



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

February 19, 2013

Mathew Wambua
Commissioner
NYC Dept. of Housing Preservation and
Development
100 Gold Street
New York, NY 10038

Robert D. LiMandri
Manhattan Borough Commissioner
NYC Dept. of Buildings
280 Broadway
New York, NY 10007

**Re: 485-497 Ninth Avenue
DOB Violations and Orders to Correct
Certificate of No Harassment & Demolition Restriction**

Dear Commissioners Wambua and LiMandri:

485-497 Ninth Avenue is a blockfront of tenements on the west side of 9th Avenue, between West 37th and West 38th Streets, in Subarea D5 of the Special Hudson Yards District (SHYD). These buildings, under the prior ownership of Martin Fine and the current ownership of David Israeli, have been the subject of long-term tenant harassment, lack of services, and Department of Housing Preservation and Development (HPD) enforcement actions. Housing Conservation Coordinators (HCC), a not-for-profit housing advocate in Clinton/Hell's Kitchen, has worked with the tenants of these buildings from the early 1980's to the present. During this time, the tenants have been in court with the owners over 300 times with various legal actions. For years, the long-term owner, Martin Fine, who was regularly named by the Village Voice as one of the City's top 10 worst landlords, tried to vacate all of the buildings, but was unable to do so.

In 1995, demolition work was being done at 404 West 38th Street. During the demolition preparation, the building partially collapsed and a construction worker fell off of the scaffolding and onto adjacent roadway. As a result, the City found that building and two buildings at 501-505 Ninth Avenue, which were occupied with residential tenants, structurally unsound, issued an emergency vacate order, and demolished the buildings. What the owner had attempted to do, remove the long term tenants of these buildings (some with 50 year tenancies), the Department of Buildings (DOB) accomplished with the vacate order. The owner's very actions led to the City's demolition order. Today the site of those buildings remains a vacant lot.

As part of the HPD enforcement actions, an Article 7A Proceeding was brought to appoint a 7A Administrator. Martin Fine stymied that proceeding for years by putting the buildings into bankruptcy. In 1996, he sold the buildings to David Israeli, the son of well-known merchants. Martin Fine then sold the adjacent parking lot and all of the development rights from the

buildings to Dermot Companies. After multiple legal actions against the long term tenants, David Israeli offered to settle the 7A Proceeding. As part of that settlement, 493-495 Ninth Avenue was gut renovated and all nine of the remaining tenants were consolidated into those buildings. David Israeli has repeatedly committed to renovate the existing vacant buildings and has never done so.

On January 24, 2013 a sidewalk shed went up at the tenements on Ninth Avenue. Due to the location of these buildings within the SHYD, the tenements are subject to both anti-Harassment and Demolition Restriction zoning provisions. ZR § 93-90 states that before there can be any material alteration to the building, the owner must obtain a Certificate of No Harassment (CONH) or, if they are not able to obtain one, must comply with the Cure Requirements. No application for a CONH has been submitted for these buildings. Additionally, according to ZR § 93-91, no multiple dwellings in Subarea D5 the Special Hudson Yards District can be either partially or fully demolished.

According to DOB, the sidewalk shed went up because there were Immediate Emergency Demolition (IED) and Environmental Control Board (ECB) notices sent to the building owner. DOB stated that these notices were issued due to the poor state of the row of buildings, which at the time of the inspection, appeared to have experienced substantial deterioration, due to exposure to the elements and an overall lack of maintenance. This deterioration is the direct result of 17 years of owner neglect. The buildings have not been properly sealed, nor have the facades been properly maintained, since David Israeli became owner. Manhattan Community Board 4 (CB4) needs both DOB and HPD to ensure the events that occurred in 1995 do not occur again.

CB4 requests that:

- No action is taken by DOB that encourages or permits any interior or exterior demolition at these buildings. These buildings have both a long history of tenant harassment and are subject to the zoning required Demolition Restriction.
- Since these buildings were intentionally neglected, the owner should be issued Orders to Correct the structural and façade issues.
- If issues are found with the structural stability of any or all of the buildings and the owner does not correct these issues, HPD should move to safely correct the issues and seal the buildings.
- Liens should then be placed on the property for the City to recoup full cost of the repairs.

Thank you for your prompt attention to this important matter.

Sincerely,



Corey Johnson
Chair

cc: Ruthanne Visnauskas, Deborah Rand, Bea de la Torre - HPD
NYC Council Speaker Quinn