

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from February 2022 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 February 2022, 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 completed a number of major enforcement actions in February, including:

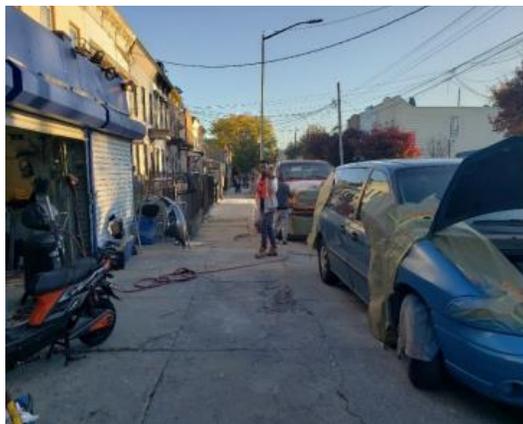
- 33 violations and \$360,000 in penalties issued for failure to safeguard construction sites on 29 separate occasions.
- 23 violations and \$797,750 in penalties, including daily penalties, issued for illegal building alterations at five locations.
- Six violations and \$29,000 in penalties, including daily penalties, issued for illegal transient use at two locations.
- 11 violations and \$110,000 in penalties issued to 11 different individuals for failure to carry out duties of construction superintendents.

Below are individual enforcement highlights for February 2022:

Brooklyn

- \$33,750 in total penalties issued to the owners of 1410 St. Johns Place in Brooklyn for failure to maintain their building, failure to safeguard the public, and for conducting construction activity without necessary DOB permits. A Department investigation found that while illegal unpermitted work was being done on the parapet of the building at the roof, a 4' x 6' piece of decorative stone fell to the ground and injured a pedestrian. It was determined that the workers performing the work had not installed any pedestrian safety measures at the site.

- \$30,000 in total penalties issued to property owner Margaret Aloba for the illegal alteration of 29 Marconi Place in Brooklyn. DOB inspectors found that the building had been illegally converted with the addition of 6 single room occupancy (SRO) units, contrary to the building's Certificate of Occupancy. Additional violations for illegal work without a permit, and failure to provide proper egress in the building were previously upheld at OATH hearings.
- \$17,500 in total penalties issued to General Contractor Front Wave Construction for multiple construction site safety violations at 2286 Cropsey Avenue in Brooklyn, after a worker was injured at the new building construction site. DOB's investigation determined that during the installation of panels, one of the panels fell and hit a worker on the back. During our investigation, the General Contractor could not produce records proving that worker safety orientations and pre-shift meetings had been held at the site in a language workers could understand. Additionally, DOB inspectors determined that evidence of the incident had been improperly removed from the site.
- The owners of 896 Belmont Avenue in Brooklyn were cited for illegally using the premises as a commercial auto repair shop. A recent Department inspection found that the illegal use was discontinued, and the owners constructed a new garage at the premises. However, an examination of the new garage structure found that it does not conform to the plans submitted to the Department. As a result, DOB issued a Stop Work Order at 896 Belmont. DOB will continue to monitor the premises for compliance.



Bronx

- \$90,000 in total penalties issued to property owner Wa-il Eldhary for the illegal alteration of a two-family house located at 1319 Plimpton Avenue in the Bronx into a seven-family house, with additional dwelling units in the cellar, contrary to the legal occupancy of the building.

Manhattan

- \$240,000 in total penalties issued to 370 Manhattan Avenue Co LLC, the owners of the apartment building at 370 Manhattan Avenue in Manhattan, for illegally adding an extra apartment to the building's 4th, 5th and 6th floors, contrary to the legal occupancy of the building. DOB inspectors also found that the cellar had been illegally converted into an apartment.
- \$26,250 in total penalties issued to Windermere Owners LLC, the owners of 666 West End Avenue in Manhattan, for failure to maintain the building's facade. A Department inspection found cracks and defects on the façade of the 2-story buildings, and no pedestrian protection measures in place.
- \$15,000 in total penalties issued to 1440 Broadway NY Owner LLC for displaying an advertising sign at 1440 Broadway in Manhattan, a prohibited zone, and for failing to register as an Outdoor Advertising Company (OAC) with the Department.



- \$12,500 in total penalties issued to General Contractor Foremost Contracting for failure to designate a construction superintendent at a construction site at 1105 Lexington Avenue in Manhattan, and for failure to maintain proper egress at the site.
- \$12,500 in total penalties issued to General Contractor CM and Associates Construction after a Department inspection found multiple site safety violations at a construction site at 646 11th Avenue in Manhattan. DOB inspectors found that the required guard rails and nettings were removed from the construction site prior to crane operation and without posting safety notices. Additionally, DOB inspectors found that there were no controlled access zones, propane at the site was not properly stored, and there was a scaffold at the site with loose planks.
- \$7,500 in total penalties issued to US Crane & Rigging for operating a crane with an expired registration and for not having the proper aircraft warning light at a construction site at 45 Park Place in Manhattan.

