

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from September 2021 to Deter Bad Actors and Keep New Yorkers Safe

New York, NY – Today, the New York City Department of Buildings released its enforcement bulletin for September 2021, which provides highlights of the agency's actions to sanction and deter bad actors in the construction industry through the enforcement of safety laws and codes of conduct for construction professionals. Today's bulletin includes summaries of DOB-imposed disciplinary actions, including penalties and license suspensions and revocations.

The actions below represent a portion of DOB's overall work to enforce the City's building codes and safety laws, in addition to the thousands of inspections conducted and violations issued by the agency each month for illegal building and construction conditions.

DOB took a number of major enforcement actions in September including:

- 23 violations and \$275,000 in penalties issued for failure to safeguard construction sites on 22 separate occasions.
- 21 violations and \$516,750 in penalties, including daily penalties, issued for illegal building alterations at three locations.
- Four violations and \$26,593 in penalties, including daily penalties, issued for illegal transient use at one location.
- 10 violations and \$115,000 in penalties issued to 10 different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for September 2021:

Brooklyn

- \$243,000 in total penalties issued to Wei Fang Ni for illegal alterations of a legal 2-family house located at 651 60th Street, Brooklyn. DOB inspectors found nine illegally constructed Single Resident Occupancy (SRO) units with key locking devices on separately numbered doors.
- \$11,250 in total penalties issued to General Contractor Custombuilt Homes Inc. for inadequate site safety plans for a construction site 898 Bushwick Avenue, Brooklyn. DOB inspectors found that there were no log records of required

toolbox talks, pre-shift meetings or daily logs. In addition, a stairwell at the site was missing protection measures, tripping hazards were found on the floor of the site, and no protection measures implemented for an adjacent property.

- \$10,000 in penalties issued to Safety Registrant Racanelli Construction Co. for failure to provide a required sidewalk shed in front of a construction site at 72 Caton Place, Brooklyn.
- \$9,375 in total penalties issued to Res Royal Realty LLC for failure to maintain a building at 1984 East 8th Street, Brooklyn. DOB inspectors found that the ceiling in a second-floor apartment had collapsed. An additional violation was issued to the property owner for their failure to comply with Department's orders to correct a previously issued violation.
- The owners of 2901 Avenue U, Brooklyn, were cited for illegally utilizing the premises as a contractor's yard. Recent inspections of the property found that the property owners were not in compliance with a previous stipulation they entered into to discontinue the illegal use. As a result, DOB has issued an Order of Closure and posted it at the premises. If the property owners do not discontinue the illegal use, the location will be padlocked.



- The owners of 33 Crosby Avenue, Brooklyn, were cited for illegally utilizing the premises as a junk and dead vehicle storage. Prior to a hearing scheduled with OATH, the owners entered into a stipulation to discontinue the illegal use. A subsequent inspection revealed that the use was not discontinued, so an Order of Closure was issued. While the commercial vehicles were removed, dead storage was occurring on the lot, so the Order of Closure was posted. If the illegal use is not discontinued, the premises will be padlocked.



Bronx

- \$25,000 in penalties issued to 3950 Blackstone Assoc. for failure to take adequate measures to protect the public from a documented unsafe façade condition at a building located at 3950 Blackstone Avenue, Bronx.
- \$17,500 in total penalties issued to Safety Registrant Centauri Development Inc. for failure to have a Construction Superintendent on site during construction operations, missing handrails, unprotected fall hazards, and missing guardrails at demolition work site at 203 East Fordham Road, Bronx.
- The owners of 3306 Boller Avenue, Bronx, were cited for illegally utilizing the premises as a contractor's yard, as well as for dead and commercial vehicle storage. A recent inspection revealed that the illegal use at the property had not been discontinued, and a hearing was rescheduled and conducted at OATH on September 27, 2021, resulting in a favorable Report and Recommendation. An Order of Closure will be posted at the premises. If the illegal use is not discontinued, the property will be padlocked.



- The owners of 2462 Frisby Avenue, Bronx were cited for illegally utilizing the premises as a parking lot and dead vehicle storage. A hearing was conducted with OATH which resulted in a favorable Report and Recommendation, and an Order of Closure was posted at the premises. A subsequent inspection of the location revealed that the illegal use had been discontinued. DOB will continue to monitor the location for compliance.



Manhattan

- \$50,000 in total penalties issued to United Crane & Rigging Service for failure to provide adequate safety measures at a construction site at 749 FDR Drive, Manhattan. While the crane was lifting steel to the roof of a 14-story building, the slings broke off and the steel fell 14 stories causing the closure of FDR drive. DOB inspectors found that a crane was used in an unsafe manner and a competent qualified lift director was not on site at the time of the incident.

