



CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

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**JESSICA CHAIT**  
Chair

**JESSE R. BODINE**  
District Manager

November 1, 2024

James Oddo  
Commissioner  
New York City Department of Buildings  
280 Broadway  
New York, NY 10007

**Re: 435 West 48<sup>th</sup> Street  
Ongoing Illegal Demolition & Replacement with New Building**

Dear Commissioner Oddo,

At Manhattan Community Board 4's (MCB4) Clinton/Hell's Kitchen Land Use (CHKLU) Committee meeting on October 9, 2024, the committee discussed the ongoing illegal demolition and new building construction at 435 West 48<sup>th</sup> Street.

At its regularly scheduled Executive Committee meeting on October 28<sup>th</sup>, 2024, MCB4 voted<sup>1</sup> to request the following from DOB:

- Issue a Full Stop Work Order for 435 West 48<sup>th</sup> Street based on illegal demolition
- Conduct an onsite inspection to verify that the entire existing masonry and wood joist building has been fully demolished
- Conduct a job audit to determine how illegal demolition was accomplished under a series of 32 job amendments
- Refer the owner to the Department of City Planning (DCP) to pursue special permit required under Section 96-107 similar to the resolution for the illegal demolition that occurred at 343 West 47<sup>th</sup> Street

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<sup>1</sup> This letter was voted out of the MCB4 Executive Committee and is subject to ratification at the November 6<sup>th</sup> Full Board meeting.

## Background

435 W 48<sup>th</sup> Street was a four-story pre-old law tenement, with four apartments. It was masonry and wood joist construction, with single entry and public hall stairs, fire egress was provided by a fire escape on the rear façade. In the early 1980's, it had been a vacant city owned building, sold for owner occupancy in 1982 with a \$60,000 enforcement mortgage. Those joint owners gut renovated the building and maintained ownership until August 23, 2018, when it was sold to LLS Number LLC, which on August 28<sup>th</sup> transferred to another LLC with the same principals. 435 West 48<sup>th</sup> Street is subject to both anti-harassment NYC ZR SCD 96-109 and anti-demolition protections NYC ZR SCD 96-107.

On January 20<sup>th</sup>, 2018, this owner filed to construct a New Building under application #121189383. DOB initially approved that application in error and revoked the approval on January 2<sup>nd</sup>, 2019. MCB4 wrote to DOB regarding this building in May 2023, requesting an audit of approved applications issued for the site, and to place the building on a watch list for future demolition permit requests<sup>2</sup>, the owner has completely demolished the building, and constructed a New Building in its place.

On May 20, 2019, after the revocation of the DOB approval, the owner refiled for a horizontal and vertical expansion under DOB application #121205383. That application was approved by DOB on March 26, 2020, at the height of COVID-19 pandemic. Under that application, between 2020 and 2024, the owner has filed 32 additional jobs and amendments, **the sum of which have resulted in fully demolished building with new structure on the site.**

This owner has used the DOB amendment process to confuse DOB plans examiners in order to circumvent the anti-demolition protection of the Special Clinton District. What exists today is a newly constructed, steel frame and Q deck vertically and horizontally enlarged building with an elevator, fire stairs and sprinkler with an increased unit count from four to six. It is now the New Building originally filed under application #121189383 that was revoked in January 2019, simply constructed through 32 job amendments.

This circumventing of the zoning requirements is detailed below.

## DOB Plans Approvals

DOB has issued a series of Plans Approvals and Permits for the Material Alteration which included demolition of parts of the building<sup>3</sup>.

- December 11<sup>th</sup>, 2020 – Permit #140985931-01-EW-OT for Job #140985931: **Conduct interior demolition work in the cellar and floors 1-4.**
- December 2<sup>nd</sup>, 2022 – Permit #121205383-01-FO for Job #121205383: Vertical and horizontal enlargement of existing building, **installation of new stairs, walls, partitions, ceilings, and doors, partially demolish portions of rear building.**

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<sup>2</sup> [5.2.2023 MCB4 Letter to DOB, DCP, and Mayors Office re Demolition of West 48th Street](#)

<sup>3</sup> Bolding for emphasis

- February 23<sup>rd</sup>, 2022 – Permit #121205383-05-PL for Job #121205383: Installation of mechanical ductwork, installation of plumbing fixtures and related piping.
- November 16<sup>th</sup>, 2023 – Permit #121205383-01-AL for Job #121205383: Vertical and horizontally enlarge existing building, **installation of new stairs, walls, partitions, ceilings, and doors, partially demolish portions of rear building.**
- May 16<sup>th</sup>, 2024 – Permit #140853903-01-EW-SP for Job #140853903: Installation of sprinkler system for residential building, filed in conjunction with Alteration 1 #121205383

## **DOB Job Filings and Amendments**

Between December 2018 and September 2024, **there have been 32 job and amendment filings** for this property. After the disapproval of Job #121189383 in 2018 by DOB, the applicant filed in 2019 for the vertical and horizontal enlargement of the existing building. For your assistance, MCB4 completed an analysis of the job and amendment filings. The table is included as Attachment A.

