complain about my property?" said John, adding the project is "costing me millions and millions of dollars and I can't afford to fix it."

Collier has called the Department of Buildings, the Environmental Protection Agency, 311 and 911 on the stymied project repeatedly with few results.

"It's caused a lot of pain and suffering," said Collier. "If the city has any sympathy, I haven't seen it."



Finished but mostly unoccupied building at Nostrand and Emmons Aves. has "for sale" and "open house" signs. Vacant lot sits (L) at Ocean Ave. and Avenue V. Unfinished buildings, casualties of the building boom gone bust, anger Brooklyn residents.

Photos by Nicholas Fevelo

'We feel like we're living in a forgotten land'

Continued from Page 1

Site manager Zalmi Kabiri said the bad economy had derailed the project.

"The banks that we made an arrangement with for construction don't have money now," said Kabiri. "They dropped the loan," he said, adding that he hopes to resume construction by next year. "But the major problem is the market today. The project is for a luxury building, but there's no market for luxury apartments."

Interest in new construction projects in Brooklyn has dropped drastically in the past two years. In 2008, the Department of Buildings issued 158 construction permits, down from 286 the previous year.

In Kensington, residents are turning over a

10-story shell of a condominium building at 23 Caton Place, where construction stalled a few months ago. Owner Moshe Feller did not return calls for comment.

"We all hate it deeply," said next door resident Renata Seguera, 37. "We've had incidents of people climbing the scaffolding to try to break into our building."

City Buildings Department officials said owners are not subjected to fines for leaving buildings incomplete, no matter how long it takes for construction to resume.

"Construction sites, active or not, must be maintained in a safe manner to protect the public," said agency spokeswoman Carly Sullivan. "We are in the process of identifying stalled sites and working closely with property owners

to develop plans to keep these sites in a safe condition until work resumes."

Retired security guard Dennis Díaz, 63, who lives across from a half-finished condominium on Brighton Third St. said the incomplete project had drawn homeless people.

"It gives homeless people a covered place to live and start fires or whatever else it is they do," said Díaz. "It's unsafe. We had a few fires here last summer because of them."

On Congress St. in Carroll Gardens, residents complained that a stalled site made them feel stuck in a "Twilight Zone" episode.

"They took the wall down in the back and just left it like that. People want to set up their gardens or take care of their backyards but no

one knows when we can," said Gia Piro, 41, who lives next door to a six-story shell on Congress St. where workers stopped building in September.

"We feel like we're living in a forgotten land."

Residents aren't the only ones upset about the stalled project.

"We're no happier," said Jay Tall, construction manager for SDS Procida, which is desperately trying to line up more financing for the project.

"I fully appreciate people living next to stalled construction sites. We wish we could help them. But until the banks start tending money again, we can't do anything."

ehays@nydailynews.com



The City of New York
Brooklyn Community Board 15



MARTY MARKOWITZ
BOROUGH PRESIDENT

THERESA SCAVO
CHAIRPERSON

OFFICERS

DR. ALAN DITCHEK
FIRST VICE-CHAIRPERSON
RITA NAPOLITANO
SECOND VICE-CHAIRPERSON
JACK ERDOS, ESQ
TREASURER
HON. ANNE M. DIETRICH
SECRETARY

EXECUTIVE COMMITTEE

ROBERT GEVERTZMAN
MORRIS HARARY, ESQ
SUSAN JACOBS
DR. OLIVER KLAPPER
HON. EILEEN M. O'BRIEN
ALLEN POPPER, ESQ
HELEN SARUBBI
RONALD TAWIL
IRA TEPER

HON. JEREMIAH P. O'SHEA
PAST CHAIRPERSON

MICHAEL R. BLOOMBERG
MAYOR

PEARL BURG
DISTRICT MANAGER

April 7th, 2009

Councilman Lewis Fidler
Member NYC Council
1402 East 64th Street
Brooklyn, N.Y. 11234

Dear Hon. Fidler,

Community Board No.15 located in Southern Brooklyn is a very desirable place to live. The district includes neighborhoods such as Homecrest, Gerritsen Beach, Gravesend, Madison Marine, Manhattan Beach, Plumb Beach and Sheepshead Bay.

