

DOB ISSUES MONTHLY ENFORCEMENT BULLETIN

Report Highlights DOB Enforcement Outcomes from March 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 March 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. Today’s bulletin includes summaries of DOB-imposed disciplinary actions, including penalties, 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 March, including:

- 32 violations and \$425,000 in penalties issued for failure to safeguard construction sites on 31 separate occasions.
- 29 violations and \$1,007,812 in penalties, including daily penalties, issued for illegal building alterations at 5 locations.
- 13 violations and \$130,000 in penalties issued to 13 different individuals for the failure to carry out the duties of a construction superintendent.
- 5 violations and \$92,625 in penalties, including daily penalties, issued for illegal transient use at 2 locations.

Below are individual enforcement highlights for March 2022:

Bronx

- \$25,000 in total penalties issued to 261 City IL LLC for five violations related to displaying two outdoor advertising signs at 261 City Island Avenue, Bronx. Violations were issued to the property owners for hanging the signs without a permit, in a prohibited zone, and also for failing to register as an Outdoor Advertising Company.



- \$7,500 in penalties issued to General Contractor Green Castle A MGMT Corp. for multiple issues at a worksite at 2181 Morris Avenue, Bronx, including failure to notify DOB prior to the start of demolition work, drilling piles in an area that was not in the Support of Excavation plans, and for not having site safety plans on site at the time of the inspection.
- A property at 1973 Crotona Avenue, Bronx, was padlocked by DOB after inspectors discovered that a previous padlock put in place by the Department had been improperly removed, and previously documented illegal use of the lot as an auto repair shop and dead vehicle storage had resumed. DOB will continue to monitor the property for compliance.



- The owners at 1707 Montgomery Avenue, Bronx, were cited for illegally using the property as a parking lot. Prior to a hearing scheduled with the Office of Administrative Trials and Hearings (OATH), a stipulation was entered into allowing the owners to pursue a BSA determination related to the legal use of the

property. A subsequent inspection revealed that the property owners were not in compliance with the signed stipulation, so an Order of Closure was issued and posted. If the illegal use is not discontinued the premises will be padlocked.



Brooklyn

- \$30,000 in total penalties issued to BLDG 874 Flatbush LLC and Lamar Advertising of Penn LLC, for displaying an outdoor advertising sign without a permit or the required UL decal at 884 Flatbush Avenue, Brooklyn.



- \$25,000 in total penalties issued to Safety Registrant Apartment Developers LLC for multiple site safety issues at a worksite at 65 Eckford Street in Brooklyn. During an inspection of the site, DOB found that the sidewalk shed had partially collapsed and obstructed the sidewalk. In addition, DOB inspectors found that the construction fence at the site was improperly open, and four feet of stagnant water had accumulated at the worksite.
- \$25,000 penalty issued to Safety Registrant Mega Contracting GP LLC for failure to safeguard a construction site at 50 Pennsylvania Avenue in Brooklyn. DOB inspectors documented the partial collapse of a concrete masonry unit (CMU) wall on the seventh floor of the nine-story building that was under construction.
- \$10,000 in total penalties issued to Sky High Murals-Colossal Media Inc. for displaying an outdoor advertising sign at 32 Berry Street, Brooklyn, less than 165 degrees away from and within 100 feet of a residential zone. The sign will be monitored for compliance.



- \$10,000 penalty issued to Safety Registrant Y&Z Developers Inc. for operating a hoist machine in an unsafe manner at 4202 13th Avenue, Brooklyn. A violation was issued after inspectors discovered there were not adequate pedestrian protections in place while two workers were being lifted above the construction site. A gap was observed between the sidewalk shed and the hoisting machine where pedestrians could walk underneath, and there were no flagmen present.
- \$12,500 in total penalties issued to property owner Schefa Rav LLC after inspectors discovered the cellar of the building at 209 Schaefer Street in Brooklyn had been divided into a duplex apartment, with a bathroom, sleeping

quarters and access by stairs to the kitchen. It was determined that the apartment did not have adequate egress routes in the event of an emergency.

- \$2,500 penalty issued to Breeze National Inc. for displaying outdoor advertising sign posters on a construction fence at 292 Kent Avenue in Brooklyn.



- The owners at 2711 Voorhies Avenue, Brooklyn, were cited for illegally using the premises as a beauty parlor. Prior to a hearing scheduled with OATH, a stipulation was entered into for the discontinuation of the illegal use. A subsequent inspection revealed that the premises was not in compliance with the stipulation, so an Order of Closure was issued and posted. If the illegal use is not discontinued the premises will be padlocked.



Manhattan

- \$62,500 in total penalties issued to the Trustees of Columbia University for failure to maintain the building at 423 West 120th Street, Manhattan. DOB inspectors found that stones were missing from the parapet of the 10-story building and for failure to erect a sidewalk shed where required.
- \$50,000 in total penalties issued to Crane Operator United Crane and Rigging Inc. for having an incompetent assembly director and failing to safeguard a property at 570 Broome Street in Manhattan. Issued after inspectors documented an incident where a rigging worker was crushed by a 7.5-ton counterweight while assembling a mobile crane.
- \$25,000 penalty issued to Diego Leon Rojas for failure to designate signaling personnel and failure to make sure a rigging hook cleared counterweights during an incident where a worker was crushed by a 7.5-ton counterweight at a worksite at 570 Broome Street in Manhattan.
- \$15,000 in total penalties issued to General Contractor Exotic Design and Wire LLC. for failure to notify the Department of an accident where a fence fell and struck a pedestrian at a worksite at 45 East 7th Street, Manhattan, and for failure to safeguard the site after inspectors discovered no design drawings on-site and no flagman to warn pedestrians.
- \$12,500 in total penalties issued to Safety Registrant Turner Construction Company for failure to safeguard a construction site at 550 Washington Street, Manhattan. Issued after a worker fell into an open hole in concrete and inspectors discovered unsafe conditions, including missing guard rails, inadequate fire extinguishers and no fall protection for the worker who fell.
- \$10,000 penalty issued to General Contractor Omnibuild Construction Inc. for failure to maintain safety orientation records and failure to maintain a worksite at 140 West 28th Street in Manhattan. Issued after an incident where a worker fell from an extension ladder that did not have anti-skid shoes as required by manufacturer specifications.
- \$10,000 penalty issued to Tracking Holder Custom Metal Crafters Inc. for failure to safeguard a worksite at 531 Avenue of the Americas in Manhattan. Issued after an incident where a 16-foot, 2.25-ton window panel that was being moved fell and shattered on the site's 11th-floor slab. Inspectors determined that there was an insufficient number of workers moving the panel.
- \$10,000 penalty issued to Concrete Superstructure Inc. for the unsafe operation of a crane at 199 Chrystie Street in Manhattan. Issued after a swinging stinger crane struck a sidewalk shed on the property.