Please note, the same professionals,

- Kimberly Brown, Kimberly Brown Architecture PLLC
- George Asimakis, The Asimakis Group
- Dmitriy Morozov, Morozov Engineering DPC
- Spyridon Kremmidas, KPPF Consulting Engineers
- Alex Hart, Central Land Architecture

who filed for the New Building, which was disapproved, have filed the current horizontal and vertical enlargement along with the 32 job amendments. These professionals have full knowledge of this site and its zoning requirements.

Throughout the multiple filed amendments, the owner’s professionals, as listed above, have also reported to DOB false information regarding the filings. Between May 30<sup>th</sup>, 2019, and June 2024, they have repeatedly falsely asserted that there is no change to “use, egress or occupancy” and that the current structural system is “masonry and wood joist”. The most recent assertion of those falsehoods was June 24, 2024. These assertions have been made contrary to actual conditions, please see photos of the actual site, both front and rear, indicating all new structure, included as Attachment B.

The demolition at this site is analogous to the same actions taken at 343 West 47<sup>th</sup> Street, another former city owned building one block away. That owner received a DOB stop work which was enforced and eventually sought approval under the Special Permit provisions of 96-107. However, this owner through multiple job amendments has sought to circumvent the requirements of the anti-demolition protections NYC ZR SCD 96-107.

Included below are a sampling of the filed amendments, many are for Support of Excavation (SOE), foundations, footings, superstructure and columns. These types of filings, on their own, would not indicate the building has been demolished and replaced. However, when taken in

totality, indicate new a new structural system of steel columns and Q deck replacing the original masonry and wood joist structure. Therefore, they have used the job amendment process to circumvent the zoning requirements of anti-demolition protection under NYC ZR SCD 96-107, which prohibits demolition of more than 20% of the building without a Special Permit.

## Conclusion

435 West 48<sup>th</sup> Street is now a newly constructed building with a complete change in use, egress, and occupancy. The original building has been demolished through a series of job amendments, under the guise of horizontal and vertical enlargement. The new building no longer has wood/masonry joist construction, instead it has been changed to steel with Q-deck. This owner and its professional representatives misrepresented the required information 18 times, in multiple filings to DOB. MCB4 requests that a Full Stop Work Order be placed immediately on this property, a job audit be performed to determine how this demolition occurred. Lastly, this owner must be referred to DCP to seek a Special Permit under NYC ZR SCD 96-107. MCB4 thanks you for your continued attention to this flagrant disregard of the NYC Zoning Resolution under the Special Clinton District intended to preserve housing in the Hell's Kitchen community.

