

SCRN: CVPSSQV1
TERM: 1953

DEPT OF ENVIRONMENTAL PROTECTION
VIOLATION INQUIRY (HISTORY) - PAGE 1

DATE: 6/04/18
TIME: 17:01:02

VIOLATION: 035253787X ROLL: 00000 IMAGE: 00000 STATUS: HEARING COMPLETED
INSTALLATION: 1006469 FACILITY NO: DISP: DISMISSED
DUE: NOTHING DUE

RESP LAST NAM: 205 E 10TH OWNERS FIRST NAM:
HOUSE: 525 BORO: 0
STREET: NORTHERN BLVD
CITY: GREAT NECK STATE: NY ZIP: 11021-510

VIOLATION ADDR: HOUSE: 205 BORO: 1 MANHATTAN
STREET: EAST 10 STREET RTC:
INFRACTIONS: 1 28-302.5

2	3	4
5	6	7

VIOLATION INPUT DATE: 06/13/17	VIOLATION CODE: 1E4	TAX LIEN: N
VIOLATION DATE/TIME: 05/08/17 0300	OFFICER ID: 2864	RPT LEV: FA
SCHEDULED DATE/TIME: 08/24/17 0830	ALJ ID: 0657	EXHB ATT: Y
SCHEDULED LOCATION: 9 MANHATTAN	INT: 0.00+	DOCKET:
FACE AMOUNT: 2400.00+	IMPOSED AMOUNT: 0.00+	
ADD'L PENALTIES: 0.00+	PAID TO DATE: 0.00+	
NET ALL ADJUSTS: 0.00+	BALANCE DUE: 0.00+	
CMD: _____	MSG: *PRESS PF6 TO DISPLAY ACTUAL HEARING DATE	V

The City of New York Office of Administrative Trials and Hearings
I hereby certify that this is a true, accurate and correct copy
of the original records made, kept and maintained
within the custody of this office.



Signature

6/11/18

Date

Records Access Officer
Official Title

SCRN: CVPSSQV2

DEPT OF ENVIRONMENTAL PROTECTION

DATE: 6/04/18

TERM: 1953

VIOLATION INQUIRY (HISTORY) - PAGE 01 OF 01

TIME: 17:01:06

VIOLATION NO.: 035253787X

ROLL: 00000

IMAGE: 00000

SEQ	REC DATE	EVENT	AMOUNT	CHANGE	NEW BAL
001	05/08/17	ISS - NEW VIOL ISSUANCE	+2400.00	+0.00	+0.00
RMK: FA, 1, 20170622, 1030, 9, R= , I=					
002	06/27/17	MAI - MAIL NAME/ADDR CHGS	+0.00	+0.00	+0.00
RMK: 6, Y, Y, JACK JAFFA , 147 , PRINCE STREET					
003	06/27/17	SCH - HEARING RESCHEDULED	+0.00	+0.00	+0.00
RMK: 20170824, 9, 0830, R, N, 0					
004	07/20/17	COM - COMPLY APPR/DISAPPR	+0.00	+0.00	+0.00
RMK: C, , M=1					
005	08/24/17	ASG - HEARING ASSIGNED	+0.00	+0.00	+0.00
RMK: 20170824, 9, 0657					
006	08/24/17	HRG - HEARING RESULTS	+0.00	+0.00	+0.00
RMK: 0657, 9, D, , N, , , R= , I=					

RMK:

RMK:

CMD: _____ MSG: REMARKS ARE SUPPRESSED - PRESS PF6 TO DISPLAY

V



SUMMONS AND COMMISSIONER'S ORDER • CIVIL PENALTIES APPLY

SUMMONS NUMBER: 35253787X

ENFORCEMENT AGENCY: NYC DEPT OF BUILDINGS

AGENCY ADDRESS AND WEBSITE: 280 Broadway, New York, NY 10007 www.nyc.gov/buildings

35253787X

RESPONDENT: 205 E 10TH OWNERS (First Name/Entity, Last)MAILING ADDRESS: 525 NORTHERN BLVD DOB License/Registration #: N/ACROFT WALK NY 10021 5107CELL PHONE: N/ADATE OF OCCURRENCE: 05/08/2017TIME OBSERVED: 3:00 am/pmPLACE OF OCCURRENCE: 205 EAST 10TH STREETBOROUGH: MANHATTANBLOCK: 452 LOT: 54 BIN: 1006469

You must appear or respond to the details of violation(s) below. For HOW TO RESPOND, see the back of this summons.

HEARING DATE: 6/22/2017 AT: ☐ 8:30 am ☒ 10:30 am ☐ 1:30 pmOFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS: MANHATTAN [Borough] (See reverse side for address)

Phone: (844)628-4692

REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.

WARNING: If you do not appear or respond to this Summons, the City will decide the Summons against you and impose penalties. Failure to pay a civil penalty could lead to the denial of an application for, or the suspension, termination or revocation of a City license, permit or registration. In addition, the City may enter a judgment against you in court.

