

BROOKLYN BOROUGH PRESIDENT MARTY MARKOWITZ'S TESTIMONY TO THE NEW YORK STATE ASSEMBLY STANDING COMMITTEE ON CITIES, CODES, AND HOUSING

THURSDAY, SEPTEMBER 7, 2006

I SUSPECT THAT ALL OF YOU, LIKE MYSELF, HAVE BEEN COMPELLED TO DEVOTE TOO MANY OF YOUR OFFICE'S RESOURCES TO ASSISTING RESIDENTS CONCERNED ABOUT DEVELOPMENT ISSUES.

RESIDENTS AND NEIGHBORHOOD GROUPS ARE COMING TO US — BECAUSE IN THIS CLIMATE OF UNPRECEDENTED DEVELOPMENT ACTIVITY IN BROOKLYN, WHICH WE ALL WELCOME AND ENCOURAGE, THERE IS A GROWING PERCEPTION THAT THE BUILDINGS DEPARTMENT ISN'T DOING ENOUGH TO PROTECT THE RIGHTS AND PROPERTY OF OUR RESIDENTS WHO ALREADY CALL BROOKLYN HOME. ALTHOUGH WE KNOW THIS IS NOT THE CASE, THERE ARE CHANGES THAT MUST BE MADE AS OUR POPULATION INCREASES AND THE NEED FOR NEW CONSTRUCTION CONTINUES.

THE WAY I SEE IT, WE HAVE A REAL OPPORTUNITY HERE — AN OPPORTUNITY TO RESTORE THE DEPARTMENT OF BUILDINGS TO ITS RIGHTFUL PLACE AS A TOUGH PLAYER IN THE DEVELOPMENT PROCESS — AND TO RE-ESTABLISH IT IN THE HEARTS OF NEW YORKERS AS A BALANCED, DILIGENT ADVOCATE AND PROTECTOR.

THE DEPARTMENT OF BUILDINGS CAN BE A MODEL AGENCY — A FORCE IN ENSURING THAT NEW YORK CITY OF TOMORROW IS VIEWED BY FUTURE GENERATIONS AS FAIR AND EQUITABLE — AND THAT WE PRESERVE THE CHARACTER OF OUR DISTINCTIVE NEIGHBORHOODS WHILE ACCOMMODATING INEVITABLE GROWTH. WE HAVE A CHANCE TO GET THINGS RIGHT AND SEND THIS MESSAGE TO RESIDENTS, DEVELOPERS, AND THE REST OF THE WORLD, WHICH LOOKS TO NEW YORK AS A BEACON — THAT THIS BIG CITY KNOWS HOW TO GROW INTELLIGENTLY AND CARINGLY.

IN ORDER TO ACHIEVE THIS, THE CULTURE AT THE BUILDINGS DEPARTMENT MUST EVOLVE TO VIEW RESIDENTS AS THEIR CUSTOMERS ON AN EQUAL IF NOT HIGHER LEVEL THAN THE DEVELOPMENT COMMUNITY.

THE DEPARTMENT OF BUILDINGS HAS ALREADY MADE TREMENDOUS STRIDES WITH REGARDS TO HAVING INFORMATION ONLINE THROUGH ITS ELECTRONIC DOCUMENT MANAGEMENT INITIATIVE. NOW, THE WAY THE DEPARTMENT HANDLES ZONING COMPLIANCE AND ENFORCEMENT MUST ALSO COME IN LINE WITH 21ST CENTURY REALITIES. RESIDENTS ALSO NEED TO BE ABLE TO MORE EASILY OBTAIN INFORMATION REGARDING THEIR RIGHTS, HAVE ADEQUATE MEANS OF MONITORING PROJECTS. MOST OF ALL, THEY MUST BE ABLE TO HAVE FAITH THAT THE CITY IS BEING RESPONSIVE TO THEIR INTERESTS AND ENSURING THAT DEVELOPERS, ARCHITECTS AND BUILDERS ARE NOT FLOUTING LAWS AND REGULATIONS WITH IMPUNITY.

LET'S TALK FIRST ABOUT CHANGES IN INSPECTION AND ENFORCEMENT.

I DO APPLAUD THE BUILDINGS DEPARTMENT FOR ITS NEW INITIATIVE IN TERMS OF NOTIFICATION — BUT MORE NEEDS TO BE DONE. FIRST AND FOREMOST, ZONING ENFORCEMENT SHOULD NEVER HAVE TO BE THE JOB OF NEIGHBORING RESIDENTS — OR FRANKLY, THE JOB OF THE BOROUGH PRESIDENT OR MEMBERS OF

THE ASSEMBLY, BARRING CIRCUMSTANCES THAT REQUIRE AUTHORITY BEYOND THAT OF THE DEPARTMENT OF BUILDINGS.