In recent years, the district has seen a boom in construction. Many projects completed, yet many lie in construction limbo.

The residents of this district take pride in their neighborhood and value the aesthetics of their community.

A problem now exists throughout the community that may change forever the place we all call home. Many construction projects were begun and lie dormant and never completed. Gaping holes are posing possible safety issues. Many projects have been issued "Stop Work Orders" and have remained with no resolution for years on end. These are becoming eyesores with years of neglect: 2609 Avenue R, 1624 Shore Boulevard, 1834 East 26th Street, 1610 Avenue S and 2433 Knapp Street are just several examples of construction sites in our community that reflect this problem.

The residents neighboring these and many other sites in our district are becoming infested with vermin and are forced to face deteriorating wooden construction fencing. These fences and scaffolding are adorning block after block in the district.

The City of New York
Brooklyn Community Board 15

Department of Buildings must be given the ability to force property owners to complete projects within the current Zoning regulation in a timely fashion or tear down partial construction and create green spaces until possible solutions can be found. Department of Buildings has in recent times, resorted to the claim that "it is a civil matter" leaving the neighborhood and area residents no recourse. Blight has taken over the district. Abandoned sites are garbage dumps and places breeding decay. Developers must be imposed with serious fines or possible imprisonment for leaving a site unattended for extended periods of time. A solution must be reached soon before the contamination spreads to every block in the district. Legislation must be enacted giving the Department of Buildings the power to oversee these visual obscenities in our community.

Community Board No.15 is prepared to discuss possible remedies. Please do not hesitate to contact me at (718) 332-3008. Thank you.

Sincerely,

Theresa Scavo

Theresa Scavo

KINGS Courier

Thursday, April 9, 2009

Your Neighborhood - Your News®

CB15 joins 'blight' fight

Chair urges officials to give DOB more muscle against bad actors

BY JOE MANISCALCO

Critics concerned with the effect that chronically problematic construction is having on their community have a new ally in their fight against neighborhood eyesores -- Community Board 15.

Last week, Chair Theresa Scavo agreed to join with members of the Madison-Marine-Homecrest Civic Association in pressing elected officials to make it easier for the Department of Buildings to clamp down on construction some fear is becoming a blight on the community.

"There are properties in this community that are the subject of numerous complaints, are under stop-work orders, remain incomplete for years, or appear abandoned," Ed Jaworski, vice-president of the Madison-Marine-Homecrest Civic Asso-

ciation told the board.

Too often, however, Jaworski said that instead of protection from bad buildings, affected neighbors are met only with frustration.

"So, now we ask our City Council representatives to work with the Council's building and zoning committees, the Council's speaker and the mayor to assure passing a bill giving DOB and other agencies authority to clear up eyesores like the ones these neighbors live with," Jaworski said.

In her letter to New York City Councilman Lew Fidler urging legislative action, Scavo wrote, "Department of Buildings must be given the ability to force property owners to complete projects within the current Zoning regulation in a timely fashion or tear

down partial construction and create green spaces until possible solutions can be found."

The Community Board 15 chair cited 2609 Avenue R, 1624 Shore Boulevard, 1834 East 26th Street, 1610 Avenue S and 2433 Knapp Street as just a few examples of development projects gone awry in the district.

Avenue R resident Anthony Giacobbe called the property cited on his street "a bane for the block,"

"It's a never-ending project," he said.

Giacobbe was part of a group of concerned residents, including Jo-Ann Fava, Bernadette Morrissey and Eleanor Logozo, who went to Community Board 15 to ask for help against what they see as a potential "cancer" in their community.

