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November 4, 2005

Hon. Patricia Lancaster
Commissioner, NYC Department of Buildings
280 Broadway
New York, NY 10007
via fax: 212/566-5575

Re: 360 West 11th Street, Manhattan

Dear Commissioner Lancaster:

I write regarding the above-referenced location and the Department's reconsideration of an initial finding that the owner had 'vested,' and would therefore be allowed to complete a planned 9-story addition to this property. Such a development, while allowed under the old zoning for the area, would violate the current zoning for which this community fought so hard. I strongly urge you to revoke the permits for this construction based upon the multiple reported cases of illegal after-hours work which enabled the owner to progress in completion of his foundations.

I appreciate that the Department must weigh this case very seriously and make its determination based upon objective criteria. More than twenty complaints were logged with 311 regarding illegal after-hours work and other violations at this location in the weeks preceding the rezoning and the Department's initial determination of vesting, though inspections regarding those complaints were typically not made until days or weeks after the work took place. As of right now, more than a dozen notarized affidavits have been submitted to the Department attesting to the illegal after-hours work which took place on multiple occasions during that time period. A date- and time-stamped videotape has also been submitted to the Department showing work continuing after the 6 pm cut-off point. And Councilmember Quinn is working with the 6th Precinct to produce documentation regarding the precinct's reported inspection of the site that led to their shutting down ongoing after-hours work. During the time period leading up to the passage of the new zoning, neighbors did everything they were supposed to in order to document or stop the illegal work which they claim is the basis for this owner having been able to expedite the completion of his foundations before the City made its inspection.

I understand the Department's desire for proof which is as concrete as possible to document this owner's alleged violation of the law in his rush to complete his foundations. However, it must be recognized that neighbors have provided a very substantial amount of evidence to support these allegations, and the only impediment to providing any greater degree of proof has been weaknesses in the response of the City itself – the fact that 311 complaints did not receive immediate responses, and that formal summonses are not issued by local precincts for after-hours work. I sincerely hope that based upon the information which has been provided, the Department does revoke the permits for this site, and that neighbors of this property, and the community as a whole which fought so hard for a rezoning of this area, will not be penalized for the shortcomings of the City's response and inspection system.

Finally, I would like to note the extreme helpfulness and responsiveness of Borough Commissioner Laura Osorio, Intergovernmental Affairs Director Donald Ranshte, and Manhattan Intergovernmental Liaison Ben Columbo in dealing with this issue; all have made navigating this process with the Department significantly easier and more accessible.

Sincerely,

Andrew Berman
Executive Director