Sincerely,



Jessica Chait  
*Chair*  
Manhattan Community Board 4



Jean Daniel Noland  
*Co-Chair*  
Clinton/Hell's Kitchen Land Use Committee



Paul Devlin  
*Co-Chair*  
Clinton/Hell's Kitchen Land Use

## Enclosures:

Attachment A – Analysis of Job and Amendment Filings

Attachment B – Site Photos

**Attachment A**  
**435 West 48th Street**  
**DOB Job Filings & Amendments**

Date Filed	Job Number	Job Description from Job Overview Page	Amendment Description	Notes	Applicant Declared No Change in Egress	Applicant Declared No Change in Occupancy/Use	Applicant Declared Primary Structural System as Wood Joist	Filing Professional
12/20/2018	<a href="#">121189383</a>	Erect a new residential building as shown on drawings filed		Job 12118983 was disapproved by DOB.				Kimberly Brown, Kimberly Brown Architecture PLLC
12/21/2018	<a href="#">121189383</a>	Support of excavation for new building						George Asimakis, The Asimakis Group
12/21/2018	<a href="#">121189383</a>	Installation of foundation, footing, and columns						George Asimakis, The Asimakis Group
12/21/2018	<a href="#">121189383</a>	Installation of superstructure and columns for new building						George Asimakis, The Asimakis Group
12/21/2018	<a href="#">121189383</a>	Installation of mechanical ductwork; installation of plumbing fixtures and related piping						Dmitriy Morozov, Morozov Engineering DPC
5/30/2019	<a href="#">121205383</a>	Vertical and horizontal enlargement of existing building		Permit #121205383-01-AL issued by DOB after approval on 3/26/20	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Kimberly Brown, Kimberly Brown Architecture PLLC
6/5/2019	<a href="#">121205383</a>	<b>Support of excavation for residential building</b>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	George Asimakis, The Asimakis Group
6/11/2019	<a href="#">140853903</a>	Installation of sprinkler system for residential building; filed in conjunction with Alt 1			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Dmitriy Morozov, Morozov Engineering DPC
6/14/2019	<a href="#">121205383</a>	<b>Installation of foundation, footing, and columns</b>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
6/14/2019	<a href="#">121205383</a>	<b>Installation of superstructure and columns for new building</b>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
6/14/2019	<a href="#">121205383</a>	Installation of mechanical ductwork; installation of plumbing fixtures and related piping			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Dmitriy Morozov, Morozov Engineering DPC
7/8/2019	<a href="#">140855420</a>	Builder's pavement plan; filed in conjunction with Alt 1		Disapproved by DOB	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Alex Hart, Central Land Architecture
4/8/2020	<a href="#">121205383</a>		<b>Change number of dwelling units to 4; Revise Schedule A; Amend architectural plans</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kimberly Brown, Kimberly Brown Architecture PLLC
4/16/2020	<a href="#">121205383</a>		Revise Schedule B		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dmitriy Morozov, Morozov Engineering DPC
4/27/2020	<a href="#">121205383</a>		Submit updated mechanical/plumbing plans; Update filing rep on Section 3 and ownership info on Section 26; Submit updated Schedule B		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dmitriy Morozov, Morozov Engineering DPC
12/7/2020	<a href="#">140985931</a>	<b>Interior demolition work on cellar, floors 1-4, as shown on plans; No change in use, occupancy, or egress; In conjunction with Alt-1 Job #121205383</b>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	George Asimakis, The Asimakis Group
7/28/2021	<a href="#">121205383</a>		<b>Change number of dwelling units to 6; Revise Schedule A; Amend architectural plans; Update ownership information; Update Address on Section 2</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kimberly Brown, Kimberly Brown Architecture PLLC

Date Filed	Job Number	Job Description from Job Overview Page	Amendment Description	Notes	Applicant Declared No Change in Egress	Applicant Declared No Change in Occupancy/Use	Applicant Declared Primary Structural System as Wood Joist	Filing Professional
7/30/2021	<a href="#">121205383</a>		Submit revised structural plans; Update filing rep on Section 3; Update ownership information		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
7/30/2021	<a href="#">140853903</a>		Submit updated sprinkler plans; update filing rep on Section 3 and ownership info on Section 26; Update Schedule B		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dmitriy Morozov, Morozov Engineering DPC
3/14/2023	<a href="#">121205383</a>		Submit updated architectural plans		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kimberly Brown, Kimberly Brown Architecture PLLC
3/14/2023	<a href="#">121205383</a>		Submit updated SOE plans		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	George Asimakis, The Asimakis Group
4/3/2023	<a href="#">121205383</a>		Submit updated plumbing plans and Schedule B		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dmitriy Morozov, Morozov Engineering DPC
4/7/2023	<a href="#">121205383</a>		Submit updated architectural plans; Update email in Section 3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kimberly Brown, Kimberly Brown Architecture PLLC
5/15/2023	<a href="#">121205383</a>		Submit updated foundation plans; Supersede applicant in Section 3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
5/15/2023	<a href="#">121205383</a>		Submit updated architectural plans		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
6/16/2023	<a href="#">121205383</a>		Submit updated architectural plans		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
12/6/2023	<a href="#">121205383</a>		Submit updated foundation plans		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
12/6/2023	<a href="#">121205383</a>		Submit updated structural plans		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
6/24/2024	<a href="#">121205383</a>		Update Section 3, 8, and 11; Plan to update job description		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Kimberly Brown, Kimberly Brown Architecture PLLC
7/1/2024	<a href="#">121205383</a>		Update Section 3; Plan to update scope of work		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
9/18/2024	<a href="#">121205383</a>		Updated structural drawings		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spyridon Kremmidas, KPFF Consulting Engineers
9/20/2024	<a href="#">121205383</a>		Updated architectural drawings		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kimberly Brown, Kimberly Brown Architecture PLLC

**ATTACHMENT B – Site Photos, Front of Building**



**ATTACHMENT B – Site Photos, Rear of Building**