COMMISSIONER'S ORDER TO CORRECT VIOLATION CONDITION(S)

CURE DATE (Zero Penalty Option, if available): Details of Violation(s) Must Appear: ☒

(If disputing the charge)

Type of Construction: FSP No. of Stories: 7 Vio. Type: LL Dist. F Code SF No. 03Occupancy at Time of Inspection: RESIDENTIALComplaint#: 1449645 Related Job#: N/A
(If applicable) (If applicable)

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the section of law cited below of the NYC Administrative Code, the NYC Zoning Resolution and/or Titles 1 or 2 of the Rules of the City of New York.

Violating Conditions Observed	Infraction Code	Class	Provision of Law	<input type="checkbox"/> Recurring Condition- Aggravated 1 per 1 RCNY 102-01(f)	Stop Work/Vacate Order Issued <input type="checkbox"/> Full <input type="checkbox"/> Partial
	<u>BSE4</u>	<u>1</u>	<u>28-202.5</u>		
<input type="checkbox"/> ILLEGAL CONVERSION—CLASS 1 Per 28-202.1 & 1 RCNY 102-01 additional daily penalties for continued violation of Article 210 of Title 28 also applicable					
<input type="checkbox"/> Per 28-202.1 & 1 RCNY 102-01, additional Class 1 daily or Class 2 monthly penalty may apply					
<input type="checkbox"/> Aggravated If Condition per 1 RCNY 102-01(f)					

Violation Detail(s): FAILURE TO TAKE AND PROVIDE SAFETY MEASURES / SIDE WALK SHED NETTING ETC, WHERE REQUIRED TO PROTECT AND SECURE PUBLIC SAFETY FROM DOCUMENTED UNSAFE FACADE. TECHNICAL REPORT FSP 3 NOTIFICATION FILED UNSAFE BY PE/RA ON 5/2/2017. NO SAFETY MEASURES IN PLACE AT TIME OF INSPECTION 05/08/2017.

Remedy: TAKE AND PROVIDE SAFETY MEASURES SIDE WALK SHED ETC. REPAIR UNSAFE FACADE, AS PER 1 RCNY 102-04

THE COMMISSIONER ORDERS THAT YOU TIMELY CORRECT THESE CONDITIONS AND FILE A CERTIFICATE OF SUCH CORRECTION. See 1 RCNY 102-01 and the reverse for instructions on certifying correction. Uncorrected violations are subject to additional violations and penalties. For certain charges, additional DOB civil penalties may apply pursuant to sections 28-213.1, 28-219.1 and 28-207.2.6 of the Administrative Code. A property owner may be liable for payment of these additional civil penalties even if not cited as respondent on this summons.

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the Department of Buildings, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

Issuing Officer: S FALLON Signature: [Signature] Badge# 2864 Unit Code: FA

Affidavit of Service

STATE OF NEW YORK, COUNTY OF MANHATTAN ss:

The undersigned affirms, or, being duly sworn, deposes and says: That I am over 18 years of age, and not a party to this proceeding, and that on the 8th day of May, 2017 at 2:55 a.m. (p.m.) (circle one) at 295 East 10th Street New York 10003 (full address)

I served the within Notice of Violation and Hearing on the respondent named therein:

Note: You must complete either section A or B or C. Section D must also be completed if service was effected through A1, A2, or B1.

A. INDIVIDUAL OR PARTNERSHIP

- ☐ Individual or Partnership - Personal Service, by delivering and leaving a true copy with _____ respondent personally.
- ☐ Individual or Partnership - Substituted Service, by delivering a true copy to _____ a person of suitable age and discretion at respondent's actual place of business, dwelling or usual place of abode within the state.
☐ Required Mailing (Use with 2). On ____/____/____ I enclosed a copy of same in a first class post paid envelope properly addressed to respondent's last known residence or actual place of business and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service. The envelope bore the legend "personal & confidential" and did not indicate on the outside thereof, by return address or other wise that the communication was from an attorney or concerned an action against the respondent.

B. CORPORATION

- ☐ Corporation/LLC, by delivering and leaving a true copy with _____ an officer, director, managing agent, or general agent (circle one) of said respondent corporation, or any member of the LLC or person designated to receive service of process.
- ☐ Secretary of State Service, by delivering to and leaving two copies with _____ in the Office of the Secretary of State of the State of New York, personally at the Office of the Secretary of State of the State of New York. Said service was made pursuant to article three of the Business Corporation Law. Deponent further says that s/he knew the person so served as aforesaid to be employed in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said respondent.

