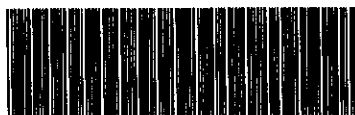




**THE CITY OF NEW YORK  
ENVIRONMENTAL CONTROL BOARD**

**HEARING LOCATION:**  
Environmental Control Board  
233 Schermerhorn Street  
11th Floor  
Brooklyn, NY 11201  
(718) 875-7428



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**Method of Appearance**  
Live Hearing

**SUPERSEDING DECISION AND ORDER**

Violation #: 034854240J (1 NOV)  
Hearing Date: March 23, 2011

To: COHE HOCHMAN ALLEN  
80 Maiden Ln.  
New York, NY 10038

City of New York v. YULING ZHOU

**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: 034854240J

PLACE OF OCCURRENCE: 375 56 STREET BROOKLYN

ISSUING OFFICER/AGENCY: 2339

ECB CODE: B127

CHARGE: AC BC1020.2

DISPOSITION: DISMISSED

CIVIL PENALTY IMPOSED:

\$0.00

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

NOV: 034854240J BC1020.2

Bradley Green, Esq., the authorized representative of the Respondent Yuling Zhou, appeared at today's hearing. Also appearing was the Respondent Yuling Zhu. Appearing for the Petitioner, the Department of Buildings was Vivian Currie. Also appearing for the Petitioner was officer Anthansios. The Respondent is charged with failure to provide an unobstructed passage for egress the cited premises in that there was a motor vehicle parked in passageway in the vicinity of fire escape, causing the obstruction.

The Petitioner stated that it is moving under BC Section 1020.2

The Petitioner supplied photographs, made a part of this file, to support its claim.

Upon cross examination, it was revealed that the officer took the photographs from behind a locked gate. Petitioner offered no photographs from inside the gate, where the car was parked.

The Respondent produced photographs from within the gate, which reveal that the car was parked behind a steel gate. The fire escape ladder is located in front of the steel gate, preventing motor vehicles from blocking the fire escape ladder.

The Petitioner alleged that the locked gate also blocked egress.

The Respondent countered that the locked gate is attached to a fence the running in front of the building, which has an opening for pedestrians accessible at all times. The Respondent stated that there is a pedestrian accessible walkway between the building and the fence that runs in front leading to the aforesaid opening for pedestrians. The Respondent supplied photographs and a building plan made a part of this file to support this claim.

I credit the Respondent's testimony and evidence.

The Petitioner stated that the when a vehicle is parked in the cited passageway, as on the date of this alleged occurrence, there is not enough room for egress on the side of the vehicle, even if the ladder is not impeded.

An exit passageway is defined as an exit component that is separated from all other interior spaces of a building or structure by fire resistant rated construction and opening protective, and provides for a protected path of egress travel in a horizontal direction to the exit discharge or public way. Thus an exit passageway is an enclosed horizontal path used only for egress. It is not an outdoor yard or alleyway behind or on the side of a building.

BC 1020.2 relates to an exit passageway.

As such, I find that the cited statute is not applicable to facts contained in the instant Notice of Violation.

Accordingly, the Notice of Violation is dismissed.

**TOTAL CIVIL PENALTY: \$0.00****MAR 24 2011**

03/23/2011

Wed Mar 2011 03/23/11 16:36:48

Control 5

Steven Epstein, Administrative Law Judge

Date

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