- \$25,000 in penalties issued to Lift Director Diego Leon Rojas for failure to verify the weight of steel beams being lifted by a crane at construction site 749 FDR Drive, Manhattan, resulting in the lift and slings breaking.
- \$15,000 in total penalties issued to Safety Registrant Cauldwell Wingate Co. LLC for multiple safety violations at a construction site at 50 Trinity Place, Manhattan, where a worker was injured after falling off a ladder. DOB inspectors found that workers were improperly using the ladder over a stairwell, did not have three-point support or stairwell covering, and there were inadequate housekeeping measures being implemented at the site.
- \$15,000 in total penalties issued to Safety Registrant Redcom Design & Construction after a worker fell off a baker scaffold at a construction site at 660 12th Avenue, Manhattan. DOB inspectors found that the scaffold was missing guardrails, was being used by workers with a scaffold training, and that no pre-shift safety meeting had been held informing workers of the possible hazards.
- \$10,000 in penalties issued to Cooper Union Advancement Science for failure to provide adequate safety measures to protect the public from a documented unsafe façade condition at 50 Astor Place, Manhattan. The owners of the property filed an unsafe façade filing with the Department, but several weeks later a DOB inspection found that the required sidewalk shed around the building had only been partially installed.
- \$10,000 in penalties issued to The Setai Condominium Residency, the owners of 40 Broad Street, Manhattan, for violating the discretionary zoning agreement for Privately Owned Public Spaces (POPS) at the property. A DOB inspection of the property determined that the POPS was missing required plantings, trees and benches.
- \$3,750 in total penalties issued to Tracking Number Holder NY Horizon Restoration Inc. for an inadequate Tenant Protection Plan (TPP) and failure to notify DOB of planned construction activity prior to commencement of work at an occupied building at 131 Avenue B, Manhattan.
- \$1,250 in penalties issued to 55 Liberty Owners Corp. for failure to post and distribute the required Tenant Protection Plan for construction activity in an occupied building at 55 Liberty Street, Manhattan.

Queens

- \$50,000 in total penalties issued to 179-46 Hillside Realty Corp for displaying advertising signs at 179-46 Hillside Avenue, Queens, without permits in a prohibited zone and failure to register the signs.



- \$20,000 in total penalties issued to Safety Registrant Structure R US Inc. for failure to have a construction superintendent or competent person present while work was ongoing at a construction site at 36-45 Prince Street, Queens. During DOB's inspection of the work site, inspectors found seven workers on a supported scaffold that was not properly installed, and the contractors failed to produce pre-shift meeting records that were required for the site.
- The owners of 107-07 & 107-11 Fern Avenue, Queens, were cited for illegally utilizing the two lots as an illegal parking lot and junk storage. A hearing was conducted with OATH resulting in a favorable Report & Recommendation, and as a result an Order of Closure was posted at both premises. The gate to the lot was padlocked because the illegal use was not discontinued.



- The owners of 133-28 78th Street were cited for illegally utilizing the premises for commercial vehicle and junk storage. Following a hearing at OATH, a Report and Recommendation for closure was issued by OATH and the premises was posted

with the closure order and subsequently padlocked. A recent DOB inspection revealed that the padlock had been illegally removed and the illegal use continuing so it was re-padlocked. DOB will continue to monitor the property for compliance.



Construction and Design Professionals

- Following an audit of eight professionally certified applications submitted by Professional Engineer Paul J. Hessel, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; failure to provide adequate light, air and ventilation; increasing the degree of Zoning nonconformance in an existing non-complying building; proposing a Zoning Use not permitted as-of-right in the Zoning District; proposing an exhaust outlet conveying vapors, fumes, or dusts from a spray booth closer than 30 feet from the property line; and various other violations of Code and rules. Based on these findings, DOB offered a voluntary surrender of Mr. Hessel's Professional Certification and Directive 14 privileges which he signed, and which took effect on September 1, 2021.
- Following an audit of five professionally certified applications submitted by Professional Engineer Anthony Gurball, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; proposing a Zoning Use not permitted as-of-right in the Zoning District; failure to provide adequate means of egress; failure to provide adequate accessibility for persons with physical disabilities; and various other violations of Code and rules. Based on these findings, DOB offered a voluntary surrender of Mr. Gurball's Professional Certification and Directive 14 privileges which he signed, and which took effect on September 7, 2021.

- Following an audit of twelve professionally certified applications submitted by Registered Architect Mark Kroeckel, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; proposing a Zoning Use not permitted as-of-right in the Zoning District; failure to provide adequate light, air and ventilation; failure to provide an automatic sprinkler system; failure to provide adequate accessibility for persons with physical disabilities; failure to provide adequate fire separation and fire resistant materials; failure to provide adequate means of egress; and various other violations of Code and rules. Based on these findings, DOB offered a voluntary surrender of Mr. Kroeckel's Professional Certification and Directive 14 privileges which he signed, and which took effect on September 20, 2021.
- Following an audit of five professionally certified applications submitted by Professional Engineer Talal Alokush, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; failure to provide an automatic fire-extinguishing system and exhaust hood for a commercial kitchen; failure to provide adequate fire separation and fire resistant materials; failure to provide adequate means of egress; proposing a Zoning Use not permitted as-of-right in the Zoning District; increasing the degree of Zoning non-conformance in an existing non-conforming building; failure to provide adequate accessibility for persons with physical disabilities; and various other violations of Code and rules. Based on these findings, DOB offered a voluntary surrender of Mr. Alokush's Professional Certification and Directive 14 privileges which he signed, and which took effect on September 25, 2021.
- Following an audit of six professionally certified applications submitted by Professional Engineer Xiao Huang, the Department found major non-compliance issues, including filing an Alteration Type 2 application despite proposing changes in use and/or occupancy, which require an Alteration Type 1 application for a new or amended Certificate of Occupancy; failure to provide adequate means of egress; failure to provide adequate accessibility for persons with physical disabilities; proposing a Zoning Use not permitted as-of-right in the Zoning District; increasing the degree of Zoning non-conformance in an existing non-conforming building; failure to provide adequate fire resistant materials; failure to provide adequate light, air and ventilation; and various other violations of Code and rules. Based on these findings, DOB offered a voluntary surrender of Mr. Huang's Professional Certification and Directive 14 privileges which he signed, and which took effect on September 26, 2021.