- \$12,500 in total penalties issued to Vinbaytel Developments for failure to safeguard active construction sites at 221 and 223 West 24th Street in Manhattan. DOB inspectors found that the vacant 4-story buildings were in danger of collapsing because of damaged beams and sagging floors. DOB inspectors also found that the General Contractor failed to maintain proper site housekeeping at the building and did not maintain the sprinkler system at the site.
- \$6,250 in total penalties issued to property owner Old Glory Real Estate Corp. for repeatedly failing to submit a sprinkler report for the office building at 85 5th Avenue, Manhattan as required by the Department.
- \$6,250 in total penalties issued to property owner Pigranel Management Corp. for repeatedly failing to submit facade reports required by the Department pertaining to the condition of the exterior walls at 54 West 39th Street in Manhattan.
- \$4,375 in total penalties issued to Tracking Number Holder JC Contracting Mgmt Inc. after a Department inspection observed multiple site safety violations at 60 Hudson Street in Manhattan. A DOB inspector found that the contractor failed to secure the suspended scaffold and failed to properly install the required C-Hook support. Additionally, the arrangement of the scaffold did not follow the plans submitted to the Department.
- \$2,500 in total penalties issued to Sunshine Capital LLC for not posting the required Tenant Protection Plan (TPP) and Safe Construction Bill of Rights at a 4-story residential building located at 620 West 172nd Street in Manhattan that was undergoing active construction activities in two of the apartments.
- DOB enforcement actions, including a criminal court summons issued for Hieber Reade Street LLC and Fred Taverna, have compelled the property owners to make necessary facade repairs at the 6-story building at 66 Reade Street, Manhattan. After the façade was fully repaired, the long-standing sidewalk shed that has been in place in front of the building in the interest of public safety since 2008 was removed. The defendants in the criminal court case pleaded guilty to a violation and accepted a \$1,500 fine per docket. This criminal court penalty is in addition to the multiple civil violations and associated fines that DOB has issued in the past.



Queens

- \$20,000 in total penalties issued to Kam Kee Realty Inc. for work without a permit and failure to maintain a sign at 133-56 41st Road in Queens, after the sign collapsed onto the sidewalk fatally injuring a pedestrian in 2020.



- \$15,000 in total penalties issued to Site Safety Registrant Pavarini McGovern LLC for multiple work site safety violations at 45-18 Court Square in Queens. DOB inspectors found that the Site Safety Registrant did not hold worker site safety orientation or pre-shift safety meetings for the construction workers on

site. DOB inspectors also found that poor housekeeping at the site, including loose cords and inadequate lighting inside a mechanical shaft where a fatal worker fall occurred.

- \$7,500 in total penalties issued to Safety Registrant Delric Construction Co. Inc. for failure to produce records that site safety worker orientations and pre-shift safety meetings were being held at a construction excavation site at 66-50 Forest Avenue in Queens.
- \$5,000 in total penalties issued to General Contractor Sanvito Realty Holding Co. for multiple safety violations at a 5-story construction site 14-43 31st Avenue in Queens, including failure to communicate required safety information to workers. DOB inspectors found that construction workers near the edge on the roof of the building were not wearing safety harnesses. Other workers at the site were found to be wearing harnesses, but they are not tied off to an anchorage point, rendering them useless.
- \$4,575 in total penalties issued to Karine Karakash for the repeated illegal use of 53-15 Queens Boulevard in Queens, for storing metal shipping containers on the property.
- The owners of 34-07 148th Street in Queens were cited for illegally using the premises as a contractor's establishment, commercial vehicle storage and for junk storage. Prior to a hearing scheduled with the Office of Administrative Trials and Hearings (OATH), the owner submitted proof that the illegal use was discontinued. DOB will continue to monitor the premises for compliance.



- The owners of 143-56 229th Street in Queens were cited for illegally using the premises for commercial auto repairs, dead vehicle storage and junk storage. A hearing was held at the Office of Administrative Trials and Hearings (OATH), which resulted in a favorable Report and Recommendation to padlock the property. An Order of Closure will be posted at the premises, and the property will be padlocked by DOB if the illegal use is not discontinued.



Staten Island

- The owners of 18 Andros Avenue in Staten Island were cited for using the premises as dead vehicle storage and commercial auto sales. The owners have entered into a stipulation with the DOB to discontinue the illegal use, and a recent inspection confirmed compliance as per the stipulation.



Construction and Design Professionals

- Following the previous voluntary surrender of his Professional Certification and Directive 14 privileges in 2005, it was determined that Professional Engineer David Silberman had improperly submitted a substantial number of professionally certified job applications to the Department, contrary to the 2005 agreement. Based on these findings, the Department offered a two-year voluntary surrender of all Department filing privileges as well as the permanent voluntary surrender of Professional Certification and Directive 14 privileges, which the respondent agreed to. The Department allowed the respondent a wind down period for them to close out all open jobs they have in New York City, which concluded on February 1st, 2022.

- Following the audit of six professionally certified applications submitted by Professional Engineer Jay A. Kavi , the Department found major code noncompliance issues including filing Alteration Type 2 applications despite proposing changes in use and/or occupancy, which require Alteration Type 1 applications for a new or amended Certificate of Occupancy; proposing a structural alteration in a non-conforming use building, contrary to zoning; failure to provide adequate firestopping; failure to provide adequate means of egress; failure to provide an automatic sprinkler system; proposing a Commercial Zoning Use not permitted as-of-right in a Residential Zoning District; failure to provide fire-separation from a commercial kitchen; failure to provide accessibility for persons with physical disabilities; and various other violations of code and rules. Based on the audits, DOB offered a voluntary surrender of Mr. Kavi's Professional Certification and Directive 14 privileges, which he signed and went into effect on February 28th, 2022.

For previously issued Enforcement Action Bulletins, [please visit our website](#).