

**Illegal
Conversions &
Apartments**

March 5, 1998

8:00 PM

House of Hope Church
Cor. 248th Street and
85th Avenue

Refreshment served

Bellerose Commonwealth
Civic Association, Inc.
P.O. Box 260225
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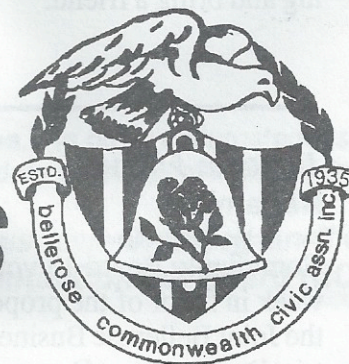
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bellerose commonwealth civic association, inc.

action news



Volume 24 No. 3

MARCH 1998

The Gavel

One of the most serious situations facing local Queens neighborhoods this year is that of illegal apartments. This issue has been reported frequently in local newspapers recently. In this Action News you will find an insert called "Resolving an illegal conversion violation."

Most people, including most residents of Bellerose, are not aware that it is against the law to have an apartment in an R-2 residential zone, and in particular in

any frame structure.

While a few apartments may have been legalized prior to the current zoning code in 1961, recently added apartments or even the additional of a bathroom a kitchen in an existing structure may be against the law and may subject the owner to significant fines and fees.

Rich Hellenbrecht, BCCA Treasurer and member of the Borough President's Task Force on Illegal Conversions, has offered

Girl Scout Gold Award

Amy Christianson is a Senior Girl Scout in Troop 4-675, which is in the Bellerose area. She is working on her Gold Award - the highest award in Girl Scouting. Her project is to create first aid kits for the elderly. Please help Amy - bring donations of medicine cabinet items to Mary Ann Hellenbrecht - 246-72 86th Road.

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to discuss the subject of illegal apartments at our March meeting.

We think this is a very important issue to new and existing homeowners. If you don't believe us, just try and sell your house or refinance your mortgage. Installing that extra bathroom in the basement can prove very costly and could even cost you the sale of your house if you did not have a permit before hand.

In addition we've invited another guest speaker to this meeting to talk about recent changes to IRA regulations which may have important tax implications for you.

Please try to get to this meeting and bring a friend.

Jamaica Avenue Renaming

By: Richard Hellenbrecht

Community Board 13 voted this week in favor of the proposal by the Joint Bellerose Business District Development Corporation to change the name of Jamaica Avenue between the Cross Island Parkway and 257 Street to Jericho Turnpike. This vote followed over four months of serious infighting on the Community Board which pitted one neighborhood against another. The final vote was 12 to 11 in favor the name change. This is not, however, a final action. The name change must be passed by the New York City Council before plans can be made to put it into effect.

The rationale of the joint Bellerose group has been to remove confusion to potential customers caused by the dual names. In addition it is the joint Bellerose group's hope that having a single name will increase the possibility

Fort Totten Tours

By: Richard Hellenbrecht

We have recently been informed of historic tours that are available for free at Fort Totten, just a few miles south of us on the Cross Island Parkway. The fort is a very historic location, having served in various military capacities over its very lengthy life.

Fort Totten has been named in the news frequently in the last few months while the city and the federal government negotiate how this large property will be used after the fort is de-commissioned. As we currently understand the proposal, the fire department will take over a significant portion of this property as a training facility and the remainder the property

of the Queens and Nassau County store owners working more closely together.

At the March 5th meeting we will report on a series of meetings that will be held late this week with all of the local elected officials from Queens and Nassau County areas. With the support of these legislators we anticipate implementing several new programs to unify and improve the business climate on Jericho Turnpike.

In addition, the joint Bellerose group has retained a consultants who will participate in elected official's meetings. The consultant is expected to produce a report before the summer with ideas and suggestions for improving the business district and finding local, state and federal funding to help pay for these projects.

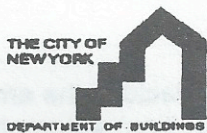
will be reserved for New York City park land.

As the weather becomes milder and before the fort begins to lose its historic perspective, as many people as possible should try to get down there.

