



**Greenwich
Village
Society for
Historic
Preservation**

*Founded in 1980, the
Society fights to protect
the architectural heritage
and cultural history
of the Village.*

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January 13, 2006

Hon. Michael Bloomberg
Mayor, City of New York
City Hall
New York, NY 10007

Hon. Amanda Burden
Chair, New York City Planning Commission
22 Reade Street
New York, NY 10007

**Re: Flaw in 311 System in Relation to Illegal Work to Sidestep
Rezoning**

Dear Mayor Bloomberg and City Planning Commission Chair Burden:

I write to call to your attention a serious flaw in the 311 system as it relates to illegal work done to try to sidestep rezonings. Unfortunately, we are currently faced with the results of this very serious flaw in the case of developer Julian Schnabel's planned 167-ft. tall tower at 360 West 11th Street, Manhattan, which violates the new zoning for in the Far West Village – zoning for which the Greenwich Village Society for Historic Preservation and so many others fought so hard.

Juts a few weeks prior to the October 11th enactment of the Far West Village rezoning mandating new height and bulk limits for the area, Mr. Schnabel began work on a planned 108-ft. tall addition to his current 59-ft. tall building. Many neighbors noticed that construction work, including pouring of cement, drilling, and digging, took place before and after the legally permitted hours of 7 am to 6 pm, seemingly in an attempt to “beat the clock” and complete foundations on the new development in order to be “grandfathered” under the old zoning. Many neighbors reported this work to 311.

However, according to Department of Buildings (DOB) records, most of these complaints were not followed up with an inspection until several days or even weeks later, by which time the alleged work had stopped, and no illegal work was found by DOB. As a result, the Department of Buildings has said that they are unable to substantiate the allegations, attested to in sworn affidavits by a dozen neighbors, of illegal after-hours work allowing the completion of the foundations. As a result, the Department has now lifted the stop-work order originally put in place in response to these allegations. We find this outcome quite disturbing, and completely inequitable.

Worse, we understand that DOB's slow response to these after-hours work complaints is standard practice – such complaints are considered low priority, and therefore generally do not receive a response for several days at best. We also understand that even when violations are issued in response to after-hours work, sometimes they are only issued for noise code violations, thus still falling short of providing the “proof” that DOB says they require to substantiate illegal work.

We have urged DOB to reinstate the Stop Work Order so that neighbors are not penalized and the integrity of the hard-fought-for rezoning is not harmed by this failure in the system. This situation highlights a need for a change not just at 360 West 11th Street, but to the entire system. With the many rezonings the City has passed in recent months and those it is contemplating, such a change is particularly necessary.

I strongly urge you to intervene with this situation. The residents of the Far West Village and all those interested in insuring the integrity of the new Far West Village rezoning should not be penalized for DOB and 311's failures. And a system that inherently allows developers to skirt the law by illegally accelerating the progress upon their work with after-hours construction in order to escape the provisions of rezonings should be fixed as soon as possible as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Berman", with a long horizontal line extending to the right.

Andrew Berman
Executive Director

Cc: City Council Speaker Christine Quinn
Manhattan Borough President Scott Stringer
State Senator Tom Duane
Assemblymember Deborah Glick
Community Boards 2 & 3, Manhattan