C. ALTERNATE METHOD/CHARTER SERVICE (Posting at place of occurrence)

- ☒ Alternate method of service pursuant to New York City Charter §1049-a(d)(2) [Affix and Mail Service].
I made the following reasonable but unsuccessful attempt to effectuate service upon respondent or upon any other person whom service may be made as follows: THE SUPERINTENDENT WAS PRESSING DURING THE TIME OF INSPECTION. AT THE TIME OF POSTING OF THE VIOLATION SUPERINTENDENT HAD LEFT THE BUILDING

A true copy of the notice of violation was posted at the following conspicuous place on the premises where the

violation occurred: AT THE FRONT DOOR ENTRANCE TO

Additional Information: 295 EAST 10TH STREET NEW YORK 10003

D. DESCRIPTION OF INDIVIDUAL SERVED (Complete for A1, A2, or B1)

Deponent further states that s/he describes the person actually served as follows:

GENDER	SKIN COLOR	HAIR COLOR	OTHER	AGE	HEIGHT	WEIGHT
<input type="checkbox"/> Male	<input type="checkbox"/> Black	<input type="checkbox"/> Black	<input type="checkbox"/> Balding	<input type="checkbox"/> 14-20 yrs.	<input type="checkbox"/> under 5'	<input type="checkbox"/> under 100 lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Brown	<input type="checkbox"/> Blond	<input type="checkbox"/> Mustache	<input type="checkbox"/> 21-35 yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 101-130 lbs.
	<input type="checkbox"/> White	<input type="checkbox"/> Brown	<input type="checkbox"/> Beard	<input type="checkbox"/> 36-50 yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 lbs.
		<input type="checkbox"/> Gray	<input type="checkbox"/> Glasses	<input type="checkbox"/> 51-65 yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 lbs.
		<input type="checkbox"/> Red		<input type="checkbox"/> Over 65 yrs.	<input type="checkbox"/> Over 6'0"	<input type="checkbox"/> Over 200 lbs.
		<input type="checkbox"/> White				

Other identifying characteristics _____

Served by: Signature <u>[Signature]</u> Print full name <u>TOM FALLON</u> <input checked="" type="checkbox"/> Issuing officer, City of New York This service statement is affirmed under penalty of perjury	<input type="checkbox"/> Process Server (complete next box) For process server SWORN TO BEFORE ME ON: _____ day of _____ Notary signature _____
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Supervisor's Signature [Signature]
(FOR OFFICE USE ONLY)



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

66 John St., 20th Floor
New York, NY 10039

Incident Log #
Old hearing date: 6/22/17
New hearing date: 8/24
Requester: A. Galt
Notes: Final

RESPONDENT'S REQUEST FOR A NEW HEARING DATE (RESCHEDULE)

- A request to reschedule must be received by the Hearings Division prior to the time of the scheduled hearing.
- Only one request to reschedule will be granted for each party for each summons/notice number.
- Registered Representatives must attach completed Authorization Form.

Information About the Person Completing This Form

The new hearing date will be mailed to the address listed below.

Date of request: _____ Is this the Respondent's first request for a new hearing date? ☒ Yes ☐ No

Name: Jonathan Weiss

Mailing address: 147 Prince St. City, State: Bk. Ny Zip code: 11201

Telephone number: (718) 855-6110 Email address: N/A

Are you the named Respondent on the summons(es)/notice(s)? ☐ Yes ☒ No

If you are not the named Respondent, you must answer the following questions:

a) Check the box that best describes who you are:

<input type="checkbox"/> Owner of property/business	<input type="checkbox"/> General/Managing agent	<input type="checkbox"/> Employee of respondent
<input type="checkbox"/> Partner/officer of respondent company	<input type="checkbox"/> Other (friend, relative, etc.) describe _____	
<input type="checkbox"/> Registered representative	<input checked="" type="checkbox"/> Attorney	

b) Are you authorized to represent the Respondent? ☒ Yes ☐ No

c) What is the name of the person who asked you to make this request? Erika Johnson

d) What is that person's relationship to the Respondent? For example, if the summons/notice name is a corporation as the Respondent, tell us what that person's job or title is at the corporation. Agent

Information About the Summons(es)/Notice(s)

Summons/notice number(s): 35253787X

CAMS number or TLO license number (if applicable): _____

Name of Respondent, exactly as it is written on the top of the summons(es)/notice(s): 205 E 10th Cleaners

I, Erika Johnson, CERTIFY UNDER PENALTY OF PERJURY THAT I AM AUTHORIZED TO COMPLETE AND SUBMIT THIS REQUEST AND THAT TO THE BEST OF MY KNOWLEDGE, ALL INFORMATION I INCLUDED ON THIS FORM AND IN THE ATTACHMENTS, IF ANY, IS TRUE.

