



**THE CITY OF NEW YORK
ENVIRONMENTAL CONTROL BOARD**

HEARING LOCATION:
Environmental Control Board
66 John Street
10th Floor
New York, NY 10038
(212) 361-1400



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Method of Appearance
Live Hearing

DECISION AND ORDER
Violation #: 000262944P (1 NOV)
Hearing Date: July 19, 2010

To: Paul Volodarsky Esq
80 Maiden Lane
Suite 507
New York, NY 10038

City of New York v. VASQUEZ HELI L.

Total Civil Penalty: \$0.00

I Notice(s) of Violation (NOV(s)) 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.

NOV: 000262944P
PLACE OF OCCURRENCE: XX E 84 ST-EAST END AVE MANHATTAN
DATE OF OCCURRENCE: 05/25/2010
ISSUING OFFICER/AGENCY: II10 BAR
ECB CODE: BN10
CHARGE: A.C. 24-218(A)
DISPOSITION: DISMISSED
CIVIL PENALTY IMPOSED: \$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

NOV: 000262944P A.C. 24-218(A)

Paul Volodarsky, Esq. appeared as the authorized representative for respondent, Heli L. Vasquez.
DEP representative McCoy appeared on petitioner's behalf.

Mr. Volodarsky moved to dismiss the violation on the ground that it fails to state a cause of action for the section of law cited. He argued that 1) the facts alleged in the violation state that "sound level readings were taken approximately 15". 24-218 provides that sound must be measured at a distance of "15 feet or more from the source".

I find that the facts alleged in the violation do not state with sufficient specificity that the sound was measured from a distance of 15 feet or more. An approximation does not satisfy the requirements set forth in the provision. Moreover, petitioner fails to allege that the distance was measured from the source of the noise.

Accordingly, the violation is dismissed.

TOTAL CIVIL PENALTY: \$0.00

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		07/19/2010
Mon Jul 20 10 07:19:10 18:03:54	JUL 21 2010	
Nancy Gold, Administrative Law Judge		Date

**PAYMENT DUE WITHIN TEN (10) DAYS
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