



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: 039097381J et al. (1 Summons) DEPT OF BUILDINGS, -against- N W R E 202 CORP Hearing Date: 06/10/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
039097381J	Sustained	10/16/2023	202-01 NORTHERN BOULEVARD Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	B203	28-118.3.2	Sustained	\$1,250.00

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on June 10, 2025.

Respondent N W R E 202 CORP was represented by Phoebe Dossett, Esq.

Deanna Burbridge, Esq. appeared on behalf of petitioner DOB.

The summons charges: 28-118.3.2

Petitioner stated that they rely on the summons and submitted a package of evidence including photos taken by the inspector and the certificate of occupancy.

Respondent testified that they are moving to dismiss in that the use cited by the summons was not contrary to the C of O. The C of O states that the property is in Occupancy Group C. Respondent submitted the definition of Occupancy Group C which states:

ARTICLE 5 OCCUPANCY GROUP C – MERCANTILE

§[C26-304.1] 27-248 Classification-Buildings and spaces shall be classified in the mercantile occupancy

group when they are used for display and sales of goods accessible to public inspection. Highly combustible or flammable goods, such as those made of pyroxylin products, shall be limited to small quantities that do not constitute a high hazard; if not so limited, the occupancy shall meet the requirements for high hazard occupancies when the latter are more restrictive than the corresponding

requirements for the mercantile classification.

Respondent argues that the use of the cited property is within the definition of "Mercantile" as defined in Group C and is therefore allowed.

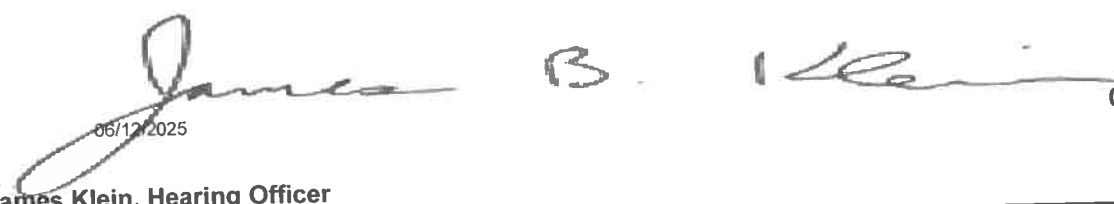
Petitioner states that the classification in the C of O was created to allow the cited property to be used as a car lot and the respondent has improperly converted it into a tire shop against the C of O. In addition, petitioner argues that the cited property would violate the requirements Occupancy Group C in that the amount and storage conditions of the tires, as depicted in the inspector's photos, would constitute an improper use by the terms of the part of the definition of Occupancy Group C which states "Highly combustible or flammable goods, such as those made of pyroxylin products, shall be limited to small quantities that do not constitute a high hazard."

Petitioner argues that the tires are highly flammable goods and the large amount of the tires at the cited property does constitute a high hazard.

I credit the summons details and the photos submitted by the petitioner and I find that the petitioner has established a valid charge against the respondent. The tires stored at the cited property are highly flammable goods. As the tires are not "limited to small quantities" as required in properties included in Occupancy Group C, I find that the large amount of the tires at the cited property, and the manner in which they are stored, does constitute a high hazard in violation of the C of O.

I also find that the respondent has not established a valid defense.

The summons is sustained.

 06/12/2025	06/12/2025
James Klein, Hearing Officer	Date