Tours of the old historical fort are conducted by Mr. Jack Fein on Saturday and Sunday mornings beginning at 11 a.m. at the main gate. It is suggested that you call for an appointment, telephone number: 229-7256. Weekday tours may be requested at the same telephone number for groups of ten or more, requested in advance. It is suggested that you bring a flashlight, walking shoes and water. At the end of the tour you will be given a nine page history of the fort as a token of your visit. We have been told that Mr. Fein conducts the tours for free and has a tremendous amount of knowledge of the history of the fort. However, when Mr. Fein suggests that you look at something, make sure you are looking in that direction. There is a lot of history in this fort and it will surely be worth your while if you pay close attention and follow the rules.

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RESOLVING AN ILLEGAL CONVERSION VIOLATION:

**An Explanation of the Environment Control Board (ECB) Hearing Process
With Guidelines for the Resolution of Illegal Conversion Violations**

The creation of one or more illegal housing units without authorization from the Department of Buildings is a serious offense of the New York City Building Code. Illegal conversions reduce the quality of life in neighborhoods by enabling more people to live in an area than was originally intended. Unplanned growth causes a severe strain on local public services that results in the overcrowding of schools, public transportation and sewer and sanitation systems. It also creates parking problems.

The most serious aspect of this illegal construction is that often it creates substandard, potentially dangerous housing. This can, and has, led to tragic results.

The Department of Buildings Quality of Life Task Force investigates complaints of illegal housing. This notice describes what to do if you receive a violation(s) for an illegal conversion.

• WHAT IS AN ILLEGAL CONVERSION?

An illegal conversion is the creation of a housing unit(s) without first receiving the approval of, and permits from, the New York City Department of Buildings. Often, it involves the alteration or modification of an existing one- or two-family home by adding an apartment in the basement or attic. Sometimes, an illegal rooming house has been created in a building that was intended to be a one-family house.

• WHY IS THIS ILLEGAL?

Some of this housing is illegal because it violates the zoning regulations for the area. In other circumstances, the house itself was not constructed for the current use, and cannot safely accommodate all the people in residence.

If You Have Received a Violation(s) for Illegally Altering a Premises and Creating an Illegal Occupancy, You Are Required to Attend a Hearing at the Environmental Control Board (ECB).

THE ECB HEARING PROCESS:

• THE COURT ADDRESS, THE DATE, AND THE TIME OF THE HEARING IS SHOWN ON THE VIOLATION.

• IF YOU CANNOT MAKE IT TO THE HEARING ON THIS DATE:

Call the appropriate ECB borough office and request a new hearing date. As long as the hearing has not been rescheduled more than once, ECB will try to accommodate you.

Manhattan	(212) 971-3600	Bronx	(718) 579-6844	Staten Island	(718) 815-8385
Brooklyn	(718) 858-1005	Queens	(718) 298-7300		

• IF YOU DO NOT ATTEND THE HEARING:

If you (or your representative) fail to appear at the hearing, the case will automatically go into default. By defaulting, you will be assessed the maximum penalty, automatically. A default can be reopened within 30 days. After 30 days, you will need to show documented proof to the appropriate ECB borough office as to why you failed to attend the hearing on the scheduled date. If you continue to ignore ECB, and fail to respond within 90 days, your case will be forwarded to the Department of Finance for collection of the maximum penalty.

• DO YOU NEED AN ATTORNEY?

Representation by an attorney is not mandatory. However, you may wish to seek legal advice prior to going to the ECB hearing. You also may contact the Department's Administrative Enforcement Unit (AEU) at (212) 312-8400 beforehand to ask questions regarding the hearing process.

• WHAT ARE THE FINES FOR EACH VIOLATION?

The penalty for a first offense violation ranges from \$250 - \$2,500. At the hearing, the judge decides the amount of the fine, which depends on the severity of the violation. Failure to attend the hearing (defaulting) automatically results in the maximum penalty.

• WHEN MUST THE VIOLATING CONDITION BE CORRECTED?

Steps to correct the illegal condition must be taken immediately, upon receipt of the violation. If you do not, you may be subject to additional, daily penalties for each day that the illegal use continues.

• HOW DOES THE VIOLATION GET DISMISSED?

