



THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD
U.S.P.S. 0114-660

Printed on paper containing
40% post-consumer material

VOLUME CXXXV NUMBER 210

WEDNESDAY, OCTOBER 29, 2008

PRICE \$4.00

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THE CITY RECORD MICHAEL R. BLOOMBERG, Mayor

MARTHA K. HIRST, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

Published Monday through Friday, except legal holidays by the Department of Citywide Administrative Services of the City of New York under Authority of Section 1066 of the New York City Charter.

Subscription—\$500 a year; daily, \$4.00 a copy (\$5.00 by mail) Periodicals Postage Paid at New York, N.Y.
POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, Room 2208, New York, N.Y. 10007 - 1602

Editorial Office
1 Centre Street, Room 2208
New York N.Y. 10007-1602
Telephone (212) 669-8252

Subscription Changes/Information
1 Centre Street, Room 2208
New York N.Y. 10007-1602
Telephone (212) 669-8252

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

STATEN ISLAND BOROUGH PRESIDENT

MEETING

Staten Island Borough Board, Conference Room 122 at 5:30 P.M. on Wednesday, November 5, 2008 at Borough Hall - Stuyvesant Place, Staten Island, New York 10301.

o27-n5

BUSINESS INTEGRITY COMMISSION

MEETING

Pursuant to Section 104 of the Public Officers Law, notice is hereby given of an open meeting of the Commissioners of the New York City Business Integrity Commission. The meeting will be held on Friday from 10:00 A.M. to 12:00 P.M. on November 7, 2008 at Spector Hall, 22 Reade Street, 1st Floor, New York, New York.

o27-30

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held in Spector Hall, 22 Reade Street, New York, New York on Wednesday, October 29, 2008, commencing at 10:00 A.M.

BOROUGH OF BROOKLYN No. 1 BED-STUY GATEWAY BID

CD 3 N 090095 BDK
IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the Bed-Stuy Gateway Business Improvement District pursuant to Section 25-405 of the Administrative Code of the City of New York, as amended, concerning the formation of the Bed-Stuy Gateway Business Improvement District.

BOROUGH OF MANHATTAN Nos. 2 & 3 WEST 143RD STREET APARTMENTS No. 2

CD 10 C 080501 HAM
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
 - the designation of property located at 148 West 143rd Street (Block 2011, Lot 57), as an Urban Development Action Area; and
 - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a six-story residential building, tentatively known as West 143rd Street Apartments, with approximately 34 residential units.

No. 3

CD 10 C 080502 PQM
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 148 West 143rd Street (Block 2011, Lot 57).

BOROUGH OF QUEENS

No. 4

BOARD OF ELECTIONS WAREHOUSE

CD 1 C 090056 PCQ
IN THE MATTER OF an application submitted by the Board of Elections and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 37-18 Northern Boulevard (Block 214, Lot 40) for use as a warehouse facility.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone No. (212) 720-3370

o14-29

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, November 19, 2008, commencing at 10:00 A.M.

BOROUGH OF THE BRONX

No. 1

FOOD CENTER DRIVE

CD 2 C 070443 MMX
IN THE MATTER OF an application, submitted by the Economic Development Corporation and the Department of Small Business Services, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the

City Map involving:

- the establishment of Food Center Drive and Hunt's Point Landing east of Halleck Street;
- the elimination, discontinuance and closing of Hunt's Point Avenue between Halleck Street and the U.S. Bulkhead Line, Farragut Street between Hunt's Point Avenue and the U.S. Bulkhead Line, Viele Avenue between Halleck Street and Hunt's Point Avenue, and a portion of Ryawa Avenue between Halleck Street and Hunt's Point Avenue;
- the widening of Halleck Street between Hunt's Point Avenue and Viele Avenue;
- the modification and delineation of sewer corridors necessitated thereby;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

in accordance with Map No. 13120 dated June 20, 2008 and signed by the Borough President.

BOROUGH OF MANHATTAN AND THE BRONX

No. 2

RANDALL'S ISLAND CONNECTOR

CD 11 M C 080533 PCY
CD 1 X
IN THE MATTER OF an application submitted by the Department of Transportation, the Department of Parks and Recreation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for site selection and acquisition of easements (Block 2543, p/o Lot 1 and Block 2583, p/o Lot 2) for use as a pedestrian and bicycle pathway.

