

Facsimile Transmission



ENVIRONMENTAL LAW DIVISION
NEW YORK CITY LAW DEPARTMENT
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From: Carrie Noteboom
Assistant Corporation Counsel
Subject: BCEQ et al. v. City DEF
To: Ezra Glaser, Esq

Date: 8/29/08
Pages: (inc. cover page) 21
Fax No.: 718-601-7278

- Urgent For Review Please Comment Please Reply Please Recycle

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• **Comments:**

As referenced in my cover letter of this morning, attached please see the Affidavit of Marshall Kaminer with exhibits A, B + C.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE BRONX**

In the Matter of the Application of

THE BRONX COUNCIL FOR ENVIRONMENTAL QUALITY (BCEQ), IRA CHARLES LEVENBERG, both individually and in his official capacity as BCEQ President, THE FORT INDEPENDENCE PARK NEIGHBORHOOD ASSOCIATION (FIPNA), PHILIP MCDONNELL, both individually and in his official capacity as FIPNA President, ASSEMBLY MEMBER JEFFREY DINOWITZ, both individually and in his official capacity, COUNCIL MEMBER G. OLIVER KOPPELL, both individually and in his official capacity, MARIO BENITEZ, ANTHONY PEREZ CASSINO, FRANCIS A. CHAPMAN, MICHAEL GARY, FATHER RICHARD GORMAN, SONIA LAPPIN, DAMIAN MCSHANE, MORRIS PALEVSKY, SAUL SCHEINBACKH, LYNN SCHWARZ, and CAROLYN SMITH,

Petitioners/Plaintiffs,

-against-

THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP), THE NEW YORK CITY DEPARTMENT OF BUILDINGS, THE CITY OF NEW YORK, and MICHAEL S. BLOOMBERG, individually and in his official capacity as Mayor of the City of New York,

Respondents/Defendants.

STATE OF NEW YORK)
)
) ss.:
COUNTY OF THE BRONX)

MARSHALL A. KAMINER, P.E. being duly sworn, states:

1. I am the Bronx Borough Commissioner for the New York City Department of Buildings ("DOB"), and have served in this position since 2002. As Borough

**AFFIDAVIT OF
MARSHALL A. KAMINER
IN SUPPORT OF THE
CITY'S ANSWER AND IN
OPPOSITION TO THE
PETITION**

Index No.: 260287/08
IAS Part 8 (Stinson, J.)

Commissioner, I am responsible for the entire operations of DOB Bronx borough office. Among other things, I oversee the City's administration and enforcement of the building code and building permit requirements in the Bronx. In this capacity, I have been involved in DOB's consideration of whether water tunnels, and appurtenant water shafts and other structures, including specifically the water treatment plant currently under construction in Van Cortlandt Park, require DOB permits. This affidavit is based on my personal knowledge, review of City records, and conversations with City employees.

2. I submit this affidavit in opposition to petitioners' request for declaratory and injunctive relief. It is my understanding that petitioners seek a judgment declaring, among other things, that the treatment plant (known as the "Croton Water Treatment Plant") now under construction by the City Department of Environmental Protection ("DEP") in Van Cortlandt Park to treat a portion of the City's drinking water was required to obtain a building permit from DOB. Further, I have been informed by counsel that at the argument before the Court on July 29, 2008, at which the Court issued a Temporary Restraining Order enjoining DEP from conducting any blasting at Jerome Park Reservoir, counsel for petitioners also asserted that DEP was required to obtain a building permit from DOB for the shafts DEP is constructing at Jerome Park Reservoir that connect to the water tunnels leading to and from the Croton Water Treatment Plant.

3. As further explained below, petitioners' claims are without merit and should be denied. First, the Croton Water Treatment Plant has been under active construction since late 2004. I have been informed by counsel that Petitioners' challenge to DOB conclusions as to the building permits required to construct the Plant is years too late. But in any event, as DOB confirmed several years ago, consistent with the City Charter, DEP did not need to obtain a

building permit from DOB to construct the Croton Water Treatment Plant since the Plant is directly appurtenant to a water tunnel. Second, the City Charter does not require DEP to obtain building permits from DOB for underground water tunnels and directly appurtenant shafts. The shafts being constructed at Jerome Park Reservoir, and water tunnels they will connect to, are such underground water tunnels and shafts.