YOUR SIGNATURE: By Phone

Tel: 1-844-OATH-NYC (1-844-628-4692)

<input checked="" type="checkbox"/> 66 John Street 10 th Floor New York, NY 10038 Fax # 212-436-0715	<input type="checkbox"/> 9 Bond Street 7 th Floor Brooklyn, NY 11201 Fax # 718-875-5561	<input type="checkbox"/> 144-06 94 th Avenue Main Floor Jamaica, NY 11435 Fax # 718-558-6540	<input type="checkbox"/> 31-00 47th Avenue 3rd Floor Long Island City, NY 11101 Fax # 718-393-6256	<input type="checkbox"/> 350 St. Marks Place Main Floor S.J., NY 10301 Fax # 718-815-8391	<input type="checkbox"/> 3030 Third Avenue 2 nd Floor Bronx, NY 10455 Fax # 718-993-3077
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<div style="font-size: 1.2em; margin-bottom: 5px;">205 E 10th Owners</div> <div style="font-size: 0.8em; margin-bottom: 5px;">RESPONDENT NAME (as written on the ticket)</div> <div style="font-size: 0.8em; margin-bottom: 5px;">Where the Hearing Decision will be mailed (Print Clearly)</div> <div style="font-size: 1.2em; margin-bottom: 5px;">EBMG, LLC</div>			<div style="font-size: 1.2em; margin-bottom: 5px;">List Summons No.(s)</div> <div style="font-size: 0.8em; margin-bottom: 5px;">1 ticket number per line</div> <div style="font-size: 1.2em; margin-bottom: 5px;">035 253 787X</div>		<div style="font-size: 0.8em; margin-bottom: 5px;">FOR OFFICE USE ONLY</div> <div style="display: flex; justify-content: space-between; font-size: 0.7em;"> ADJ. D.R. </div>	
<div style="font-size: 0.7em; margin-bottom: 5px;">Name</div> <div style="font-size: 1.2em; margin-bottom: 5px;">383 Old Country Rd, Suite 204</div>	<div style="font-size: 0.7em; margin-bottom: 5px;">Street</div> <div style="font-size: 1.2em; margin-bottom: 5px;">Carle Place NY</div>	<div style="font-size: 0.7em; margin-bottom: 5px;">Apt#</div> <div style="font-size: 1.2em; margin-bottom: 5px;">11514</div>				
<div style="font-size: 0.7em; margin-bottom: 5px;">City</div> <div style="font-size: 1.2em; margin-bottom: 5px;">Carle Place NY</div>	<div style="font-size: 0.7em; margin-bottom: 5px;">State</div> <div style="font-size: 1.2em; margin-bottom: 5px;">NY</div>	<div style="font-size: 0.7em; margin-bottom: 5px;">Zip Code</div> <div style="font-size: 1.2em; margin-bottom: 5px;">11514</div>				
<div style="font-size: 0.8em; margin-bottom: 5px;">(Area Code) Telephone Number</div>						
<div style="font-size: 0.8em; margin-bottom: 5px;">E-Mail Address</div> <div style="font-size: 1.2em; margin-bottom: 5px;">SCOTT KAMEN</div>						
<div style="font-size: 0.8em; margin-bottom: 5px;">Your Name - Please Print</div> <div style="font-size: 1.2em; margin-bottom: 5px;">Jonathan Weiss</div>						
<div style="font-size: 0.8em; margin-bottom: 5px;">Your Name - Please Sign</div> <div style="font-size: 1.2em; margin-bottom: 5px;">JJA</div>						
<div style="font-size: 0.8em; margin-bottom: 5px;">YOU ARE:</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> RESPONDENT <input type="checkbox"/> AUTHORIZED REPRESENTATIVE <input type="checkbox"/> REGISTERED REPRESENTATIVE <input checked="" type="checkbox"/> ATTORNEY </div> <div style="width: 45%;"> <div style="font-size: 0.8em; margin-bottom: 5px;">YOU ARE HERE TO REQUEST A(N):</div> <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> ADJOURNMENT <input type="checkbox"/> ADMIT </div> </div>						

<input type="checkbox"/> ISSUING OFFICER REQUIRED	NAME	ID#	AGENCY
<input type="checkbox"/> PETITIONER / RESPONDENT TO PRESENT FURTHER EVIDENCE / WITNESS			

8/24/7


[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings
Application Details

The below information does not include filings submitted in **DOB NOW**; use the **DOB NOW Public Portal** to access these records.

Premises: 205 EAST 10 STREET MANHATTAN
BIN: 1006469 Block: 452 Lot: 54

Job No: 140648976

Document: 01 OF 1

Job Type: A3 - ALTERATION TYPE 3

Document Overview	Items Required	Virtual Job Folder	All Permits
Fees Paid	Forms Received	View Job Notes	All Comments
Crane Information	Plan Examination		
After Hours Variance Permits			

DOB NOW: Inspections

This job is not subject to the Department's Development Challenge Process. For any issues, please contact the relevant borough office.

