

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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October 14, 2009
Start: 10:50 am
Recess: 11:15 am

HELD AT: Council Chambers
City Hall

B E F O R E:

ERICK MARTIN DILAN
Chairperson

COUNCIL MEMBERS:

Council Member Tony Avella
Council Member Maria Baez
Council Member Gale A. Brewer
Council Member Leroy G. Comrie Jr.
Council Member Elizabeth Crowley
Council Member Lewis A. Fidler
Council Member Robert Jackson
Council Member Rosie Mendez
Council Member James S. Oddo
Council Member Joel Rivera
Council Member James Vacca
Council Member Thomas White Jr.

A P P E A R A N C E S [CONTINUED]

Erik Martin Dilan
Opening Statement
Chairperson
Committee on Housing and Buildings

William Martin
Committee Clerk
Committee on Housing and Buildings

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[START 1001.MP3]

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MR. EDDIE RENTO CORIASO: Today's

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Committee is going to be on Housing and Buildings.

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Today's date is October 14, 2009 and it's being

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recorded by Eddie Rento Coriaso.

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[END 1001.MP3]

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[START 1002.MP3]

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CHAIRPERSON DILAN: Good morning

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everyone. My name is Erik Martin Dilan and I'm

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the Chairman of the City Council's Housing and

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Buildings Committee. Today the Committee will be

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considering Proposed Intro 1015-A for the purposes

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of a vote. And it's a Local Law to amend the

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Administrative Code in relation to the safety and

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security of construction sites as which permitted

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work has been suspended or delayed.

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Proposed Intro 1015-A would allow

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the Commissioner of the Department of Buildings to

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establish a program to maintain the safety of

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construction sites where permitted work is

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suspended, as I said earlier. This bill was

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initially heard on September 21st and some members

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of this Committee expressed some concerns that the

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information required to be provided by the

2 developer who is applying for inclusion in the
3 program was not stringent enough.

4 As a result of the concerns raised
5 by my colleagues, an amended bill is before us
6 today, for disposition, and additional
7 requirements for the site safety plan which can be
8 found on page 4 of the Committee Report, and I'll
9 read them into the record before we vote on these
10 items. But they can be found on page 4 of the
11 Committee Report.

12 In light of these changes, I
13 encourage my colleagues to vote in favor of this
14 legislation. And just briefly, technical changes
15 were made to the bill to correct an inaccurate
16 cross-reference. The bill was also amended to
17 clarify that sites may be included into the
18 program not only due to suspension of work but
19 also for failure to commence such work.

20 Information must be included,
21 information that now must be included in the site
22 safety plan--excuse me, in the safety of the site,
23 was amended to include the following additional
24 requirements: they include the maintenance and
25 construction of the fencing with view panels to

2 including the posting of the work permits and
3 removal of any illegal fliers or posters; the
4 installation of proper shoring at excavated sites
5 and/or backfilling; the removal and continued
6 removal of snow and ice on sidewalks abutting the
7 site and removal of snow and ice on the site that
8 poses a potential danger to the public; the
9 maintenance of any installed fire suppression or
10 detection systems; the removal of any volatile
11 gasses or liquids; the removal of stagnant water
12 from any excavation sites; the removal of
13 construction debris or garbage; the removal of any
14 excess vegetation and graffiti; and monitoring of
15 all such required measures; the correction of any
16 adjudicated or outstanding violations issued to
17 the site and the payment of unpaid fines or civil
18 penalties resulting from the adjudication of any
19 violations issued at the site.

20 And further the bill would allow
21 the Commissioner of Buildings to require other
22 provisions to be included in the plan such as
23 requiring a schedule for restoring safe access to
24 areas to which public access was restricted as a
25 result of the issuance of the permit. Also the

2 owner of the construction site will be required to
3 demonstrate prior approval of the plan and the
4 inclusion of the site in the program by the
5 Commissioner that any adjudicated and immediately
6 hazardous violations on the site have been
7 corrected.

8 The bill has also been amended so
9 that the Commissioner must post on the
10 Department's website a list of sites that have
11 entered into the program and indicate whether they
12 have been removed from the program due to
13 noncompliance or the resumption of work.