4. Section 643(7) of the Charter provides, in part:

... that *the jurisdiction of the [DOB], except for the testing and approval of power-operated cranes and derricks used for construction, alteration, demolition, excavation and maintenance purposes and the licensing of the operators of such equipment, the regulation, inspection and testing of gas and electricity used for light, heat and power purposes, electric, gas and steam meters, electric wires and lights and the regulation, inspection and testing of wiring and appliances for electric light, heat and power, shall not extend to waterfront property owned by the city and under the jurisdiction of the department of ports, international trade and commerce or to the following structures on any such waterfront property; wharves, piers, docks, bulkheads, structures on any such waterfront property, wharves, piers, docks, bulkheads, structures wholly or partly thereon, or to such other structures used in conjunction with or in furtherance of waterfront commerce or navigation, or to bridges, tunnels or subways or structures appurtenant thereto.*"

(emphasis added).

5. Consistent with this, DOB has long recognized that DEP's underground water tunnels that carry drinking water into and through the City, and the shafts directly appurtenant to those tunnels, do not require building permits. As mentioned above, this includes the shaft at Jerome Park Reservoir that I understand is at issue here. For example, almost 20 years ago, Deputy Commissioner Cornelius Dennis, P.E, wrote a memorandum to Bronx Borough Superintendent Ernest Cocolicchio explaining that under section 643 of the Charter, DOB did not have jurisdiction over facilities located at DEP's Jerome Avenue Pumping Station

that were appurtenant to and to be used in connection with the subsurface water tunnel on the site. A copy of that memorandum, dated November 15, 1989, is attached as Exhibit A.

6. More recently, in June 2006 DOB confirmed that the Croton Water Treatment Plant itself also does not require a building permit, as it is directly appurtenant to the water tunnels that bring the raw untreated water to the Plant and carry the treated water from the Plant to City consumers. (See DOB Objections dated June 14, 2006, attached as Exhibit B.) DOB concluded that the Plant is directly appurtenant to the water tunnels based on the functional relationship between the Plant and the tunnels - they are necessarily physically connected in order for the Plant to perform its function of treating the raw water flowing into the Plant and sending the treated water to City consumers. Thus, DOB determined that the Croton Water Treatment Plant is not subject to its jurisdiction under section 643(7) of the Charter and for this reason disapproved DEP's applications for a building permit for the Plant on June 13, 2006.

7. However, as set forth in section 643(7), DOB retains jurisdiction over other aspects of the work associated with the Croton Water Treatment Plant construction, including power-operated cranes and derricks, electrical work, and all work associated with elevators. In addition, DOB retains jurisdiction over any structure or work not permanently connected to the appurtenant structure, such as temporary trailers, stair towers and scaffolds.


8. After DOB's determination, DEP withdrew its applications for a building permit for the water tunnels leading to and from the Croton Water Treatment Plant in October 2006 and for the Plant itself in July 2007. The information concerning DOB's disapproval of the applications and withdrawal of DEP's application is available on-line on DOB's Business Information System ("BIS") database. Copies of several pages from BIS related to the Water Treatment Plant and permit filings for the Plant are attached as Exhibit C. As can be seen, the

BIS database report notes DOB's disapproval of DEP's applications in June 2006 and DEP's withdrawal of its applications in October 2006 and July 2007.

9. In July 2008, I received an email inquiry from Karen Argenti referring to a report for the Plant that Ms Argenti apparently downloaded from BIS. Ms. Argenti asked about the status of a new building permit for the Plant and questioned the withdrawal of the application in 2006. In response, consistent with paragraph 6 above, I explained the limitation on DOB's jurisdiction under section 643(7) of the City Charter. (I am advised that a copy of that email and my response are attached as Exhibit K to the Affirmation of Ezra Glaser, dated July 30, 2008, submitted in support of petitioners' request for an Order to Show Cause.)

Conclusion

10. For the reasons set forth above, I respectfully request that the Court deny Petitioners' verified petition.


MARSHALL A. KAMINER, P.E.

Sworn to before me this
29th day of August, 2008.