Logozo lives next door

to 2609 Avenue R. For the last three years, she says, she's had to tolerate falling shingles and an ugly scaffold wrapped around her neighbor's house.

"It's constant fixing all the time," Logozo complained. "It's just a nuisance to the people in the general area."

The owner of the property could not be reached for comment.

"I want some peace," Logozo said.

According to Scavo a solution to the problem must be found before it spreads to every block in the district.

"Abandoned sites are garbage dumps and places breeding decay," she said. "Developers must be imposed with serious fines or possible imprisonment for leaving a site unattended for extended periods of time."

3
April 9, 2009, COURIER LIFE

Fighting Eyesores Before They Start

in: 12/10/09

By ELIZABETH A. HARRIS

DURING the housing boom, new construction seemed to sprout up on every corner.

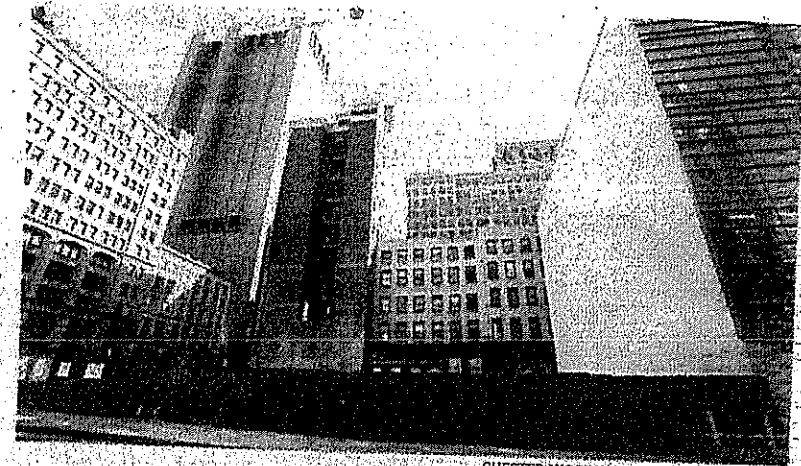
But when the economy took a dive last fall, many projects lost financing, which brought construction to an abrupt halt.

This has left empty lots and bare foundations throughout New York City, visible symptoms of the financial crisis.

The New York City Department of Buildings, which created a task force to tackle the problem of stalled construction sites in February, counted 362 languishing in the five boroughs as of July 8 — 57 in Manhattan, 138 in Brooklyn, 131 in Queens, 21 in the Bronx and 15 in Staten Island.

There are particularly high concentrations in areas like Williamsburg, Brooklyn. But idle building lots do not discriminate by ZIP code or property value. If not properly attended to, they can raise serious quality-of-life issues for neighbors, ranging from crime to vermin.

The City Council now has a plan that would



CHESTER HIGGINS JR./THE NEW YORK TIMES

allow developers to hang onto their permits in exchange for keeping their sites safe and secure — fencing in holes in the ground, locking up half-built buildings and making sure noth-

O.K. CORRAL
56 Leonard Street,
vacant while it
awaits a financial
go-ahead.

Continued on Page 5

Lighting Empty-Lot Eyesores Before They Start

From Page 1

ing will fall on passers-by in a stiff wind. Dawn Hannay of Cabrini Boulevard in Hudson Heights in Manhattan lives down the block from a neglected construction site, a vacant lot full of weeds five feet high and surrounded by a guard wire fence.

"I do wish they'd do something more productive with it," Ms. Hannay said. "In some weather there's standing water, and people throw trash over the fence, so it gets unsightly. And I hate that fence that takes up half the sidewalk!"

She worries about mosquitoes breeding in stagnant puddles.

In addition to issues of hygiene and aesthetics, bare foundations — or worse, the frames of unfinished buildings — can become a drag on property values.

"It's the same idea as a suburban house with a boarded-up house next door," said Jonathan Miller, the president of the appraisal firm Miller Samuel. "The problem is when you have a large-scale deteriorating of property in an area or neighborhood or street."