14 At this point I'd like to ask the
15 Clerk to call the roll and I recommend a yes vote
16 on this item.

17 MR. WILLIAM MARTIN: William
18 Martin, Committee Clerk. Roll call on the
19 Committee on housing and buildings, Introduction,
20 excuse me, Introduction 1015-A, Council Member
21 Dilan.

22 CHAIRPERSON DILAN: I vote aye.

23 MR. MARTIN: Avella.

24 COUNCIL MEMBER AVELLA: Mr.
25 Chairman, may I have a moment to explain my vote?

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CHAIRPERSON DILAN: Council Member
Avella to explain his vote.

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COUNCIL MEMBER AVELLA: [Chuckling]
Thanks. I'm going to vote for the bill based upon
the amendments that have been made but I have to
tell you I'm still rather dubious to see whether
or not this actually works and whether or not that
the Building Department actually enforces all the
things in the legislation. But if they do
everything that--or in the amendments, then it is
a better bill. And I only hope that it works, so
I vote aye.

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MR. MARTIN: Brewer.

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COUNCIL MEMBER BREWER: I vote aye.
I want to say that the best part of it I think is
this carrot approach. In other words if you are
abiding by the rules and you have no funding due
to the economy, when you do get funding and we
hope you will, you will then be able to streamline
your permit process which is always a challenge.
The other good aspect of this bill I think is in
my neighborhood, I think all of our neighborhoods,
the number one question is what's going on with
that site.

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2 Is it active? Is it not active?
3 Why is there graffiti? Why is it not abiding by
4 certain laws and regulations? And this particular
5 legislation with the amendments will tell the
6 public, on the web, on a posting on the site, and
7 probably with the Community Boards and elected
8 officials, the status of that site.

9 So I think they'll end some of the
10 phone calls and also give us the opportunity to
11 know what is going on with different sites. And
12 of course during the winter we always get calls,
13 seniors and everybody else, trying to go by sites
14 underdevelopment.

15 And the many times, no snow removal
16 has taken place and this will enable us to figure
17 out who to call, what do to, and to make sure that
18 the site is safe, from wind, from fire, from all
19 those other very challenging situations. So I
20 vote aye and hope too that it will be enforced but
21 I think it's a really good start. Thank you.

22 MR. MARTIN: Comrie.

23 COUNCIL MEMBER COMRIE: Permission
24 to explain my vote?

25 CHAIRPERSON DILAN: Council Member

2 Comrie to explain his vote.

3 COUNCIL MEMBER COMRIE: I'm voting
4 aye on the bill. This is a bill that is long
5 needed in my community. I just went to some sites
6 yesterday that had been fenced in and were
7 constantly being dumped on. It gives the
8 Department of Buildings another tool along with
9 the other City agencies to deal with these sites
10 that have been on hold for too long a period of
11 time with no progress.

12 While we understand that the
13 economy and the real estate market has gone
14 through some difficult times, it's still
15 important, especially when you are dealing with
16 sites that have debris, that have snow removal
17 issues, that have blocking peoples' access to the
18 sidewalk, that there is another tool and the
19 ability to maintain the sites and keep them clean.

20 So I hope that this bill is
21 enforced, that the Buildings Department will
22 quickly also contact the other agencies if there
23 are things that require, especially the Department
24 of Sanitation. In my District a lot of these
25 sites become dump sites creating other hazards.

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2 So I vote aye. Please add my name to the bill.

3 MR. MARTIN: Fidler.

4 COUNCIL MEMBER FIDLER: Mr. Chair
5 may I also be excused to explain my vote?

6 CHAIRPERSON DILAN: Council Member
7 Fidler, to explain his vote.

8 COUNCIL MEMBER FIDLER: I'm going
9 to say something that you don't hear me say an
10 awful lot around here, is I share Council Member
11 Avella's concerns about the Building Department.
12 I and, you know, I think many of us are dubious of
13 the Building Department's enforcement of laws that
14 are on the books.

15 And frankly I would point out that
16 every single requirement to this bill is already a
17 requirement of law. And the problem, the reason
18 that we're, you know, one of the reasons we're
19 faced with this bill is because the Buildings
20 Department hasn't been enforcing the law. But
21 having said that I think that this bill is like
22 chicken soup, it absolutely can't hurt.

23 And I think the bill's been made
24 monumentally better by the amendments which at
25 least set out a series of things that if the

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2 Building Department holds the developer to, will
3 in fact improve some, if not all, of the
4 conditions that these blights throughout our
5 community.