Notary Public

DEBORAH GLAVIN
Notary Public, State of New York
No. 02GL0094425
Qualified in New York County
Commission Expires June 18, 2011

EXHIBIT A



[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings
Property Profile Overview

3701 JEROME AVENUE
JEROME AVENUE

3701 - 3701

BRONX 10467

Health Area :
Census Tract :
Community Board :
Buildings on Lot : 6

BIN# 2112995

Tax Block : 5600
Tax Lot : 1
Condo : NO
Vacant : NO

[View DCP Addresses...](#)

[Browse Block](#)

[View Certificate of Occupancy](#)

DOB Special Place Name:	WATER FILTRATION PLANT-MOSHOLU		
DOB Building Remarks:	(906)		
Landmark Status:		Special Status:	N/A
Local Law:	NO	Loft Law:	NO
SRO Restricted:	NO	TA Restricted:	NO
UB Restricted:	NO		
Little 'E' Restricted:	N/A	Grandfathered Sign:	NO
Legal Adult Use:	NO	City Owned:	YES
Additional BINs for Building:	NONE		

Special District: NONE

Department of Finance Building Classification: Q1-OUTDOOR RECREATIO

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	
Complaints	0	0	Elevator Records
Violations-DOB	0	0	Electrical Applications
Violations-ECB	0	0	Permits In-Process / Issued
Jobs/Fillings	6		Illuminated Signs Annual Permits
ARA / LAA Jobs	0		Plumbing Inspections
Total Jobs	6		Open Plumbing Jobs / Work Types
Total Actions	0		Escalator
			Marquee Annual Permits
			Boiler Records
			DEP Boiler Information

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

NYC Department of Buildings
Application Details

Premises: 3701 JEROME AVENUE BRONX
BIN: 2112995 Block: 5900 Lot: 1

JUMP TO: Doc 2 Go

Job No: 201048221

Document: 02 OF 2

Job Type: NB - NEW BUILDING

Document Overview	Items Required	Virtual Job Folder	All Permits	Schedule A	Schedule B
Fees Paid	Forms Received		All Comments	C/O Summary	Plumbing Inspections
	Plan Examination			C/O Preview	

* DOC WITHDRAWN ON 10/05/06 *

Last Action: PLAN EXAM - DISAPPROVED 06/13/2006 (J)

Pre-Filed: 04/25/2006 Building Type: Other Estimated Total Cost: \$0.00
 Date Filed: 04/26/2006 Fee Structure: EXEMPT Filing Method: PAPER
 Review is requested under Building Code: 1968

Job Description Comments

1 Location Information (Filed At)

House No(s): 3701 Street Name: JEROME AVENUE
 Borough: Bronx Block: 5900 Lot: 1 BIN: 2112995 CB No: 207
 Work on Floor(s): _____ Apt/Condo No(s): _____

2 Applicant Information

Name: VINCENT J ZIPPARO
 Business Name: MONTGOMERY WATSON HARZA
 Business Address: 36 STONERIDGE DRIVE S. BARRINGTON IL 60010
 E-Mail: _____
 Business Phone: 312-831-3336
 Business Fax: _____
 Mobile Telephone: _____
 License Number: 695031

Applicant Type: P.E. R.A. Sign Hanger Other

Directive 14 Applicant of Record

Not Provided

Previous Applicant

Not Applicable

3 Filing Representative

Name: LAN BARNES
 Business Name: IGB ASSOCIATES BROOKLYN NAVY YARD
 Business Address: 63 FLUSHING AVENUE UNIT 134 BKLYN NY 11205
 E-Mail: _____
 Business Phone: 718-822-2266
 Business Fax: _____
 Mobile Telephone: _____
 Registration Number: _____

4 Filing Status

[Click Here to View](#)

5 Job Types

Alteration Type 1 New Building

LAW DEPARTMENT

Fax:1-2127881619

Aug 29 2008 15:30 P.10

- Change in Exits/Egress
- Change in Number of Stories
- Change in Number of Dwelling Units
- Change in Room Count / Dwelling Units
- Change in Occupancy / Use
- Change Inconsistent with current Cert. of Occup.
- Alteration Type 1, OT "No Work"
- Alteration Type 2
- Alteration Type 3
- Sign
- Full Demolition
- Subdivision: Improved
- Subdivision: Condo