Payment of a fine is not enough to get a violation dismissed. You also must show that the violating condition is fixed, by filing a **Certificate of Correction** with the Department's Administrative Enforcement Unit (AEU). The form is available from AEU or the Department's borough offices. **YOU MUST SUBMIT PROOF OF CORRECTION: EITHER EVIDENCE (PHOTOS AND CONTRACTOR'S BILLS) THAT THE CONDITION HAS BEEN REMOVED, OR A CERTIFICATE OF OCCUPANCY (see below).**

An Illegal Conversion Violation May Be Corrected in One of Two Ways:

- 1) Remove the illegal condition. The altered spaces must be restored to their prior use or layout. This may require the removal of partitions, plumbing fixtures and entrances. **All tenants in the illegal units must leave.**
- 2) If possible, **legalize** the additional housing unit(s) by following the guidelines below and obtaining a new Certificate of Occupancy (C of O) from the Department of Buildings. The C of O is a document that describes what the City law says your building is, for example, a one-family home, a two-family home or a 10-story apartment building.

Legalizing Additional Housing Units:

First, it must be determined if your property is zoned for multiple housing units or apartments. Some areas are not. In that case, the extra housing unit(s) cannot be made legal under any circumstances. The building's structure is also important. Because of fire safety concerns, a wood frame house cannot be converted to multiple housing units. **IF YOU CANNOT LEGALIZE THE OFFENDING CONDITION, YOU MUST STOP THE IMPROPER USE AND RESTORE THE PREMISES TO ITS PRIOR LEGAL LAYOUT.**

The Department of Buildings has Customer Service Representatives in each borough office who can assist you with basic questions. Please call the appropriate office, Monday through Friday. Office hours may vary.

Manhattan	(212) 312-8904	Bronx	(718) 579-6942	Staten Island	(718) 816-2315
Brooklyn	(718) 802-3693	Queens	(718) 520-3401		

If the zoning is okay, then you must hire a New York State-licensed registered architect (R.A.) or professional engineer (P.E.) to prepare design drawings and submit an alteration application to the Department of Buildings on your behalf. There is a filing fee, based on the scope of the work. There is also a penalty for a legalization — on a one or two family home, it is two times the cost of the filing fee. After the Department approves the application, you obtain a permit to legalize the existing conditions. If plumbing or electrical work was done, you must hire a NYC-licensed plumber and/or electrician to verify that the work meets the standards of the Building Code. You then can request that the Department issue a new **Certificate of Occupancy (C of O)**. Department inspectors will check your building to make certain that it conforms with the plans submitted by your architect or engineer. If it does, the Department will issue a new Certificate of Occupancy describing the present status and legal use of the building.

PLEASE NOTE: If you would like to do alterations in addition to the work being legalized, your architect or engineer should submit those plans separately so that you do not pay a penalty for work that has not been undertaken.

Creedmoor Report

Many of you know that until the end of the '70's the Creedmoor property housed approximately nine thousand mentally ill patients. As a result of changes in the legal system and of new medications available to treat the mentally ill, many of these patients have now been released to into society and, hopefully, to their families, jobs and a better life. As a result only approximately nine hundred patients are now housed in residential facilities by the Office of Mental Health. In addition the number of employees necessary for these patients has reduced substantially.

As a result of this reduction in staff and clients, the substantial

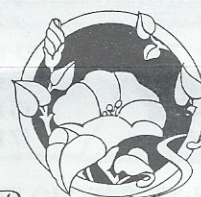
portion of the Creedmoor campus is no longer necessary and the governor has decided to reduce the state's bonded debt by selling some of this excess property.

The Borough President and representatives of the Board of Education announced that the northern most part of the available property will be dedicated to a new high school to serve students in District 26. The school is already budgeted. In addition, it is anticipated that a new middle school and elementary school will be funded in the next few years. So plans are well under way to build schools on this property.

At the meeting the Borough

President decided to hire a consultant to survey the property and evaluate the feasibility of using the existing buildings and identifying what space maybe available for development.

Based on community input and the agreement of the Borough President's office, we felt that the governor will agree to develop vacant property or soon to be vacated space along Hillside Avenue and along Winchester Boulevard.



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BCCA Feedback Form

March 1998

To the BCCA:

I suggest the following article for Action News, or issue to pursue, or general comment: _____

I suggest the following speaker topic: _____

I suggest the following newsletter topic: _____

We encourage you to leave your name and address: _____

action news

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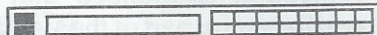
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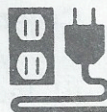
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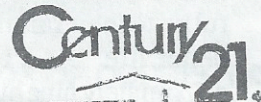
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