

Our Homes Are Not For Sale Online Resource Guide for Homeowners Fighting Displacement & Predatory Developers

as of June 26, 2019

This online resource was first developed by Brooklyn homeowners at an [#OurHomesAreNotforSale Strategy Session](#) held on May 5th 2019. We welcome additional resources. To join the #OurHomesAreNotforSale Campaign, please contact Equality for Flatbush at B4G@equalityforflatbush.org or 646 820-6039

#OurHomesAreNotforSale is a component of BEFORE IT'S GONE // TAKE IT BACK: Documenting Brooklyn - Fighting Gentrification (B4G) Brooklyn-wide anti-gentrification campaign of Equality for Flatbush www.equalityforflatbush.org or www.beforeitsgone.co

When you see construction work on your or your neighbor's property

- For permit info on the developer's property profile, check the [Department of Buildings \(DOB\)](#) Contact info provided below
- **If no permits are prominently posted** on the site or the DOB website
 - Contact Benjamin Colombo: becolombo@buildings.nyc.gov
 - AND call 311
 - Contact [DOB](#)
- **Keep your own log and a file of all documents** (city agents frequently maintain poor documentation). Include your case numbers and complaint numbers, etc. in your documentation.
- **Go to Environmental Control Board hearings involving your property.** You can find them with the [DOB](#)

If a developer is excavating nearby or approaches you to encroach on your property

- Consult a [Construction Law Attorney](#) and a [Structural Engineer](#) (Contacts provided below)
- By law you cannot simply refuse temporary access to your property, but **you are entitled to a party wall or license agreement**
- **Do not sign any agreement provided by the developer** without consulting your own attorney

- Most agreements **require that developers pay for your lawyer as well as a consulting engineer** who will document the condition of your house before construction next door begins.
- Notify [DOB](#) and call 311 if the developer never asked to negotiate an agreement and is encroaching!
- Make sure your attorney demands to see the developer's **liability insurance policy**. [DOB](#) does not review the policies, only the certificates, and though it is contrary to regulations, these policies may exclude "...foundation damage due to *earth movement*, whether from manmade or natural causes." Your homeowners policy will also exclude this coverage, so **if the developer excavates and damages your foundation you may not be covered**.
- Most agreements **include payments to you** if they are encroaching on your property with fencing, scaffolding, etc., called a *monthly license fee*.
- **Plans must be filed before they get a permit to start work**. Look up the property on [DOB](#) to check!

DIRECT ACTION is another tool, but if you are in litigation, **consult your lawyer before going to the Press** because it may compromise your case.

Resource List

www.beforeitsgone.co

www.equalityforflatbush.org

Department of Finance

[ACRIS Website](#) to view information about a developer's property or your own

<https://www1.nyc.gov/site/finance/taxes/property.page>

To register your home for alerts of deed fraud or any filings at your property address:

<https://a836-acrissds.nyc.gov/NRD/>

Department of Buildings

You can check the developer's property page for their new filings, the status of complaints and violations. You can also check your own property profile page for fraudulent filings on your property. Section 33 of the Building code (can be found on DOB website)

- commissioner: Ira Gluckman [You can request a meeting with him. Recommend you bring your engineer!]
- website: <https://www1.nyc.gov/site/buildings/index.page>

- Brooklyn address: Municipal Building in Downtown Brooklyn
 - Manhattan address: Headquarters are at 2 Lafayette Street in Lower Manhattan
 - Meeting times: Tuesdays, 4:00--7:00 DOB Homeowners Meetings at the Municipal Building
- Ernesto Donedal of the DOB has been identified as being the signers of several work orders for new construction in Northern Brooklyn

CB 3 Resource Guide
Bedstuy Alliance

Recommended Attorneys (list in development)

Melissa Billig
(212) 907-9651
(building and design)

Mitchell Troyetsky, Esq.
(212) 244-6206
(Construction lawyer specializing in party wall issues)

Mary T Dempsey www.dempseylawoffice.com
40 Wall St
New York
646-430-8338
(Property law, construction law)
(Recommended by someone who used her 12 years ago when she was at 45 Main St in Brooklyn; he believes it is the same person)

Bradley Zelenitz, Esq.
Zelenitz, Shapiro & D'agostino, P.C.
Mobile (718) 523-1111
Work Fax (718) 725-9606
Home BZelenitz@ZSDLaw.cim
Home
138-44 Queens Blvd
Briarwood, NY 11435
(recommended by Catherine Harper)

Recommended Engineers (list in development)

John Nakrosis
(646) 526-4569

(Expert on impact of development on historic buildings)

Old Structures Engineering
Website: oldstructures.nyc
90 Broad St
Suite 1501
NY, NY 10004

Mr. Karol Zdancewicz - Pres
KZ Engineering, PC / Professional & Structural Engineering
Mobile (201) 290-8296 kzengineeringpc@gmail.com
231 Norman Ave - #210
Brooklyn, NY 11222
(recommended by Catherine Harper)

Recommended Judges (list in development)

Wayne Saitta (Brooklyn Supreme Court)

Known Dirty Developers

436 Lafayette Development
Maz Group
Emma Management / David Snir
Slate/Adam America/Silver Store
Ranco
Brookland
Isayko Aronov
Joel Schwartz
Ryan Garobo (fake name)
Abraham/Joe Mashieh USA Development LLC , formerly Ozone Development
John Hussain/ Champion Construction affiliated with/ Fuy Smith
Silver Shore
Eli Mashieh, West Development

Further Reading

Articles

[Gaining Access to Neighboring Properties for Protection During Construction](#) by Brian G. Lustbader

Books

Zoned Out! Race Displacement and City Planning in New York City, Tom Angotti, and Sylvia Morse, editors

Case Precedent

North 7-8 Investors, LLC. v. Mark A. Newgarden (Sets precedent..settling pro homeowner decision)

Citizens for Responsible Neighborhood Planning

Link to more detailed document for neighbors to construction:

<http://crnpofbrooklyn.org/index.php/did-you-know/>