Directive 14 acceptance requested? Yes No

6 Work Types

- BL - Boiler
- FP - Fire Suppression
- SP - Sprinkler
- OT - GEN CONSTR
- FA - Fire Alarm
- MH - Mechanical
- EQ - Construction Equipment
- FB - Fuel Burning
- PL - Plumbing
- CC - Curb Cut
- FS - Fuel Storage
- SD - Standpipe

7 Plans/Construction Documents Submitted

- NP - No Plans
- AR - Architectural
- FO - Foundation
- ST - Structural
- BP - BPP Checklist
- ME - Mechanical
- ZO - Zoning
- DM - Demolition (Full/Partial)
- OT - Other
- EN - Energy Analysis
- PL - Plumbing

8 Additional Information

Not Applicable

9 Additional Considerations, Limitations or Restrictions

See 01 Document for this information

10 ECCCNYS Compliance (Applicant Statement)

Not Provided

11 Job Description

TO CONSTRUCT WATER TUNNELS AT SUB-SURFACE (PSE UG 8D) THE TUNNELS ARE BEING CONSTRUCTED FROM THE NEW CROTON ARQUEDUCT TO THE CROTON WATER TREATMENT PLAN T AND FROM THE COTON TREATMENT PLANT TOTHE JEROME PARK RESERVOI, ALON WITH ASSO CITED SHAFTS AND IMPROVEMENTS.

Related BIS Job Numbers:

Primary application Job Number:

12 Zoning Characteristics

See 01 Document for this information

13 Building Characteristics

See 01 Document for this information

14 Fill

See 01 Document for this information

15 Construction Equipment

Not Applicable

16 Curb Cut Description

Not Applicable

17 Tax Lot Characteristics

See 01 Document for this information

18 Fire Protection Equipment

See 01 Document for this information

19 Open Spaces

Not Provided

20 Site Characteristics

See 01 Document for this information

21 Demolition Details

Not Applicable

22 Asbestos Abatement Compliance

23 Signs
Not Applicable

24 Comments

Comments for Document 02

TO CONSTRUCT WATER TUNNEL AT SUB-SURFACE (PUBLIC SERVICE ESTABLISHMENT UG B D). THE TUNNELS ARE BEING CONSTRUCTED FROM THE NEW CROTON AQUEDUCT TO THE C ROTON WATER TREATMENT PLANT AND FROM THE CROTON TREATMENT PLANT TO THE JERO ME PARK RESEVOIR, ALONG WITH ASSOCIATED SHAFTS AND IMPROVEMNTS.

25 Applicant's Statements and Signatures (See paper form or check Forms Received)
See 01 Document for this information

26 Owner's Information

Name: ALFONSO LOPEZ

Relationship to Owner: NYC DEP DEPUTY

Business Name: NYC DEP

Business Address: 05-05 HORACE HARDING EXPRESSWAY QUEENS NY
11368

E-Mail:

Non Profit: Yes No

Business Phone: 718-695-5050

Business Fax:

Owner Type: 12 - UNKNOWN

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



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NYC Department of Buildings
Application Details

Premises: 3701 JEROME AVENUE BRONX
BIN: 2112995 Block: 5900 Lot: 1

Job No: 201049212

Document: 01 OF 1

Job Type: NB - NEW BUILDING

Document Overview	Items Required	Virtual Job Folder	All Permits	Schedule A	Schedule B
Fees Paid	Forms Received		All Comments	C/O Summary	Plumbing Inspections
	Plan Examination			C/O Preview	

* JOB WITHDRAWN ON 07/16/07 *

Last Action: PLAN EXAM - DISAPPROVED 06/13/2006 (J)

Pre-Filed: 04/25/2006 Building Type: Other Estimated Total Cost: \$0.00
 Date Filed: 05/18/2006 Fee Structure: EXEMPT Filing Method: PAPER
 Review is requested under Building Code: 1988

[Job Description](#) [Comments](#)

1 Location Information (Filed At)

House No(s): 3701 Street Name: JEROME AVENUE
 Borough: Bronx Block: 5900 Lot: 1 BIN: 2112995 CB No: 212
 Work on Floor(s): _____ Apt/Condo No(s): _____