ONLINE: ON THE CHART

A map of 362 stalled building sites in New York City.
nynines.com/realstate

That's where you're more likely to see an impact on property values."

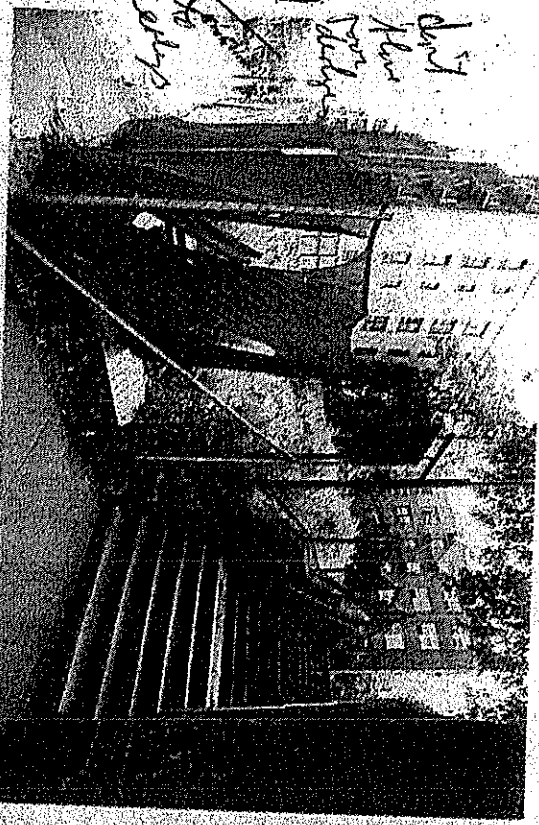
Unfortunately, there is not much neighbors can do about these sites. One can call in complaints to the 311 hot line or contact members of the New York City Council, but the city government has a limited arsenal to train on this problem.

"Most of these folks are not not working because they're goof-off; it's because they've lost their financing," said Christine Quinn, the City Council speaker. "We don't have much of a stick, so we had to create carrots that were attractive and fair."

To that end, there is a bill pending before the City Council that would give extensions on building permits to developers who adhere to certain standards of safety and upkeep at stalled sites. The plan would also help the city to get a handle on the true scope of the problem by encouraging developers to come forward when they run into hurdles.

"The first goal is to maintain public safety through this period," said Edward Sklyar, the deputy mayor for operations. "The second is to remove bureaucratic delays where permits expire and you still have to wait, even if you have financing together."

Under normal circumstances, building permits expire after 12 months of inactivity. The new legislation, expected to be taken up by the council this fall, would provide developers with two-year permits that could be renewed regularly.



SORRY SITE A proposal before the City Council would give developers incentive to maintain vacant lots. This property is on Cabrini Boulevard.

less of construction activity, giving them up to four years to get their financing in order.

For some, the specter of having construction sites sit empty for long periods of time may evoke unnerving images of New York's abundant vacant lots in the 1970s. But for a project without financing, options beyond maintenance are limited.

Under the proposal before the council, participating developers would submit a safety plan to the Department of Buildings. If it were approved, they would be required to monitor their own sites regularly, and city inspectors would check in on them periodically.

If a developer did not uphold his or her end of the bargain, he or she would risk the loss of the permit as well as

(Times of up to \$25,000.

Many developers have responded voluntarily to this plan. Zalk-Sambhar Alexico Group is developing a luxury condominium project at 56 Leonard Street, designed by the architects Herzog & de Meuron. According to Mr. Sambhar, they completed the foundation six months ago, but could not secure financing to continue. He says that he intends to participate in the city's program.

"The plan works," Mr. Sambhar said in an e-mail message, "as it provides the city with the safety measure and affords us developers the time to get our financing lined up."

