

## Tshaka housing complaint dropped

by Jason Pafundi, Chronicle Contributor | Posted: Wednesday, November 23, 2011 12:00 pm

A housing complaint filed against longtime Bayside community activist Mandingo Tshaka has been dismissed by Queens Supreme Court.

According to Tshaka, the complaint alleged that he had converted his one-family house on 46th Avenue, which was built by his grandmother in 1911, into a two-family house and was renting out rooms, which would be in violation of zoning regulations.

Tshaka said a building inspector came to his door in 2009 and asked about the conversion.

“You can come in and look, but it’s the same as it was in 1935,” Tshaka remembered telling the inspector.

According to attorney Paul Kerson, who was hired by Tshaka, the inspector incorrectly issued a summons for him to appear before the Environmental Control Board because of the alleged zoning violation — Tshaka’s property is zoned only for one- and two-family houses, not for rooming houses.

Kerson argued that because the residence was built well before the current zoning structure was adopted in 1961, Tshaka’s property was “grandfathered in” and he should be allowed to continue to rent rooms.

“If someone had built a rooming house on his block after 1961, they would have properly received a summons,” Kerson said. “But not [Tshaka] because his house was already there when the zoning resolution was passed.”

The ECB wanted to fine Tshaka \$29,000, an amount Kerson said was outrageous.

Tshaka said the hearing in front of the control board didn’t go very well.

“The magistrate or whatever his title is never looked at us, never said anything,” Tshaka said. “He could’ve been looking at Mickey Mouse on his computer, and every time we tried to say something, he would shoot us down.”

Kerson filed an Article 78 appeal and the case was heard by Queens Supreme Court Justice Roger Rosengarten, who, according to Kerson, was very

sympathetic, though he “didn’t buy my argument about grandfathering, which he should have.”

Rosengarten reduced the fine to \$2,000, Kerson said, as a way to show that Tshaka was right without admitting that the city was totally wrong.

As far as Tshaka is concerned, the case amounted to much ado about nothing. He thinks that his role as a community activist played a part in the complaint being filed in the first place.

“Like they always say, if you can’t take the heat, get out of the kitchen,” he said. “It comes with the territory.”

Tshaka, at 80 years old, is continuing his activism in Bayside. He is currently working on getting Marie Curie Park, located at 46th Avenue and 46th Road between Oceania and 211th streets, renamed a playground to limit what it can be used for.

“At a park, you can do anything,” Tshaka said. “It needs to be more restricted and safer for our children, so changing it to a playground would do that.”