----- * PROFESSIONALLY CERTIFIED * -----

Last Action: PERMIT ISSUED - ENTIRE JOB/WORK 05/30/2017 (R)

Application approved on: 05/29/2017

Pre-Filed: 05/26/2017 Building Type: Other

Estimated Total Cost: \$0.00

Date Filed: 05/29/2017

Electronically Filed: Yes Hub Self-Service

Fee Structure: STANDARD

Build It Back: No

Review is requested under Building Code: 2014

[Job Description](#) [Comments](#)

1 Location Information (Filed At)

House No(s): 205 **Street Name: EAST 10 STREET**

Borough: Manhattan

Block: 452

Lot: 54

BIN: 1006469

CB No: 103

Work on Floor(s): GRD

Apt/Condo No(s):

Zip Code: 10003

2 Applicant of Record Information

Name: HUMAYUN AHMED

Business Name: NAVI STRUCTURAL ENGINEERING PLL

Business Phone: 201-615-7960

Business Address: 1 MADEN LANE NEW YORK NY 10038

Business Fax:

E-Mail: NAVISTRUC@COMCAST NET

Mobile Telephone:

License Number: 072914

Applicant Type: ☒ P.E. ☐ R.A. ☐ Sign Hanger ☐ R.L.A. ☐ Other

Directive 14 Applicant

Not Provided

Previous Applicant of Record

Not Applicable

3 Filing Representative

Name: JULIO GUADALUPE

Business Name: ACA ASSOCIATES

Business Address: 1722 EAST 3 STREET BROOKLYN NY 11223

E-Mail: AHARON@ACAASSOCIATE.COM

Business Phone: 212-608-0048

Business Fax: 212-608-3287

Mobile Telephone:

Registration Number: 1780

4 Filing Status[Click Here to View](#)**5 Job Types**

- ☐ Alteration Type 1 or Alteration Type 1 required to meet New Building requirements (28-101.4.5)
☐ Alteration Type 1, OT "No Work" ☐ New Building
☐ Alteration Type 2 ☐ Full Demolition
☒ Alteration Type 3 ☐ Subdivision: Improved
☐ Sign ☐ Subdivision: Condo
 Directive 14 acceptance requested? ☒ Yes ☐ No

6 Work Types

- ☐ BL - Boiler ☐ FA - Fire Alarm ☐ FB - Fuel Burning ☐ FS - Fuel Storage
☐ FP - Fire Suppression ☐ MH - Mechanical ☐ PL - Plumbing ☐ SD - Standpipe
☐ SP - Sprinkler ☒ EQ - Construction Equipment ☐ CC - Curb Cut
☐ OT - Other

7 Plans/Construction Documents Submitted

Plans Page Count: 0004

Are plans being submitted with this PW1? ☒ Yes ☐ No**8 Additional Information**

Not Applicable

9 Additional Considerations, Limitations or Restrictions

Yes No

- ☐ ☒ Alt. required to meet New Building req's (28-101.4.5)

Yes No

- ☐ ☒ Alteration is a major change to exits
☐ ☒ Change in number of dwelling units
☐ ☒ Change in Occupancy / Use
☐ ☒ Change is inconsistent with current certificate of occupancy
☐ ☒ Change in number of stories

- ☐ ☒ Facade Alteration
☐ ☒ Adult Establishment
☐ ☒ Compensated Development (Inclusionary Housing)
☐ ☒ Low Income Housing (Inclusionary Housing)
☐ ☒ Single Room Occupancy (SRO) Multiple Dwelling
☐ ☒ Filing includes Lot Merger / Reapportionment

- ☐ ☒ Infill Zoning
☐ ☒ Loft Board
☐ ☒ Quality Housing
☐ ☒ Site Safety Job / Project
☐ ☒ Included in LMCCC

Work Includes:

- ☐ ☒ Prefab wood I-joists
☐ ☒ Structural cold-formed steel
☐ ☒ Open-web steel joists

- ☐ ☒ Landmark
☐ ☒ Environmental Restrictions (Little E or RD)
☐ ☒ Unmapped/CCO Street
☐ ☒ Legalization
☐ ☒ Other, Specify:
☐ ☒ Filed to Comply with Local Law

- ☐ ☒ Restrictive Declaration / Easement
☐ ☒ Zoning Exhibit Record (I,II,III,etc)
☐ ☒ Filed to Address Violation(s)

- ☐ ☒ Work includes lighting fixture and/or controls, installation or replacement [ECC §404 and §505]
☐ ☒ Work includes modular construction under New York State jurisdiction
☐ ☒ Work includes modular construction under New York City jurisdiction
☐ ☒ Structural peer review required per BC §1627 Peer Reviewer License No.(P.E.):
☐ ☒ Work includes permanent removal of standpipe, sprinkler or fire suppression related systems
☐ ☒ Work includes partial demolition as defined in AC §28-101.5, or the raising/moving of a building
☐ ☒ Structural Stability affected by proposed work

BSA Calendar No.(s):

CPC Calendar No.(s):

10 NYCECC Compliance *New York City Energy Conservation Code* (Applicant Statement)

- ☐ To the best of my knowledge, belief and professional judgment, this application is in compliance with the NYCECC.
☐ Energy analysis is on another job number:
 Yes No
☐ ☐ This application is, or is part of, a project that utilizes trade-offs among different major systems
☐ ☐ This application utilizes trade-offs within a single major system
☒ To the best of my knowledge, belief and professional judgment, all work under this application is exempt from the NYCECC in accordance with one of the following:

11 Job Description

INSTALLATION OF HEAVY DUTY SIDEWALK SHED AS PER PLANS NO CHANGE IN USE, EGRESS, OR OCCUPANCY

Related BIS Job Numbers:

Primary application Job Number:

12 Zoning Characteristics

District(s): R8B - GENERAL RESIDENCE DISTRICT R7A - GENERAL RESIDENCE DISTRICT

Overlay(s): C1-5 - LOCAL RETAIL DISTRICT

Special District(s):

Map No.: 12c

Street legal width (ft.):

Street status: ☐ Public ☐ Private

Zoning lot includes the following tax lots: Not Provided

13 Building Characteristics

	Existing	2014/2008 Code Designations?
Occupancy Classification:	R-2 - RESIDENTIAL APARTMENT HOUSES	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Construction Classification:	III-A PROTECTED WOOD JOIST - COMBU	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Multiple Dwelling Classification:	HAEA	
Building Height (ft.):	60	
Building Stories:	6	
Dwelling Units:	31	
Mixed use building?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

14 Fill

☐ Not Applicable ☐ Off-Site ☐ On-Site ☐ Under 300 cubic yards

15 Construction Equipment

<input type="checkbox"/> Chute	<input checked="" type="checkbox"/> Sidewalk Shed	Construction Material: METAL AND WOOD
<input type="checkbox"/> Fence	Size: 55 linear ft.	BSA/MEA Approval No.: 351-74SM
<input type="checkbox"/> Supported Scaffold	<input type="checkbox"/> Other	

16 Curb Cut Description

Not Applicable

17 Tax Lot Characteristics

Not Provided

18 Fire Protection Equipment

Not Applicable

19 Open Spaces**20 Site Characteristics**

Yes No

- ☐ ☒ Tidal Wetlands
☐ ☒ Coastal Erosion Hazard Area
☒ ☐ Fire District

Yes No

- ☐ ☒ Freshwater Wetlands
☐ ☒ Urban Renewal
☐ ☒ Flood Hazard Area

Flood Hazard Area Information:

Yes No

- ☐ ☐ Substantial improvement?
☐ ☐ Substantially damaged?
☐ ☐ Floodshields part of proposed work?

21 Demolition Details

Not Applicable

22 Asbestos Abatement Compliance

- ☒ The scope of work is exempt from the asbestos requirement as defined in the regulations promulgated by the NYC DEP (15 RCNY 1-23(b)) or is an alteration to a building constructed pursuant to plans submitted for approval on or after April 1, 1987, in accordance with §28-106.1.

23 Signs

Not Applicable

24 Comments**Comments for Document 01**

I HEREBY STATE THAT I HAVE EXERCISED A PROFESSIONAL STANDARD OF CARE IN CERTIFYING THAT THE FILED APPLICATION IS COMPLETE AND IN ACCORDANCE WITH APPLICABLE LAWS, INCLUDING THE RULES OF THE DEPARTMENT OF BUILDINGS. AS OF THIS DATE, I AM AWARE THE COMMISSIONER WILL RELY UPON THE TRUTH AND ACCURACY OF THIS STATEMENT. I HAVE NOTIFIED THE OWNER THAT THIS APPLICATION HAS BEEN PROFESSIONALLY CERTIFIED. IF AN AUDIT OR OTHER EXAM DISCLOSES NON-COMPLIANCE, I AGREE TO NOTIFY THE OWNER OF THE REMEDIAL MEASURES THAT MUST BE TAKEN TO MEET LEGAL REQUIREMENTS. I FURTHER REALIZE THAT ANY MISREPRESENTATION OR FALSIFICATION OF FACTS MADE KNOWINGLY OR NEGLIGENTLY BY ME, MY AGENTS OR EMPLOYEES, OR BY OTHERS WITH MY KNOWLEDGE, WILL RENDER ME LIABLE FOR LEGAL AND DISCIPLINARY ACTION BY THE DEPARTMENT OF BUILDINGS AND OTHER APPROPRIATE AUTHORITIES INCLUDING TERMINATION OF PARTICIPATION IN THE PROFESSIONAL CERTIFICATION PROCEDURES AT THE DEPARTMENT OF BUILDINGS.

25 Applicant's Statements and Signatures (See paper form or check Forms Received)

Yes No

- ☐ ☐ For New Building and Alteration 1 applications filed under the 2008 or 2014 NYC Building Code only: does this building qualify for high-rise designation?
☒ ☐ Directive 14 applications only: I certify that the construction documents submitted and all construction documents related to this application do not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy.