In addition to buying and saving time projects that qualified for permit extensions would not be bound by changes in the building code that came about while they were stalled. Many such changes went into effect recently, including more requirements for interconnected smoke detectors and automated sprinkler systems.

Redesigning plans in the middle of construction can be a costly proposition. The opportunity to avoid this expense offers developers a clear incentive to participate.

"We want to allow him to pick up where he left off, without the city slowing him down, and allow him to maintain his current design," said Robert D. L'Mandi, the buildings commissioner. "Everyone wins when a building is completed."

BROOKLYN NEWS

News Bureau (718) 875-4455 • Fax (718) 875-7795 • NYDailyNews.com/nyclocal

10/31/08

Daily News

'Hell' tower freezes over

Nightmare for neighbors as eyesore remains unfinished

BY JOTHAM SEDERSTROM
DAILY NEWS STAFF WRITER

HERE'S A BROOKLYN Halloween story.

A construction nightmare in Carroll Gardens nicknamed the "Hell Building" by critics could remain an eyesore for the foreseeable future — if it's ever built.

Nearly three years after a Buildings Department permit was granted to convert the Regency Service Carts building on Carroll St. into a five-story luxury condo tower, construction has ground to a halt.

The result is a messy construction site with no major work going on for more than a year and a half — and neighbors fear it will remain an eyesore for months to come.

"It's like a tumor," said resident Joseph Mariano, 70, of the unfinished steel-girder skeleton that has lowered over the neighborhood's low-rise townhouses and brownstones since 2006.

"It's just an ugly thing," said Mariano, who added the addition was "out of character and the dimensions are out of character."

Residents fumed that the addition on top of the former three-story factory was a blight in a neighborhood already targeted by a slew of developers interested in building big and tall.

"It's the first thing I see when I look out the window every morning," said Marlene Donnelly, who has lived in the neighborhood for 17 years and worried that because of the faltering economy it would remain a stranded construction site for a

Work on the interior of the 19th century building stopped for the third time in March after Buildings Department inspectors determined plans to build two additional extra floors and an eight-unit penthouse would have been too dense.

An employee who works for building owner Isaac Fischman said a completion date for the controversial luxury condominium conversion has not been determined.

"I don't know [when it will be completed]," said the worker, who did not reveal her name.

