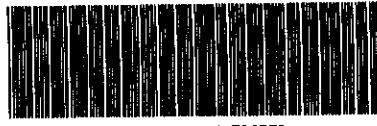


Copy



**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



1093601812F747865E8

Method of Appearance
Live Hearing

DECISION AND ORDER
Violation #: 034851722Z (1 NOV)
Hearing Date: April 14, 2011

To: Robert B Hochman Esq
80 Maiden Lane
room506
NY, NY 10038

City of New York v. FORSYTH STREET LLC

Total Civil Penalty: \$0.00

1 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: 034851722Z
PLACE OF OCCURRENCE: 62-64 FORSYTH STREET MANHATTAN
DATE OF OCCURRENCE: 05/26/2010
ISSUING OFFICER/AGENCY: 2411 DOB
ECB CODE: B109
CHARGE: BC 3301.2 AC 27 1009A
DISPOSITION: DISMISSED

CIVIL PENALTY IMPOSED: \$0.00

FURTHER FINDINGS OF FACT/CONCLUSIONS OF LAW:

NOV: 034851722Z BC 3301.2 AC 27 1009A
348-517-22Z

Sarah F. Phillips appeared for the petitioner, submitted a section of law and three photos of the conditions. Ms Phillips made a motion to amend the cited section to section 3307.3.1, a class 2. Robert Hochman Esq. appeared for the respondent and denied the violation. Mr. Hochman stated that the original cited section of law section 3301.2 refers to contractors and the respondent is the owner therefore the violation should be dismissed. A copy of the deed was submitted. Mr. Hochman objected to the motion to amend, and also stated that the scaffold was not in use. Inspector Filingeri testified that he was present at the location of the date of the violation but did not issue this violation. Inspector Filingeri testified that there was evidence present on the building that work was being done.

The motion to amend is denied. I find that the amended section 3307.3.1 does not comport with the facts as alleged in the violation. The details of the violation state that a sidewalk shed should be erected and the suggested new section 3307.3.1 relates to the requirements of a sidewalk shed. Additionally, I find that the cited section applies to contractors and the respondent is the owner of the premises. Accordingly, the violation is dismissed.

TOTAL CIVIL PENALTY: \$0.00

APR 25 2011

Wed Apr 2011 04/20/11 15:58:25

Control 5

04/20/2011

Regina T Kilhenny, Administrative Law Judge

Date

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