26 Owner's Information

Name: PIOTR SIWIEC

Relationship to Owner: MAN AGENT

Business Name: PHOENIX

Business Phone: 718-213-0923

Business Address: 6911 14TH AVENUE 3A BROOKLYN NY 11228

Business Fax:

E-Mail: KLAUDIA@PHOENIXBLDING.COM

Owner Type: PARTNERSHIP

Non Profit: ☐ Yes ☒ No

Yes No

- ☒ ☐ Owner's Certification Regarding Occupied Housing (Remain Occupied)
☐ ☒ Owner's Certification Regarding Occupied Housing (Rent Control / Stabilization)
☐ ☐ Owner DHCR Notification

- ☐ ☐ Owner's Certification for Adult Establishment
☒ ☐ Owner's Certification for Directive 14 (if applicable)

Metes and Bounds

To view metes and bounds, see the Plot Diagram (form PD-1). A scanned image may be available [here](#).

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

Petitioner, the Department of Buildings (DOB), appeals from a recommended decision and order dismissing against Respondent, premises owner, a Class 1 violation of Section 28-302.5 of the Administrative Code of the City of New York (Code) for failure to take required measures to secure public safety. In the notice of violation (NOV), the issuing officer stated that on December 5, 2013, no safety measures were erected at the cited premises even though a FISP3: Notification of Unsafe Conditions had been filed with DOB on November 20, 2013.

At the hearing, Petitioner offered photographs taken by the IO to show the unsafe conditions and the lack of any safety measures, such as netting or a sidewalk shed. Respondent's representative testified that Respondent was unaware that it needed to install safety measures. He claimed that Respondent acted as quickly as possible to commence repairs after receiving its engineer's report of unsafe conditions. He submitted a photograph as proof that a shed was erected on February 21, 2014.

The administrative law judge (ALJ) found that Respondent "immediately commenced the process to do the required repairs, as the section [of law] requires" and dismissed the NOV. The issue on appeal is whether Respondent established that, upon filing the Notification of Unsafe Conditions, it immediately commenced measures to secure public safety.

Applicable law

Pursuant to Code Section 28-302.2, a periodic critical examination of the exterior walls and appurtenances of a building with more than six stories must be conducted by a design professional. Pursuant to Code Section 28-302.4, the design professional is required to file a report of critical examination with DOB certifying the results of such examination as either "safe," "unsafe," or "safe with a repair and maintenance program."

Code Section 28-302.5 provides, in pertinent part:

Upon the notification to the department of an unsafe condition, the owner . . . shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.

1. All unsafe conditions shall be corrected within 30 days of filing the critical examination report

Section 103-04 of Title 1 of the Rules of the City of New York (1 RCNY) implements the inspection, reporting, and safety requirements of Article 302 of Title 28 of the Code. Subparagraph (b)(5) of the rule provides, in pertinent part:

- (i) Upon filing a report of unsafe condition with the Department, the owner of the building . . . shall immediately commence such repairs or reinforcements and any other appropriate measures such as erecting sidewalk sheds, fences, and safety netting as may be required to secure the safety of the public and to make the building's walls and appurtenances thereto conform to the provisions of the Administrative Code.
- (ii) All unsafe conditions shall be corrected within thirty (30) days from the submission of the critical examination report.

The appeal

On appeal, Petitioner contends that the filing of the Notification of Unsafe Conditions triggered Respondent's statutory obligation to immediately take measures to secure public safety. Petitioner contends further that while Code Section 28-302.5 and 1 RCNY Section 103-04 provide a 30-day period to correct all unsafe conditions, they do not provide thirty days to erect safety measures. Petitioner argues that the ALJ's finding that Respondent commenced measures to repair unsafe conditions is not a defense to its failure to immediately take measures to ensure public safety.

In its answer to the appeal, Respondent's representative asserts that the ALJ's decision reflects "an equitable discretion" not to penalize Respondent, which provides quality housing to single-headed households with children who are referred from homeless shelters. Respondent's representative reiterates that Respondent has limited financial resources and has already paid a fine for failing to timely request an extension to make the necessary repairs. He points out that contrary to Petitioner's statement in its appeal, Respondent offered proof at the hearing that a sidewalk shed was erected. He again claims that Respondent did everything it could, given the harsh winter and snow storms, to erect the shed as quickly as possible.

No immediate safety measures taken

On this record, the Board finds that Respondent failed to establish that, upon filing the Notification of Unsafe Conditions, it immediately commenced measures to secure public safety. It is undisputed that Respondent's architect filed a Notification of Unsafe Conditions on November 20, 2013 and that the sidewalk shed was not erected on December 5, 2013, the date of the violation. At the hearing, Respondent's representative asserted that it acted as quickly as possible to erect a sidewalk shed, but it took time to collect bids from contractors and obtain a permit. He offered proof that a sidewalk shed was eventually erected on February 21, 2014.

