

NYCServ Violation Copy

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34844602Z



NOTICE OF VIOLATION AND HEARING



COMMISSIONER OF THE DEPARTMENT OF BUILDINGS
OF THE CITY OF NEW YORK, PETITIONER, AGAINST

Violation No. 34844602Z
ENVIRONMENTAL CONTROL BOARD

Respondent	First name (or entity name) 10TH AVE FREEZE-OUT		Last name LLC	
<input type="checkbox"/> Mailing address (Check if same address as place of occurrence)	Number and street 155 Ave of the Americas	City New York	State NY	Zip code 10013
Additional mailing to be sent (agent, care of, other):		License No. (if Applicable) 00 39086-GC		
Name	First name	Last name	Company	
Mailing address	Number and street	City	State	Zip code

Commissioner's Order To Correct Violations

Place of occurrence	Boro	Date of violation	Type	Dist.	Code	No.
303 10 AVE	M	05/05/10	C	ST	Hm	03
Construction type	BIN No.	No. of stories	Block	Lot	Occupancy at time of inspection	Basis of violation
NB 10493517	1012415	13	699	33	Under Const.	Complaint #

Based on an inspection of the premises and/or records of the Department, the undersigned has determined that you are in violation of the sections of law cited below, of Title 27, Title 28 of the NYC Administrative Code, the NYC Construction Codes, the NYC Zoning Resolution, the Reference Standards and/or Titles 1 and/or 2 of the Rules of the City of New York.

Violating Conditions Observed	Stop Work Order	Class 1	Class 2	Class 3	Recurring Condition
	<input type="checkbox"/> Full <input type="checkbox"/> Partial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Infraction Code	Provision of Law	Description
B209	BC 3301.2	failure to safeguard all persons and property affected by construction operations.

As reported by site safety manager, tarp paper on bulkhead got fire while grinding metal. FDNY called.
The respondent did not take precautions to avoid fire on combustible material from construction operation.
No fire extinguisher observed at the place of incident.

Remedy: safeguard all person & property at all times.

ILLEGAL CONVERSION - CLASS 1. Per 28-202.1 & 1RCNY 102-01, additional daily penalties for continued violation of 28-210.1 also applicable.

Per 28-202.1 & 1RCNY 102-01, additional "Class 1" daily or "Class 2" monthly penalty also applicable. Aggravated II Condition per 1RCNY 102-01(f)

The Commissioner of the Department of Buildings orders that you correct these conditions and file a certificate of such correction.

Important Information: As detailed in §28-201.4 and Section 102-01 of Subchapter B of Title 1 of the Rules of the City of New York, violations may be subject to aggravated penalties of the first order, which shall be imposed in accordance with the ECB Buildings Penalty Schedule.

Resolution options

CURE DATE:

HEARING DATE: 6/24/10 at 8:30 AM 10:30 AM 1:30 PM

If a date appears in the box above, you may have the option to admit the violation and certify correction by the "cure date." By doing so, you avoid a hearing before the Environmental Control Board and any penalties which would be assessed at the hearing. Note: Depending on the violation, non-ECB civil penalties may apply before a cure can be granted. For more information, see reverse side of the respondent copy of this Notice of Violation.

Environmental Control Board hearing locations:

- Queens, (718) 298-7300 - 144-06 94th Avenue, 1st fl.
- Manhattan, (212) 361-1400 - 66 John Street, 10th fl.
- Brooklyn, (718) 875-7428 - 233 Schermerhorn Street, 11th fl.
- Bronx, (718) 993-6110 - 3030 3rd Ave., 2nd fl.
- Staten Island, (212) 361-1400 - 350 St. Marks Place, 1st fl.

Proceedings will be held under the authority of the NYC Charter section 1049-a and the rules promulgated thereunder. This hearing is your opportunity to answer and defend against the allegations set forth above. Failure to appear, unless an appearance is not required through availability of a Cure or Stipulation (see reverse), will result in a default and imposition of maximum penalties.

For more information. To reschedule your hearing or inquire about the case status, call the Environmental Control Board at the numbers listed above. For information on certifying correction of this violation, read instructions on the Certificate of Correction form, call the Department of Buildings at 311, or download the "ECB Violation Reference Guide" in the Reference Materials section at www.nyc.gov/buildings.

Issuing officer's last name, first initial (print): HUA. M

Badge number: 1231614 Unit Code: B15

Supervisor's signature: [Signature]

I personally observed the violation(s) charged and/or verified their existence through review of departmental records.

Issuing officer's signature: [Signature]

This statement is affirmed under penalty of perjury.

34844602Z
ECB-PC (Rev. 9/08)

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