2 Applicant Information

Name: ALAN S NATTER
 Business Name: HAZEN AND SAWYER PC Business Phone: 212-539-7108
 Business Address: 498 SEVENTH AVE. 11TH FL NEW YORK NY Business Fax:
 10018 Mobile Telephone:
 E-Mail: License Number: 056701

Applicant Type: P.E. R.A. Sign Hanger Other

Directive 14 Applicant of Record

Not Applicable
Previous Applicant
Not Applicable

3 Filing Representative

None

4 Filing Status

[Click Here to View](#)

5 Job Types

- Alteration Type 1
 - Change in Exits/Egress
 - Change in Number of Stories
 - Change in Number of Dwelling Units
 - Change in Room Count / Dwelling Units
 - Change in Occupancy / Use
 - Change Inconsistent with current Cert. of Occup.
 - New Building
 - Alteration Type 2
 - Alteration Type 3
 - Sign
 - Full Demolition
 - Subdivision: Improved
 - Subdivision: Condo
- Directive 14 acceptance requested? Yes No

LAW DEPARTMENT

Fax: 1-212-788-1619

Aug 29 2008

15:30

P. 13

6 Work Types

- BL - Boiler
- FP - Fire Suppression
- SP - Sprinkler
- OT - GEN CONSTR
- FA - Fire Alarm
- MH - Mechanical
- EQ - Construction Equipment
- FB - Fuel Burning
- PL - Plumbing
- CC - Curb Cut
- FS - Fuel Storage
- SD - Standpipe

7 Plans/Construction Documents Submitted

- NP - No Plans
- AR - Architectural
- BP - BPP Checklist
- DM - Demolition (Full/Partial)
- EN - Energy Analysis
- FO - Foundation
- ME - Mechanical
- OT - Other
- PL - Plumbing
- ST - Structural
- ZO - Zoning

8 Additional Information

Enlargement proposed?

- No Yes
- Horizontal Vertical

Total Construction Floor Area: 1,093,042 sq.ft.

9 Additional Considerations, Limitations or Restrictions

Yes No

- Structural peer review required per BC §1827
- Filed to Comply with Local Law
- Other, Specify:
- Restrictive Declaration / Easement
- Zoning Exhibit Record (I,II,III,etc)
- Landmark
- Filed to Address Violation(s)
- Legalization (1/1/99+)
- "Little E" Hazmat Site
- Unmapped Street
- Adult Establishment
- Compensated Development (Inclusionary Housing)
- Low Income Housing (Inclusionary Housing)
- Single Room Occupancy (SRO) Multiple Dwelling
- Filing includes Lot Merger / Reapportionment (If Yes,17)
- Includes permanent removal of standpipe, sprinkler or fire suppression related systems
- Work includes partial demolition as defined in AC §28-101.8
- Structural Stability affected by proposed work

Peer Reviewer License No.(P.E.):

Local Law No./Year:

Yes No

- Included in LMCCC
- Infill Zoning
- Loft Board
- Quality Housing
- Site Safety Job / Project

BSA Calendar No.(s):

CPC Calendar No.(s):

10 ECCCNYS Compliance (Applicant Statement)

Not Provided

11 Job Description

Not Applicable

12 Zoning Characteristics

District(s): R6 - GENERAL RESIDENCE DISTRICT

Overlay(s):

Special District(s):

Map No.: 1D

Street legal width (ft.):

Street status: Public Private

Zoning lot includes the following tax lots: Not Provided

Proposed: Use

Zoning Area (sq.ft.)

District

FAR

Proposed Totals:

Existing Total:

Proposed Lot Details:

Lot Type: Corner Interior Through

Lot Coverage (%):

Lot Area (sq.ft.):

Lot Width (ft.):

Proposed Yard Details:

No Yards Or

Front Yard (ft.):

Rear Yard (ft.):

Rear Yard Equivalent (ft.):

Side Yard 1 (ft.):

Side Yard 2 (ft.):

Enclosed Parking? Yes No No. of parking spaces:

13 Building Characteristics

Primary structural system: Masonry Concrete (CIP) Concrete (Precast) Wood
 Steel (Structural) Steel (Cold-Formed) Steel (Encased In Concrete)

Proposed

Structural Occupancy Category:
Seismic Design Category:

Occupancy Classification: D-2 - INDUSTRIAL (LOW HAZARD)
Construction Classification: 4 HOUR PROTECTED
Multiple Dwelling Classification:
Building Height (ft.): 95
Building Stories: 2
Dwelling Units:

2008 Code Designations?
 Yes No
 Yes No

Mixed use building? Yes No

14 Fill

Not Applicable Off-Site On-Site Under 300 cubic yards

15 Construction Equipment

Chute Sidewalk Shed Construction Material: PLYWOOD
 Fence Size: linear ft. BSA/MEA Approval No.: FENCE
 Supported Scaffold Other

16 Curb Cut Description
Not Applicable

17 Tax Lot Characteristics
Not Provided

18 Fire Protection Equipment

	Existing		Proposed		Existing		Proposed		
	Yes	No	Yes	No	Yes	No	Yes	No	
Fire Alarm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sprinkler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Suppression	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Standpipe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19 Open Spaces

	Existing	Proposed		Existing	Proposed
Plaza Area (sq.ft.):			Arcade Area (sq.ft.):		
Parking Area (sq.ft.):		10,225	Parking Spaces (no.):		36
Loading Berths (sq.ft.):			Loading Berths (no.):		3

20 Site Characteristics
Not Provided

21 Demolition Details
Not Applicable

22 Asbestos Abatement Compliance
Not Applicable

23 Signs
Not Applicable

24 Comments

Comments for Document 01
THE CROTON WASTER TREATMENT PLANT(WTF) TREATMENT PROCESS AREA WILL BE LOCATED ON 3 LEVELS BELOW GROUND ELEVATION. THESE FLOORS ARE DESIGNATED CELLAR 2(FOUNDATION LEVEL) CELLAR (LOWER LEVEL) AND CELLAR (OPENING LEVEL). THE ARRIVALS AND RECEIVING BUILDING(ARB) HAS TWO STORIES ABOVE GROUND AND PROVIDES ACCESS TO THE WTF. THE FLOORS OF THE ARB ARE DESIGNATED FLOOR 1. (GROUND

LAW DEPARTMENT Fax:1-2127881619 Aug 29 2008 15:31 P.15
PROVIDES AN AREA FOR UNLOADING CHEMICALS USED IN THE WATER TREATMENT PROCESS.THE FLOORS IN THE CFB ARE DESIGNATED FLOOR 1 AND FLOOR 2.

OK PER WERNER DEFOE

25 Applicant's Statements and Signatures (See paper form or check Forms Received)

Yes No

- For New Building and Alteration 1 applications filed under the 2008 NYC Building Code only: does this building qualify for high-rise designation?
- Directive 14 applications only: I certify that the construction documents submitted and all construction documents related to this application do not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy.

26 Owner's Information

Name: ALFONSO LOPEZ

Relationship to Owner: DEPUTY COMMISSI

Business Name: NYC DEPARTMENT OF ENVIRONMENTAL

Business Phone: 718-595-5050

Business Address: 96-05 HORSE HARDING EXPRESSWAY CORONA NY 11368

Business Fax:

E-Mail:

Owner Type: 12 - UNKNOWN

Non Profit: Yes No

Yes No

- Owner's Statement for Energy Conservation Construction Code of NYS
- Owner's Certification Regarding Occupied Housing (Remain Occupied)
- Owner's Certification Regarding Occupied Housing (Rent Control / Stabilization)
- Owner DHCR Notification
- Owner's Certification for Adult Establishment
- Owner's Certification for Directive 14 (if applicable)

Mets and Bounds

Beginning at a point on the WEST side of JEROME AVENUE

Distant ft. NORTHWEST of the corner formed by the intersection of JEROME AVENUE and BAINBRIDGE AVENUE

Running Thence: SO 1090 . 43 ft.

Thence: WE 898 ft.

Running Thence: NO 741 . 92 ft.

Thence: EA 168 . 37 ft.

Running Thence: NO 86 ft.

Thence: EA 989 . 32 ft.

Running Thence: NO 171 . 89 ft.

Thence: 0 ft.

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialling 311 or (212) NEW YORK outside of New York City.