Contrary to the ALJ's decision, Code Section 28-302.5 does not require that an owner to immediately commence "the process to do the required repairs." Rather, the statute and Section 103-04(5)(b)(i) of 1 RCNY require that an owner immediately take appropriate measures to secure the safety of the public. *See NYC v. Sonesta Towers Inc.* (ECB Appeal No. 1300193, May 30, 2013). That Respondent commenced measures to repair the unsafe conditions is not a defense to the NOV, which charged Respondent with failing to immediately take measures to ensure public safety upon filing the Notification of Unsafe Conditions. Here, Respondent

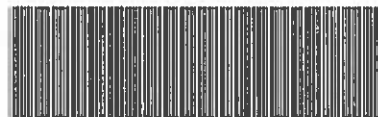
provided no evidence that it immediately hired a contractor who could, without delay, erect a sidewalk shed or take other appropriate measures to safeguard the public from the reported hazardous conditions. Indeed, Respondent's representative stated that Respondent was unaware that it was required to install safety measures upon the filing of the Notification of Unsafe Conditions. Consequently, the Board concludes that Respondent failed to establish a defense to the violation. The Board notes that Respondent's limited finances are not grounds for reducing or waiving the penalty.

Accordingly, the Board reverses the ALJ's recommended decision and order, sustains the NOV, and imposes a civil penalty of \$2,400.



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

HEARING LOCATION:
OATH Hearings Division
66 John Street
10th Floor
New York, NY 10038
(844) 628-4692



1427899315E155B772D

Method of Appearance
Live Hearing

DECISION

Summons #: 035253787X (1 Summons)
Hearing Date: August 24, 2017

To EBMG, LLC
393 Old Country Road
Suite 204
Carle Place, NY 11514

City of New York v. 205 E 10TH OWNERS

Total Civil Penalty: \$0.00

I Summons(es) was/were issued to the Respondent On the record before me, and upon the Further Findings of Fact/Conclusions of Law stated below, I find as follows and, where applicable, order payment and compliance.

SUMMONS 035253787X
PLACE OF OCCURRENCE 205 EAST 10 STREET MANHATTAN
DATE OF OCCURRENCE 05/08/2017
ISSUING OFFICER/AGENCY 2864 DOB
INFRACTION CODE B1E4
CHARGE 28-302.5
DISPOSITION DISMISSED

CIVIL PENALTY IMPOSED \$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW


SUMMONS 035253787X 28-302.5

Pierre Rivera, Esq. and Anil Singh, Esq. appeared for Petitioner. Jonathan Weiss, Esq. appeared on behalf of Respondent, 205 E. 10th Owners, with Scott Kamen, RA.

Mr. Kamen testified that on 5/2/17, he filed the unsafe report because one area of the building would need work within 12 months. There was a piece of steel that had deteriorated, but it did not pose any imminent danger. The same day, there was a contractor at the site taking measurements for a shed. It usually takes about 2 weeks to get a permit and another week to erect a shed, but this Summons was issued on 5/8/17.

Mr. Rivera presented evidence that the application for the shed was not filed until 5/26/17 and a permit was issued 5/30/17. This was too long a delay. He presented a copy of Appeal No. 1400306, which pointed out that the section cited and Section 103-04(5)(b)(i) require that an owner "immediately take appropriate measures to secure the safety of the public." and argued that, since the application was not filed until 5/26/17, the issue in this case is the meaning of "immediately."

I note that unsafe report was filed on 5/2/17 and that this Summons was issued on 5/8/17. I find the testimony of Mr. Kamen to be credible and sufficient to show that Respondent took immediate steps to obtain a contractor and that the building posed no immediate danger to the public. This Summons is hereby dismissed.

TOTAL CIVIL PENALTY: \$0.00		
		
Thu Aug 2017 08/24/17 13:49:54	Control 2	08/24/2017
Rosalind K Berlow, Hearing Officer		Date

PAYMENT DUE WITHIN TEN (10) DAYS
READ BACK OF THIS ORDER – PROTECT YOUR RIGHTS



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Manhattan Office
66 John Street 10th Floor, New York, NY 10038
(844) 628-4692

NOTICE OF APPEARANCE

Summons Number(s): 035253787X
Respondent: 205 E 10TH OWNERS
Respondent/Representative: 205 E 10TH OWNERS
Decision Mail Address: 525 NORTHERN BLVD
GREAT NECK, NY 99999

Respondent/Representative Signature

(FOR OATH USE ONLY)

The aforementioned participant appeared before me on this 24th day of August 2017

- ☐ Hearing adjourned (You will have to return to OATH on a date in the future.)
☐ Decision reserved (The hearing is complete. You will receive a decision in the mail.)

Additional Comments: _____

Rosalind K Berlow NYC1506 0657



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Manhattan Office
66 John Street 10th Floor, New York, NY 10038
(844) 628-4692

NOTICE OF APPEARANCE

Summons Number(s): 035253787X
Respondent: 205 E 10TH OWNERS
Respondent/Representative: Jonathan Weiss
Decision Mail Address: 393 Old Country Road, Suite 204
Carle Place, NY 11514

Respondent/Representative Signature

(FOR OATH USE ONLY)

The aforementioned participant appeared before me on this 24th day of August 2017

- ☐ Hearing adjourned (You will have to return to OATH on a date in the future.)
☐ Decision reserved (The hearing is complete. You will receive a decision in the mail.)

Additional Comments: _____

Rosalind K Berlow NYC1506 0657