I'LL GIVE YOU AN EXAMPLE OF A SITUATION WHICH SHOULD HAVE BEEN ADEQUATELY ADDRESSED WITHIN THE BUILDINGS DEPARTMENT. LAST YEAR, THE MARINE PARK COMMUNITY BROUGHT THE CASE OF 2232 KIMBALL STREET TO MY ATTENTION. THE NEIGHBORS COULD NOT BELIEVE THAT A SIX-STORY BUILDING MIGHT BE CONSTRUCTED ON THIS BLOCK OF THREE STORY HOMES. EVERY INQUIRY WITH THE DEPARTMENT OF BUILDINGS SHOWED THE PLANS WERE VALID.

WHEN I DIRECTED A MEMBER OF MY STAFF TO INTERCEDE ON BEHALF OF THE NEIGHBORS, HE NEEDED ONLY A FEW MINUTES TO SPOT MULTIPLE ERRORS IN THE ZONING ANALYSIS THAT HAD BEEN REVIEWED AND APPROVED BY THE BUILDINGS PLAN EXAMINER. I REQUESTED A FORMAL AUDIT CITING WHERE THE AGENCY SHOULD NOT HAVE CONCURRED WITH THE ARCHITECT'S SUBMITTED ANALYSIS — AND THE BROOKLYN BOROUGH COMMISSIONER ISSUED A STOP WORK ORDER.

RELEVANT TO THIS SITUATION, WE STRONGLY SUPPORT THE AGENCY'S EFFORTS TO UPGRADE THE JOB TRAINING OF PLAN EXAMINERS TO KEEP CURRENT WITH THE LATEST MODIFICATIONS TO THE ZONING RESOLUTION. THESE EXAMINERS MUST BE EXPERTS IN THEIR FIELD. THE PUBLIC DESERVES NO LESS.

IN AREAS WHERE DEVELOPERS ARE RUSHING TO GET VESTED, COMMUNITIES MUST BE CERTAIN THAT PLANS ARE BEING CHECKED. REGARDING SELF-CERTIFIED PLANS — THOUGH THE VAST MAJORITY OF ARCHITECTS ARE TRUTHFUL, TOO MANY INTENTIONAL END-RUNS OR HONEST MISTAKES HAVE RESULTED IN APPROVED PLANS NOT ACTUALLY BEING COMPLIANT.

WE APPLAUD THE AGENCY'S RECENT ANNOUNCEMENT THAT ALL ZONING ANALYSES WILL BE REVIEWED BY AGENCY STAFF. IT IS ASKING TOO MUCH OF OUR EXTREMELY DEDICATED RESIDENTS THAT THEY BECOME OVERNIGHT ZONING EXPERTS AND TAKE ON DEVELOPERS WORKING ON WRONGFULLY APPROVED PROJECTS.

WHEN IT COMES TO ENFORCEMENT OF WORK-HOUR RESTRICTIONS, THE BUILDINGS DEPARTMENT MUST THWART THE HIDE-AND-SEEK GAMES OF UNSCRUPULOUS DEVELOPERS — SHUTTING DOWN ILLEGAL ACTIVITY MORE QUICKLY. THE DEPARTMENT HAS ANNOUNCED PLANS FOR A PILOT "AFTER-WORK HOUR ENFORCEMENT INITIATIVE," BUT IT HAS BEEN ANNOUNCED AS A "WEEKEND-ONLY INITIATIVE."

I HAVE MADE IT KNOWN TO BUILDINGS THAT THIS MEASURE SHOULD BE BROADENED — THAT THE AGENCY SHOULD PROVIDE WEEK-LONG AFTER-HOUR INSPECTORS TO NEIGHBORHOODS AS SOON AS A REZONING APPLICATION IS CERTIFIED BY CITY PLANNING.

RECENTLY, BUILDINGS OFFERED TO PAY PARTICULAR ATTENTION TO SITES THAT WOULD BENEFIT FROM RANDOM INSPECTIONS BY THE BUILDING INSPECTION SAFETY TEAM, OFTEN KNOWN AS THE "BEST SQUAD."