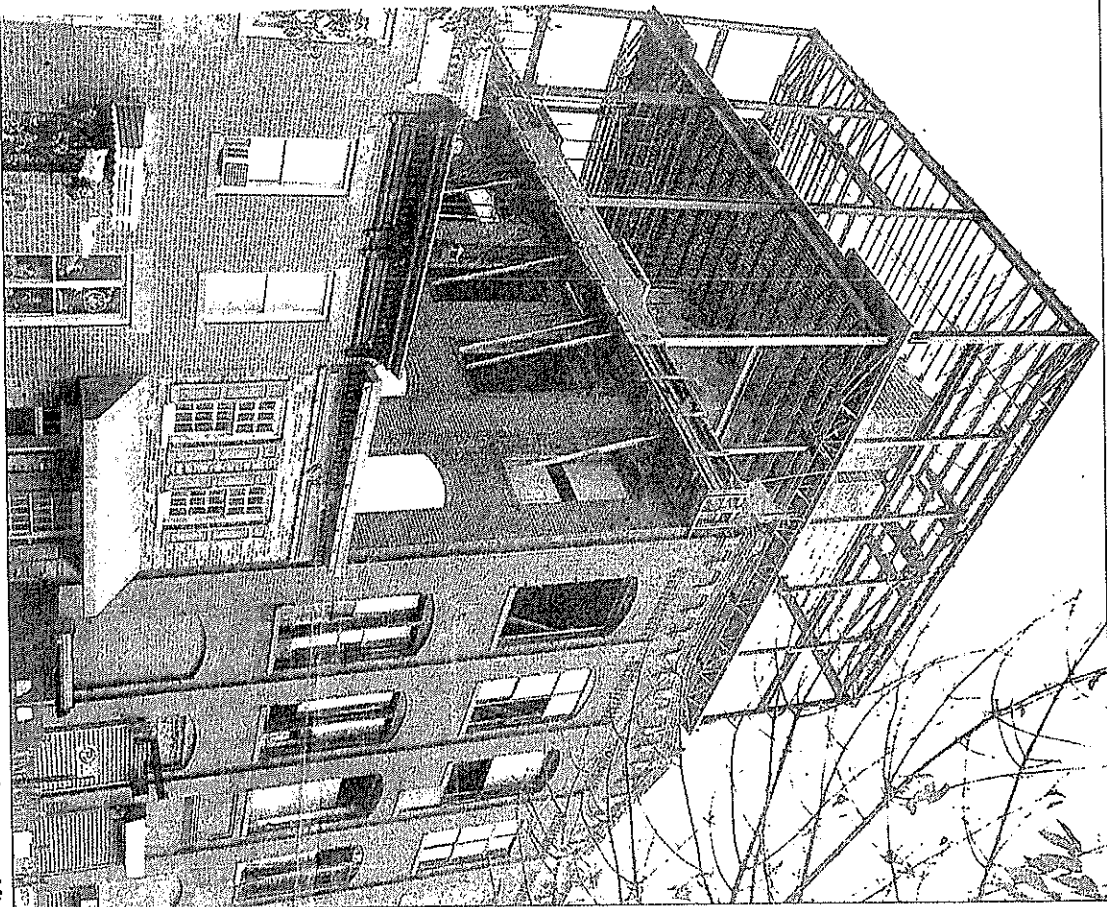
A source who has discussed the long-delayed project with Fischman, however, said the developer is now considering selling the site — out of frustration with the steady string of delays.

There are no height restrictions in that part of the neighborhood, but there is a cap on how dense the building can become.

The most recent Buildings Department stop-work order was issued after controversial architect Robert Scarano had inaccurately claimed the building was zoned to allow for the additional stories.

Scarano, who was ousted from the project in January, did not return a call for comment yesterday.

City Councilman Bill de Blasio said the project showed how vulnerable the neighborhood is to hungry developers. "We have shown developers time and again that they must play by the city's rules and not their own," said de Blasio, who added in a statement that new zoning regulations limiting the size of new projects was being investigated.



At the former Condit tower dubbed "Hell Building" in Carroll Gardens stopped months ago, and its

my friends
photos

A Project's Foes Never Asked for This

An Abandoned Tower
Sows Dismay in Riverdale

By CHRISTINE HAUGHNEY

After months of clanging hammers, coughing tent trucks and shouting construction workers, fan Terrace, a leafy dead-end lane in the Riverdale section of the Bronx, has been quiet since 6. But it has not been a welcome quiet.

The noise emanated from a condo tower that allows up the southern half of the cut-de-sac. But for the developers fell into financial trouble that it, work on the project stopped. What remains is like the cast-off toy of a distracted giant: a 12-story skeleton with no exterior walls and a squat

blue plywood fence encircling the rim.

And now, the remaining residents of Tullfan Terrace are trying to adjust to the sighs, sounds and hassles of a real estate boom gone bust. For James Weeks, 56, that means picking up construction debris that blows into his lawn from the empty building. For Naomi Gans, 70, it means sneaking away the raccoons that have moved into the lot across the street. And for Edward Bell, 63, it means gazing from his bay window at a ghostly hul.

"They really ruined the neighborhood," Mr. Bell said, rocking in his tartan-print easy chair. "It

was horrible having the work and the noise. But that comes to an end. I would rather have them working toward an end."

What is happening on Tullfan Terrace may well play out in other neighborhoods across the city as the recession causes more developers to abandon half-finished buildings because of bankruptcy, foreclosure or tight credit.

But there is an especially bitter back story to the darkened tower at Tullfan Terrace and Oxford Avenue. In 2004, there was a battle to prevent its construction that pitted neighbors who wanted to

seal to the developer against neighbors who wanted to stay.