EXHIBIT B



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICE
80 HUDSON STREET, NEW YORK, NY 10018

CHARLES M. SMITH, Jr., R.A., Commissioner

CORNELIUS F. DENNIS, P.E.
Deputy Commissioner
312-8180

MEMORANDUM

DATE: November 15, 1989
TO: Borough Superintendent Ernest Coccolicchio, P.E.
FROM: Deputy Commissioner Cornelius F. Dennis, P.E.
SUBJECT: Department of Environmental Protection
NYC Water Tunnels
NYC Charter

The Jerome Avenue Pumping Station is located on the west side of Jerome Avenue and north of Van Cortlandt Avenue East and is shown on map 1d of the New York City Zoning Resolution as located in a CB-2 zone.

Section 643 of the New York City Charter provides for the jurisdiction of the Department of Buildings and states in part.

"the jurisdiction of the department, except for ... gas and electricity ... shall not extend to ... tunnels or ... storm drains appurtenant thereto."

Therefore the existing pumping station garage and shops all appurtenant to the NYC water tunnels located at the Jerome Avenue Pumping Station are not under the jurisdiction of this agency. A new one story building of about 7485 sq. ft. for use in the construction, operation and maintenance of the cities water tunnels, to be constructed on the same site, is also not under the jurisdiction of this department and need not be filed and may be constructed and occupied without a permit or certificate issued by this agency.

Section 1403 of the New York City Charter provides that the Commissioner of the Department of Environmental Protection has control of and is responsible for all functions relating to an adequate supply of water. Such agency is therefore empowered to enforce the applicable provisions of the New York City Building Code and such other codes as may be applicable to the construction contemplated.

Application 20014108 is to be marked withdrawn.

Enclosure: Letter dated 11/6/89 from D.S.P.

cc: Commissioner Smith
General Counsel Foy
Assistant Commissioner Berger
Executive Engineer Polsky
Borough Superintendents
file

2



Marshall A. Kammer, P.E.
Borough Commissioner

1332 Arthur Avenue
Brooklyn, NY 10457
NYC.gov/buildings

718.679.0031
718.679.0707 fax
marshall@buildings.nyc.gov

EXHIBIT C

LAW DEPARTMENT

Fax:1-2127881619

Aug 29 2008 15:32 P.20

ATTACHMENT 2
CONTRACT 313

NYC BUILDINGS

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS
www.nyc.gov/buildings

MANHATTAN 17
340 BROADWAY 3RD FLOOR
NEW YORK, NY 10007

BROOK 09
1032 ARTHUR AVENUE
BROOK, NY 10407

BROOKLYN 07
215 JOHNSON STREET
BROOKLYN, NY 11201

QUEENS 10
120-02 QUEENS BLVD.
QUEENS, NY 11434

STATEN ISLAND 18
6000 HALL ST. GEORGE
STATEN ISLAND, NY 10981

DOB Application # 201049221	Examiner: Paul Ransom, P.E.	Date: 06/14/06
	Application Type: Alteration Type	Doc (s):
	Address / Location: 3701 Jerome Avenue	Block: 3900
	Zoning District: R6(1c)	Lot: 1

Examiner's Signature: *Paul Ransom*

To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the plan examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

Obj. #	Doc #	Section of Code	Objections	Date Received	Comments
1.		Dept Memo 11/13/89	Application to be withdrawn as per Department Memorandum dated 11/15/1989 (see sketch attached to spindle).		
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THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS
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MANHATTAN (5)
240 BROADWAY 3RD FLOOR
NEW YORK, NY 10007

BRONX (6)
1132 ARTHUR AVENUE
BRONX, NY 10467

BROOKLYN (3)
210 JERUSALEM STAGE
BROOKLYN, NY 11201

QUEENS (4)
120-48 QUEENS BLVD.
QUEENS, NY 11424

STATEN ISLAND (8)
5000 HALL - ST. GEORGE
STATEN ISLAND, NY 10314

DOB Application # 201049212	Examiner: Paul Ransom, P.E.		Date: 06/14/06
	Application Type: Alteration Type		Doc (s):
	Address / Location: 3701 Jerome Avenue		Block: 5900
	Zoning District: R6(1d)		Lot: 1
	Examiner's Signature: <i>Paul Ransom</i>		

To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the plan examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

Obj. #	Doc #	Section of Code	Objections	Date Resolved	Comments
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