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**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



908641812B21088EBF

Method of Appearance  
Live Hearing

**DECISION AND ORDER**  
Violation #: 034806619H (1 NOV)  
Hearing Date: September 16, 2010

To: COHEN HOCHMAN & ALLEN  
80 MAIDEN LN.  
SUITE 507  
NEW YORK, NY 10038

City of New York v. THE NIEUW BROOME  
TNTS. CORP.

**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: 034806619H  
PLACE OF OCCURRENCE: 458 BROOME STREET MANHATTAN  
DATE OF OCCURRENCE: 01/21/2010  
ISSUING OFFICER/AGENCY: 2459 DOB  
ECB CODE: B106  
CHARGE: AC 27MISCAC28MISCBCMI  
DISPOSITION: DISMISSED

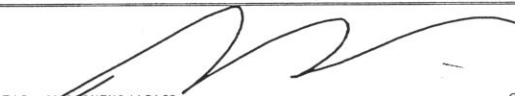
CIVIL PENALTY IMPOSED: \$0.00

**FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:**

NOV: 034806619H AC 27MISCAC28MISCBCMI

Petitioner DOB was represented by Mr. Kelly Kamen. Respondent appeared by attorney Mr. Bradley Green, along with witnesses Mr. John Peachy and Mr. Mark Dorrence. The NOV alleges a violation of NYC Building Code 903.3.5, insufficient sources of water supply for sprinkler system. The NOV alleges that the water supply for the sprinkler system at 458 Broome St. ("the subject premises") crosses over from 456 Broome St. and that there is no access in the cellar of the subject premises to the shut-off valve. The hearing had been previously adjourned for the testimony of issuing Inspector DiStefano, but ECB was informed that the issuing inspector is no longer available to testify. Mr. Kamen submitted 11 photographs taken by the issuing inspector as petitioner's exhibits 1-11. It was stipulated that 458 and 456 Broome St. were under common ownership. Mr. Peachy testified that he is the architect for the subject premises, and was familiar with the sprinkler system for the subject premises. He stated that while the water supply for the sprinkler system runs from the adjacent building at 456 Broome St., there is a dedicated sprinkler control shut-off valve in the cellar of the subject premises, which has been in place since 1964. Respondent submitted photographs showing the shut-off valve as respondent's exhibits 1-4. Mr. Dorrence testified that he resides at the subject premises and is the co-op president. Mr. Dorrence stated that he was present when Inspector DiStefano performed his inspection, and that the sprinkler shut-off valve in the subject premises was not readily apparent because a partition had been erected in the cellar, but that the valve was there and has not been altered since the inspection, other than having been painted green. Mr. Dorrence also said the partition was removed to make the valve more easily visible, but that even with the partition it was accessible at the time of inspection. I find respondent's evidence credible. I find that there was a dedicated sprinkler shut-off valve in the cellar of the subject premises at the time the NOV was issued, and that the water source for the sprinkler system in the subject premises is sufficient. Accordingly the NOV is hereby dismissed.

**TOTAL CIVIL PENALTY: \$0.00**

		09/17/2010
Fri Sep 24 09/17/10 14:54:22	Control	
Philip Sturges, Administrative Law Judge	<b>SEP 24 2010</b>	Date

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