THAT'S GOOD TO HEAR — BECAUSE RANDOM INSPECTIONS WORK. LET'S FACE IT, WHEN CONTRACTORS KNOW THAT THE AGENCY IS WATCHING OVER THEM MORE CLOSELY, THEY THINK TWICE BEFORE ABUSING THE LAW. I SUPPORT FUNDING TO HIRE A SUFFICIENT NUMBER OF INSPECTORS TO PLACE FEAR IN DEVELOPERS AND CONTRACTORS AND LET THEM KNOW THAT BUSINESS AS USUAL MEANS DOING IT BY THE RULES!

I APPLAUD THE AGENCY FOR ITS BROOKLYN PILOT INITIATIVE OF REQUIRING INITIAL ZONING REVIEW PRE-SCREENINGS FOR SELF-CERTIFIED APPLICATIONS. THIS CHANGE, COMBINED WITH RIGOROUS ENFORCEMENT, WOULD ELIMINATE THE PERSONAL STRIFE THAT RESIDENTS ENDURED DURING THE RECENT REZONINGS OF HOMECREST, MIDWOOD, THE SOUTH SLOPE AND GREENWOOD HEIGHTS.

REGARDING CONSTITUENT SERVICE — WHEN CONSTRUCTION OCCURS IN THE IMMEDIATE VICINITY OF ONE’S HOME, IT CAN BECOME AN EMOTIONAL ISSUE. OFTEN, IT IS ONLY WHEN YOU LEARN THAT THE PROPERTY NEXT DOOR IS BEING DEMOLISHED, THAT YOU FIND OUT THE ZONING ALLOWS FOR BUILDINGS THAT ARE NOT IN THE SAME SCALE WITH THE BUILDINGS ON YOUR STREET. COMPOUNDING THAT IS THE FEAR THAT CONSTRUCTION COULD PLACE YOUR HOUSE AT-RISK. ADD THE NOISE, DUST AND IDLING TRUCKS — AND THE OFTEN FRUSTRATING LABYRINTH OF 311 AND YOU HAVE A SITUATION THAT NONE OF US WANTS TO ENDURE.

FOR RESIDENTS IN THESE SITUATIONS MORE RESOURCES MUST BE MADE AVAILABLE ONLINE. FOR EXAMPLE, THERE SHOULD BE AN ONLINE LINK TO ZONING COMPLIANCE ANALYSIS.

ADDITIONALLY, MORE AND MORE ARCHITECTS ARE PREPARING THEIR PLANS ELECTRONICALLY, AND I DO NOT SEE WHY SUCH PLANS COULD NOT BE MADE ACCESSIBLE ONLINE.

IN FACT, SELF-CERTIFIED PLANS SHOULD BE SUBMITTED ELECTRONICALLY SO THAT THE COMMUNITY CAN LOOK AT THEM ONLINE.

AS PLANS ARE REVIEWED AND OBJECTIONS ARE NOTED, THE PLAN EXAMINER’S OBJECTION SHEET SHOULD BE ANOTHER FORM AVAILABLE FOR VIEWING AS WELL.

WITH REGARD TO EXCAVATIONS, ADJACENT OWNERS SHOULD BE ABLE TO VIEW ONLINE BASIC INFORMATION OF WHAT THEIR RIGHTS ARE IN TERMS OF CONTRACTOR ACCESS TO THEIR PROPERTY AND WHAT IS THE OBLIGATION OF THE CONTRACTOR TO PROTECT THEIR PROPERTY.

HAVING ALL OF THIS AND MORE AVAILABLE ONLINE WOULD SERVE THE PUBLIC INTEREST AND BUILD TRUST.

AND IF THERE IS A SIGNIFICANT CONSTITUENT CONCERN, A MORE DIRECT NUMBER THAN 311 SHOULD BE PROVIDED. ONCE A CONSTITUENT CONTACTS THE DEPARTMENT, GETTING PHONE CALLS RETURNED AND HAVING MEETING REQUESTS FILLED IN A TIMELY MANNER SHOULD BE A GIVEN.

THE BUILDINGS DEPARTMENT IS A VENERABLE PART OF THE CITY GOVERNMENT AND ITS RELEVANCE TO THE FUTURE OF THE CITY CANNOT BE OVERSTATED. IT CAN AND SHOULD TAKE A STRONGER HAND IN THE DEVELOPMENT PROCESS AND RENEW THE PUBLIC’S FAITH IN ITS ABILITY TO PROTECT NEW YORKERS AS THE CITY GROWS.

THANK YOU FOR CHAIRING THIS MEETING AND FOR THE OPPORTUNITY TO EXPRESS MY VIEWS.