6 When the developers walked away
7 from the job completely, this bill won't affect it
8 one way or the other but where the developer
9 intends to come back and finish the job, this will
10 help the developer finish the job which is a bonus
11 for everybody and will ensure that both the safety
12 and the esthetics of the site will be maintained
13 while that's happening.

14 And so I think, you know, this bill
15 is great in that sense. And I just want to thank
16 in particular the Committee staff that came here,
17 heard the comments that were made by members of
18 this Committee and incorporated each and every one
19 in it. I want to thank the bill's sponsor who is
20 not here for being open to those ideas. And so I
21 think this bill today is actually something that
22 is a good thing.

23 And I just hope that the Buildings
24 Department enforces it and enforces it without
25 this notion of forgiving people who don't follow

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2 the law with post, ex post facto approvals of
3 violations. So I think if they're serious about
4 it this bill's going to make a big difference and
5 I vote aye.

6 MR. MARTIN: Jackson.

7 COUNCIL MEMBER JACKSON: Aye.

8 MR. MARTIN: Vacca.

9 COUNCIL MEMBER VACCA: I too will
10 vote aye and I want to note for the record that
11 probably many of these things we see in this bill
12 could have been done by the Buildings Department
13 administratively over the course of the past many
14 years. But we're called upon to codify things
15 that agencies can do administratively and on that
16 basis I want to be supportive.

17 When I saw the bill several weeks
18 ago and we had a hearing my first question was
19 where's the beef. I do see some more beef in here
20 based on the input that this Committee had at the
21 hearing and many of the suggestions made by the
22 members, so I will vote yes and I ask that my name
23 be added to the bill.

24 MR. MARTIN: Crowley.

25 COUNCIL MEMBER CROWLEY: I vote

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2 aye.

3 MR. MARTIN: Oddo.

4 COUNCIL MEMBER ODDO: May I be
5 temporarily excused to explain my vote? I just
6 want to--

7 CHAIRPERSON DILAN: [Interposing]
8 Council Member Oddo.

9 COUNCIL MEMBER ODDO: Thank you Mr.
10 Chairman. I just want to say on the record that I
11 share the concerns of Council Members Avella and
12 Fidler. And I guess the reality is, and Tony
13 probably knows this and I know certainly Council
14 Member Vacca knows this. And the reality is we've
15 created another responsibility for ourselves
16 because we're the ones who see the sites and then
17 prompt DOB and prompt them again and prompt them
18 again and prompt them again.

19 So the reality is we have another
20 job to do. And it's unfortunate but it is what it
21 is and we will do the work that we do. I mean
22 that's--Jimmy Vacca has, you know, raised it to a
23 Zen-like level. And I know you did in your
24 community. I know I've certainly done it. So we
25 have one more tool added to our toolbox to try to

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2 get the agency to enforce the law. So whatever it
3 is, it is, and it falls back on our shoulders.

4 Thank you Mr. Chairman. I vote yes.

5 MR. MARTIN: Rivera.

6 COUNCIL MEMBER RIVERA: I vote aye
7 as well.

8 MR. MARTIN: By a vote of 10 in the
9 affirmative, 0 in the negative, no abstentions,
10 the item is adopted. Council Members please sign
11 the Committee Report. Thank you.

12 CHAIRPERSON DILAN: Okay the vote
13 will be held open for as long as the rules allow.
14 There are some members that are in transit that do
15 intend to get here and vote on these items. And
16 at that time this Committee will be adjourned.

17 [Pause]

18 MR. MARTIN: Council Member Mendez.

19 COUNCIL MEMBER MENDEZ: I vote aye.

20 [Pause]

21 MR. MARTIN: Council Member White.

22 COUNCIL MEMBER WHITE: Aye.

23 [Pause]

24 MR. MARTIN: Final vote on the
25 Committee on Housing and Buildings now stands at

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COMMITTEE ON HOUSING AND BUILDINGS 15

12 in the affirmative, 0 in the negative, no
abstentions.

CHAIRPERSON DILAN: All right,
Housing and Buildings Committee is now adjourned.

[Gavel banging]

[END 1002.MP3]

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature Laura L. Springate

Date October 25, 2009