



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 049499652R et al. (1 Summons) THE NEW YORK CITY DEPARTMENT OF SANITATION, -against- 650 M LLC Hearing Date: 06/23/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
049499652R	Dismissed	10/25/2025	650 Melrose Avenue Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AS06	A.C. 16-118(2)(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The summons alleges a violation of NYC Administrative Code 16-118(2)(a) and states that the inspector observed a large accumulation of debris scattered on the sidewalk during the established routing hour.

The agency that issued the summons, the Department of Sanitation, did not appear at the hearing.

Lindsay Garroway, Esq. for the respondent, 650 M LLC.

Respondent moved to dismiss the violation stating the premises was a mixed-use building and the violation should have been

issued during commercial routing Hours. Respondent submitted supporting documentation. Respondent did not offer testimony or evidence regarding the merits of the violation.

NYC Administrative Code 16-118(2)(a) requires that property owners keep the areas abutting their buildings free from garbage, refuse, rubbish, litter, debris and other offensive material. This includes sidewalks, flagging, curbstones, and air shafts, areaways, backyards, courts and alleys, as well as the roadway area extending 18 inches from the curbstone into the street in front of/at the side of the building.

A respondent may establish a reasonable efforts defense to a Code Section 16-118(2)(a) charge by showing that sufficient efforts were made on a daily basis, including the date of offense, to keep the cited area clean by frequent, regular, and thorough inspections, and cleanings or pick-ups of the area upon observation of debris. See *NYC v. Annmarie C. Forrest*, Appeal No. 1400168 (April 24, 2014). Once-daily cleanings are insufficient to establish a reasonable efforts defense. See *NYC v. Si Li*, Appeal No. 1500781 (September 25, 2015).

Even if the garbage is deposited by high winds, Respondent is still required to keep the cited area free of debris at all times, regardless of the source of debris. See *NYC v. Joan Brown-Claxton*, Appeal No. 46206 (October 25, 2007).

I credit the factual allegations in the summons which support a violation of the cited code section. However, the summons , here, was issued to the owner of a mixed used building. Building owners of mixed used properties are not entitled to the grace period extended to commercial tenants. Nevertheless, I find that the violation was improperly issued to the owner of a mixed-use building during residential routing hours. Respondent's evidence credibly established that this was a multiple dwelling with commercial tenants. DSNY's enforcement policy is that violations issued for dirty sidewalks should not be issued to owners of mixed-use premises during residential routing hours, unless the commercial space is vacant or no longer in regular operation. See *NYC v. David Rivera* (Appeal No. 0900564, January 21, 2010). Accordingly, the summons is dismissed.

Ilene Sussman

06/23/2026

06/23/2026

Ilene Sussman, Judicial Hearing Officer

Date