

***Dep't of Buildings v. 120 Sapphire Street
& 122 Sapphire Street,
Brooklyn, New York***

OATH Index No. 328/26 (Nov. 24, 2025), *adopted*, Comm'r Dec. (Dec. 8, 2025), **appended**

Undisputed evidence presented at default trial established that premises in an area zoned for residential use was being used impermissibly for dead storage of motor vehicles, junk salvage storage, and as a contractor's yard, in violation of the Zoning Resolution. Closure of the premises is recommended.

**NEW YORK CITY OFFICE OF
ADMINISTRATIVE TRIALS AND HEARINGS**

In the Matter of
DEPARTMENT OF BUILDINGS
Petitioner
- against -

**THE COMMERCIAL USES OF
120 SAPPHIRE STREET & 122 SAPPHIRE STREET,
BROOKLYN, NEW YORK**
Respondent

REPORT AND RECOMMENDATION

CHRISTINE STECURA, *Administrative Law Judge*

Petitioner, the Department of Buildings, initiated this proceeding pursuant to section 28-212.5 of the New York City Administrative Code ("padlock law"). Petitioner alleges that the premises at 120 Sapphire Street and 122 Sapphire Street, Brooklyn, New York (the "premises"), also known as Block 4497, Lots 24 & 26, is located in an R4 residence district but has been used impermissibly for dead storage of motor vehicles, junk salvage storage, and as a contractor's yard in violation of the New York City Zoning Resolution, which does not permit as-of-right commercial or manufacturing uses in residence districts (Pet. Ex. 1). Pursuant to the padlock law, petitioner seeks an order of closure as to the lot to abate the "public nuisance" created by the allegedly illegal commercial uses in this residence district. Admin. Code §§ 28-212.1, 28-212.2 (Lexis 2025).

Trial was held by videoconference. On November 17, 2025, the scheduled trial date,

respondent failed to appear. Petitioner submitted sworn proof of service sufficient to demonstrate that it had properly served the petition and notice of hearing on respondent owners and occupants (Pet. Exs. 1, 2, 9, 10). Respondents were served with written notice of the trial date and time by first-class mail, together with detailed instructions for joining the trial online or by phone, and service was also made on the mortgage holder (Pet. Exs. 2, 10). This evidence established the jurisdictional prerequisite for finding respondents in default, and the trial proceeded in the form of an inquest. At the trial, petitioner relied upon documentary evidence.

I find that petitioner has met its burden of proof and recommend closure of the premises.

ANALYSIS

Section 28-212.1 of the Administrative Code provides that:

Any building or part thereof or vacant land that is located in a residence zoning district and that is occupied for a use not permitted in such district in violation of the zoning resolution, without a certificate of occupancy or other authorization of such use, is hereby declared to be a public nuisance.

Admin. Code § 28-212.1.

The premises at issue is in an R4 residence district in Brooklyn according to New York City tax and zoning maps (Pet. Exs. 5, 6). Petitioner introduced a Department of Buildings Property Profile Overview to show that there is no certificate of occupancy on file that allows for commercial use at the premises (Pet. Ex. 7).

Petitioner presented evidence of the uses of the premises through two certified inspection reports which documented, with photographs, two inspections of the premises (Pet. Exs. 3, 4). The first report by Inspector Edgardo Butler, dated January 15, 2025, memorialized the inspection of the premises on January 9, 2025, at 11:00 a.m. and his observation of “Lot 24 and 26 being used as a contractors’ yard, [and] storage of contractor supplies and trash” (Pet. Ex. 3). Inspector Butler observed residential use (*Id.*). He described the property as “padlockable” and noted that a “padlock can be put on [the] front gate” of the premises (*Id.*). The four photographs taken of the premises during this inspection and attached to the report as exhibits show a residence, metal fence, contractor and construction equipment, and a white van without a rear license plate (*Id.*).