- \$10,000 penalty issued to 555 W 23rd Condominium for failure to provide safety measures after the filing of an unsafe façade report for a property at 555 West 23rd Street in Manhattan.
- \$6,250 penalty issued to ECDO Citywide Preservation Housing Fund for failure to provide safety measures and maintain a building at 7 West 137th Street where a metal roof cornice was found liable to fall.
- \$5,000 penalty issued to Millrock Owner Corp. for a violation of discretionary zoning in a privately owned public space at 345 East 93rd Street, Manhattan. Issued after inspectors discovered that required signage was missing at the property's street frontage.
- \$2,500 penalty imposed on Structure Tone LLC for displaying signage on a sidewalk shed at 660 5th Avenue in Manhattan.



Queens

- \$10,000 penalty issued to Hoisting Machine Operator George Kunkel for operating a hoisting machine in an unsafe manner at a worksite at 52-09 31st Place, Queens. Issued after inspectors discovered that the respondent was training an operator who only had a Class C license on a 241-foot boom.
- \$1,250 in penalties issued to Andrea Argyropoulos for two violations related to displaying an outdoor advertising sign on a vacant lot at 132-44 87th Street, Queens, without a permit and without the required UL decal. The sign was removed before the first hearing date.



- A property at 133-28 78th Street in Queens was re-padlocked after a DOB inspection discovered the padlock had been removed and illegal use was continuing on the site. The location was originally padlocked for being used as a commercial vehicle and junk storage site. Following a default hearing at OATH and a favorable Report and Recommendation, an Order of Closure was issued, and the premises was padlocked.



- The owners at 130-15 177th Street, Queens, were cited for illegally using the property as a contractor's yard, as well as for commercial vehicle and junk storage. A default hearing with OATH resulted in a favorable Report and Recommendation and the issuance of an Order of Closure which was posted at the premises. If the illegal use is not discontinued the premises will be padlocked.



- The owners of 143-56 229th Street, Queens, were cited for illegally using the property for auto repairs, dead vehicle parking, and junk storage. A default hearing with OATH resulted in a favorable Report and Recommendation and the issuance of an Order of Closure which was posted at the premises. If the illegal use is not discontinued the premises will be padlocked.



Staten Island

- \$17,500 in total penalties issued to General Contractor OKane Enterprises Ltd. for tampering with evidence after a workplace incident and failure to communicate required safety information during a pre-shift meeting at a construction site at 2643 Richmond Ave., in Staten Island. Issued after an incident where a worker fell from an extension ladder and the respondent cleaned up all evidence, including the broken ladder, prior to DOB's arrival on the scene.

Construction and Design Professionals

- Master Plumber Alessandro Demarinis was disciplined for making a false/misleading statement on a form filed with DOB. Pursuant to a stipulation

executed January 24, 2022, Demarinis agreed to have his Master Plumber license suspended for nine months commencing on March 1, 2022, and to pay a fine of \$15,000.

- Master Electrician Martin Weinstein was disciplined for allowing non-employees to perform work, for failing to be properly established, and for failing to cooperate with a Department investigation. Pursuant to a stipulation executed on March 16, 2022, the respondent agreed to pay a fine of \$15,000 and for his Master Electrician license to be placed on probation for one year.
- Following the audit of four professionally certified applications submitted by Professional Engineer Mostafa Elmasry, the Department found major code non-compliances, including filing Alteration Type 2 applications despite proposing changes in use, egress, and/or occupancy, which require Alteration Type 1 applications for a new or amended Certificate of Occupancy; proposing an alteration in a non-conforming use building, contrary to the Zoning Resolution; failure to provide adequate light and ventilation; and various other violations of code and rules, including the Zoning Resolution, Housing Maintenance Code, and Multiple Dwelling Law. Based on the audits, DOB offered a voluntary surrender of their Professional Certification and Directive 14 privileges, which Elmasry signed.
- Following the audit of seven professionally certified applications submitted by Registered Architect Jeffrey Kamen, the Department found major code non-compliances, including filing Alteration Type 2 applications despite proposing changes in use, egress, and/or occupancy, which require Alteration Type 1 applications for a new or amended Certificate of Occupancy; proposing non-permitted obstructions in required yards, contrary to the Zoning Resolution; failure to provide adequate fire stopping; failure to provide adequate means of egress; failure to provide an automatic sprinkler system; failure to provide accessibility for persons with physical disabilities; and various other violations of code and rules, including the Zoning Resolution, Building Code, Housing Maintenance Code, and Multiple Dwelling Law. Based on the audits, DOB offered a voluntary surrender of Kamen's Professional Certification and Directive 14 privileges, which he signed.

###