The developers pledged that a 30-unit tower with a private garden, fitness room and three-bedroom apartments selling for \$800,000 to \$1 million would bring young families to the aging neighborhood. But the opponents imagined disruptive construction, traffic problems and an end to the small-town flavor of their street.

Letters were written, lawyers consulted, feelings hurt. To no avail. After three homeowners on
Continued on Page 47

BROOKLYN NEWS

Your 24-page special local newspaper from **DAILY NEWS**
NYDailyNews.com

4/7/09



Rat peers from under foundation on vacant lot on Dean St. in Prospect Heights. Photos by Sarah R. Kaufman

Martina Fugazzotto, 26

No buildings, just rodents

BY SARAH R. KAUFMAN AND JOTHAM SEDERSTROM
WITH CONSTRUCTION on hold at the controversial Atlantic Yards site, angry Prospect Heights residents fear their neighborhood could remain a wasteland for years to come.

A scourge of rodents, safety concerns and road closures have cast a shadow since developer Forest City Ratner razed 28 buildings in the neighborhood in a now-stalled bid to build 6 skyscrapers and a basketball arena nearby.

With Atlantic Yards on hold, folks say nabe's dirty & scary

"It's creepy to walk around at night," said Martina Fugazzotto, 26, who lives on Dean St. at Vanderbilt Ave., near where about six buildings have been knocked down in the last four years.

"I get off the subway and walk by these vacant areas where buildings

have been torn down," said Fugazzotto. "In the summer, there will be guys hanging around outside. I get the worst sexual comments. It's gross. It's terrible."

Although more than half of a planned 53 buildings have been razed since 2005,

fear has peaked among residents who believe the crumbling economy will keep at least 28 lots weed-strewn and empty for years to come.

During an investors conference last week, however, Forest City Ratner executive Joanne Minieri insisted construction would begin immediately after lawsuits by opponents of the plan have been resolved.

"As we've stated, once this litigation is resolved, this project is ready to go," Minieri said last Tuesday. "We've

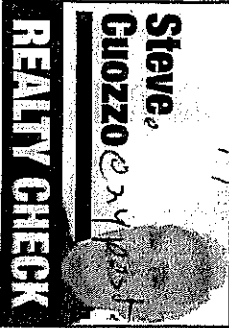
Continued on Page 4

POST FOCUS ON COMMERCIAL REAL ESTATE

Lots & lots of empty lots

City's list of bldg. backlogs can't catch up with slowdown

8/4/09



any work ongoing. "If there was none, we'd try reaching out to owners and developers." But he wasn't able to immediately explain why a site as prominent as 301 W. 46th wasn't on the list yet.

the foundation but plans no above-ground work for the indefinite future.

The Buildings Department also has yet to catch up with 99 Church St. downtown, a 912-foot condo tower to be developed by Larry Silverstein, which will include a Four Seasons hotel. There, too, demolition of old structures left a big pit that might take years to fill.

You don't have to work hard to find bogged-down projects the Buildings Department has yet to cite — just take a walk around the neighborhoods where you live and work.

The Charles "by interior designer" David Collins, a condo tower at 1355 First Ave. between 72nd and 73rd streets, appears to have hit the wall since an old building was demolished last year.

Blurock Realty and Zeckendorf Development filed plans with the Buildings Department last year for a 34-story project touted on the ranshackle-looking plywood fence as "full-wood and half-floor bespoke homes."

There's a sales office on East 75th Street. But so far, a glimpse through the fence reveals only a crater and portable toilets — and no construction machines.

Calls to developer Will Zeckendorf and to Brown Harris Stevens' Wendy Matiland, the chief sales representative, were

not returned by press time.

How could the Buildings Department list leave out the eyesore on the west side of Eighth Avenue between 46th and 47th streets — one of Midtown's most blighted-looking sites?