The second report by Inspector Edgardo Butler, dated July 23, 2025, memorialized the inspection conducted of the premises on July 8, 2025, at 2:00 p.m. and his observation of Lot 24

and 26 being used as [a] contractors['] yard . . . [And] storage of contractor supplies and trash on lot along left side of lot 26[,] 1 suv & 1 work van in rear.”(Pet. Ex. 4). Inspector Butler observed residential use (*Id.*). He described the property as “padlockable” and noted that a “padlock can be put on [the] front gate” of the premises (*Id.*). The six photographs taken of the premises during this inspection and attached to the report as exhibits show a residence, a white van without a rear license plate, a yellow dumpster filled with white trash bags, dozens of white trash bags filled with unknown items, construction items, a shed with ladders on top of it, wooden planks, as well as junk salvage (*Id.*). The white van without a rear license plate observed on January 9, 2025, appears to be the same as that observed on July 8, 2025 (Pet. Exs. 3, 4).

The Index of Uses found in Appendix A of the Zoning Resolution designates dead storage of motor vehicles, junk or salvage yards, and contractors’ yards as Use Group 9 activities (Zoning Resolution § 32-19; Pet. Ex. 8). Section 22-00 of the Zoning Resolution defines Use Group 9 activities as commercial uses that are not permitted as of right in a residence zone (Zoning Resolution § 22-00; Pet. Ex. 8).

Accordingly, the commercial use of the premises, which is located in a residence district, violates the Zoning Resolution. *See Dep’t of Buildings v. 2162 Schenectady Avenue, Brooklyn*, OATH Index No. 2551/19 at 3 (Sept. 13, 2019) (recommending closure for premises being used for commercial vehicle storage, dead storage, and junk salvage storage that was located in an area zoned for residential use).

FINDINGS AND CONCLUSIONS

1. Respondents were properly served with the petition and notice of hearing.
2. Petitioner established that the premises at 120 Sapphire Street and 122 Sapphire Street, Brooklyn, New York has been used as dead storage of motor vehicles, junk salvage storage, and as a contractor’s yard, which are impermissible commercial uses in an area zoned for residential use.

RECOMMENDATION

I recommend that the Commissioner issue an order of closure against the premises pursuant to Administrative Code section 28-212.2.

Christine Stecura
Administrative Law Judge

November 24, 2025

SUBMITTED TO:

JAMES S. ODDO
Commissioner

APPEARANCES:

DANIEL LIN, ESQ.
Attorney for Petitioner

No appearance by or for Respondent



James S. Oddo, Commissioner
Executive Offices

Order of closure

December 8, 2025

Premises of
120 Sapphire Street & 122 Sapphire Street
a/k/a Block: 4497 Lots: 24 & 26
Brooklyn, New York 11208

Re: In the Matter of the Application
of the NYC Buildings Commissioner
-against-
The Commercial Uses of:
120 Sapphire Street & 122 Sapphire Street
a/k/a Block: 4497 Lots: 24 & 26
Brooklyn, New York 11208
OATH Index No. 260328

Dear Sir/Madam:

I have reviewed the record of charges and specifications in the Petition and Notice of Hearing, dated August 13, 2025, and the Report and Recommendation of the Administrative Law Judge, dated November 24, 2025. The Administrative Law Judge determined that dead storage of motor vehicles, junk salvage storage, and a contractor's yard constitute illegal commercial and/or manufacturing uses in an R4 residence district and recommended closure of the premises.

It is my determination that dead storage of motor vehicles, junk salvage storage, and a contractor's yard constitute illegal commercial and/or manufacturing uses in a residence district and, therefore, the subject premises is **ORDERED CLOSED**. On or after the tenth business day after the posting of this order, the New York City Police Department and authorized employees of this Department shall act on and enforce this order by sealing, padlocking or otherwise preventing access to the premises.

It shall be a misdemeanor for any person to use or occupy or to permit any other person to use or occupy any building or part thereof that has been sealed, padlocked, or otherwise closed pursuant to an order of the Commissioner. Mutilation or removal of a posted order of the Commissioner shall be punishable by a fine of not more than twenty five thousand dollars or by imprisonment not exceeding one year, or both.

So ordered,

James S. Oddo
Commissioner

State of New York, County of New York

ss:

On the 8th day of December in the year 2024, before me, the undersigned, personally appeared James S. Oddo, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Signature and office of individual taking acknowledgement

cc: Occupant of 120 Sapphire Street and
122 Sapphire Street
Rajinder Kaur

Ross Brady
Notary Public, State of New York
Registration No. 02BR5039956
Qualified in Kings County
Commission Expires May 06, 2026