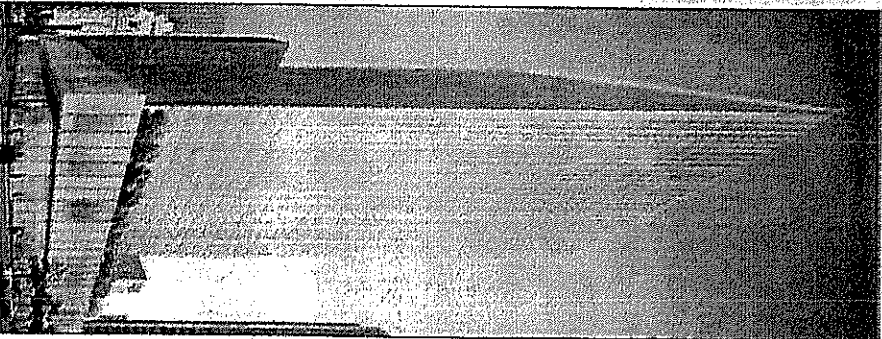
Tribeach Holdings, leveled several mid-block buildings on the avenue and emptied 301 W. 46th St., a grim, five-story structure on the corner at the foot of Restaurant Row, that once housed a Jimi Hendrix recording studio. It also closed a parking lot just west of No. 301.

Tribeach's Web site promises a 38-story, mixed-use structure with 375 hotel rooms, 35 condo units, plus rental apartments and stores — all to be completed in 2010.

But nothing's happened since Tribeach filed plans with the Buildings Department last year, except that the parking lot reopened. Bank of Scotland holds mortgages on the property totaling about \$80 million, according to city records.

No one from Tribeach responded to a detailed message left at the firm's Manhattan office.

What are the Buildings Department's criteria for determining whether a project is stalled? Agency spokesman Tony Solatani said, "We looked at new building permits from January 2008 to mid-



HANG-UP: Boston Properties' planned 250 W 55th is in limbo.

March of 2009. We started there first. "Then, we've made multiple inspections to see if there was

THE city's Buildings Department's list of "stalled construction sites" keeps inching up — but it has a long way to go to catch up with reality.

It's commendable that the agency is moving to get a handle on the ever-growing number of stalled projects in the city and has set up a task force to monitor the messes. But the current list of empty lots and barren crates in the five boroughs doesn't scratch the surface, as it were.

In the latest roster posted on the Buildings Department's Web site yesterday, the number of wheel-spinners rose to 409 from 399 a week ago. But it's still missing many of the most visible bog-downs in town, including some that have been announced by the sites' owners and widely covered in the press.

Boston Properties' huge, aborted scheme for 250 W. 55th St., for example, is not on the list — even though Mort Zuckerman's company said it was "suspending" the 1 million square-foot office development after anchor tenant Proskauer, Rose pulled out. Boston is finishing

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

Name: Robert D. LiMandri (PLEASE PRINT)

Address: Commissioner, DOB

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: _____

Address: Fatma Amer

I represent: 1st Deputy Commissioner

Address: DOB

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: _____

Address: Stephen Kramer

I represent: Senior Counsel, DOB

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1015 Res. No. _____

in favor in opposition

Date: 9/21/09

(PLEASE PRINT)
Name: Ed Jaworski

Address: 1821 East 28 St. Brooklyn, NY 11229

I represent: Madison - Marine - Homecrest Civic Assoc

Address: same as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1015 Res. No. _____

in favor in opposition

Date: 9/21/09

(PLEASE PRINT)
Name: MARILYN SCHAN

Address: 2240 EAST 14 ST. BROOKLYN NY 11229

I represent: MADISON - MARINE - HOMECREST CIVIC ASSOC

Address: BROOKLYN NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Robert LiMandi

Address: Commissioner

I represent: Department of Buildings

Address: _____

Please complete this card and return to the Sergeant-at-Arms