BOROUGH OF MANHATTAN

No. 3

CROSBY STREET HOTEL

CD 2 C 080505 ZSM
IN THE MATTER OF an application submitted by Crosby Street Hotel LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14 (D)(2)(b) to allow Use Group 5 uses (hotel use) and/or Use Group 6 uses (retail uses) to be located below the floor level of the second story of a proposed 11-story building on property located at 79 Crosby Street a.k.a. 246 Lafayette Street (Block 496, Lots 1 & 29), in an M1-5B District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 4

CLINTON DISTRICT THEATER BONUS

CD 4 N 080184(B)ZRM
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Resolution of the City of New York, concerning Article IX Chapter 6 (Special Clinton District)

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article IX - Special Purpose Districts

Chapter 6
Special Clinton District

* * *
96-20
PERIMETER AREA

* * *
96-25
Floor Area Bonus for New Legitimate Theater Use

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING), ~~three additional square feet of #floor area# may be provided for each square foot of new legitimate theater #use#, the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space", which, for the purposes of this Section 96-25 shall mean space to be used as a legitimate theater or for non-profit performing arts use.~~ Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions ~~shall exist~~ have been met:

(a) ~~the total #floor area ratio# on the #zoning lot# shall not exceed 15.0;~~

(b)(a) all #floor area# for any performance space for which a bonus is received pursuant to this Section shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, ~~lounges~~, ticket offices, rest rooms, and circulation space. Any other use of the bonused performance space shall not comprise more than 25% of the total #floor area# of such performance space;

(c)(b) ~~the theater~~ such performance space shall be designed, arranged and used ~~exclusively~~ for live performances and rehearsals of drama, music or dance and shall have at least ~~99~~ 100 fixed seats and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats, and adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats. Performance space for which a bonus is received pursuant to this Section shall only be used for non-profit performing arts use provided the #development# or #enlargement# contains at least two performance spaces used exclusively for performances of legitimate theater;

(c) a letter from the Department of Cultural Affairs shall be submitted certifying that:

(1) a signed lease shall be ~~has been~~ provided from ~~a~~ the prospective ~~theater~~ operator of the performance space, or a written commitment from the owner of the ~~theater~~ performance space if such owner is also the operator, for occupancy of the ~~theater~~ performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;

(2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;

(3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural, and mechanical systems, necessary to ensure that such performance space will operate efficiently for its intended use, and

(4) a plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work; a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work, and

(5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.

(d) a legal commitment ~~shall be~~ ~~has been~~ provided for inspection and ongoing maintenance of the ~~theater~~ performance space to ensure its continued availability for ~~theater~~ #use# as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission, and the Commissioner of the Department of Cultural Affairs and the applicable Community Board, and notice of such report shall be published in the City Record. Such report shall describe the condition of the ~~theater~~ performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the ~~theater~~ performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(e) a legal commitment ~~shall be~~ ~~has been~~ provided for continuance of the #use# of all #floor area# in the bonused performance space for which a bonus has been received pursuant to this Section as a legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of subparagraphs (1), (2) and (3) of paragraph (c) of this Section have been met as to the proposed operator and, where substantial renovation of the performance space, as defined by

the Commissioner of the Department of Cultural Affairs, is being proposed in conjunction with the change of operator, that the provisions of subparagraphs (3) and (4) have been met as to such substantial renovation. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the ~~theater~~ performance space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson of the City Planning Commission under the terms of such declaration, and receipt of ~~such~~ a certified copy of such declaration, shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Chairperson through consultation with the Commissioner of the Department of Cultural Affairs has certified that the ~~theater~~ performance space is substantially complete, which shall, for this purpose, mean that such ~~theater~~ performance space is usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for ~~such portion of~~ the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for ~~such portion~~, the #development# or #enlargement# until the ~~theater~~ performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the ~~Chairperson~~ Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any Temporary or Final Certificate of Occupancy for the #building#.

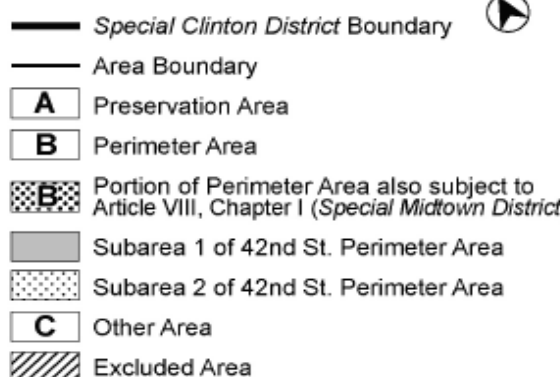
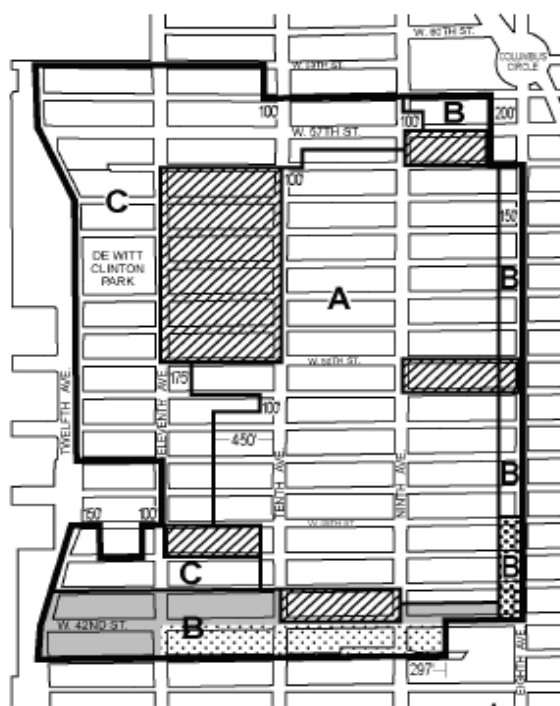
Notwithstanding the foregoing, the Chairperson of the City Planning Commission may accept a declaration of restrictions, or, in the case of a certification issued by the Chairperson of the City Planning Commission prior to [effective date of text amendment], a modified declaration of restrictions, which shall allow the owner to apply for and accept, and the Department of Buildings to issue, temporary and permanent certificates of occupancy for the portion of the #development# or #enlargement# which utilizes the increased #floor area# permitted pursuant to this Section prior to substantial or final completion of the performance space, as the case may be, provided that, under the terms of such declaration of restrictions or modified declaration of restrictions, the owner shall not apply for or accept temporary certificates of occupancy for any such portion of the #development# or #enlargement# unless and until:

(a) the Commissioner of the Department of Cultural Affairs has certified that the core and shell of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner; and

(b) ownership of the performance space has been transferred to the prospective operator

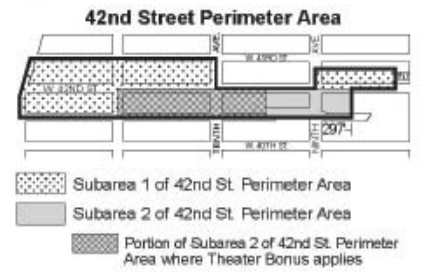
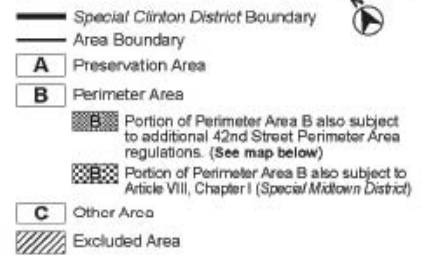
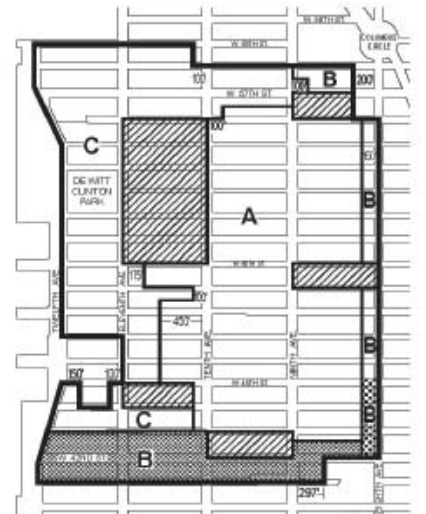
* * *

EXISTING MAP
Special Clinton District



PROPOSED MAP

Special Clinton District



BOROUGH OF QUEENS

No. 5
NYPD VEHICLE STORAGE FACILITY

CD 13 **C 090087 PSQ**
IN THE MATTER OF an application submitted by the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property generally bounded by Rockaway Boulevard and North Boundary Road (Block 14260, p/o Lot 1) for use as evidence vehicle storage.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

o29-n19

COMMUNITY BOARDS

PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 3 - Monday, November 3, 2008 at 7:00 p.m., Restoration Plaza, 1368 Fulton Street - lower level, Brooklyn, NY

Public Hearing on a request by Peaches' Restaurant regarding a letter of support for an Alcoholic Beverage Control Retail license at 393 Lewis Avenue.

New Destiny Housing Corp. request for a letter of support to develop vacant land at 287-293 Bainbridge Street of a mixed-income affordable rental project containing 30 units.

Bethany Baptist Church request to co-name MacDonough Street between Marcy Avenue and Malcolm X Boulevard to Rev. Dr. William A. Jones Way.

o29-n3

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, November 5, 2008 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

o27-n5

HEALTH AND HOSPITALS CORPORATION

MEETING

In accordance with §7384 (10) of the Corporation's Enabling Act, The Board of Directors of MetroPlus Health Plan, Inc., invite you to attend the following annual public meeting:

MANHATTAN, TUESDAY, DECEMBER 2nd, 2008, 5:00 P.M., New York City Health and Hospitals Corporation, 125 Worth Street, 5th Floor Board Room, New York, NY 10013. Advance Registration Deadline: Friday, 11/28/08.

Following a report on the activities of the Corporation, the public is invited to make oral and/or written comments. Speaking time is five (5) minutes and speakers are asked to register in advance of the registration deadline by faxing Ms. Kathleen Nolan, Secretary to the Board, at (212) 908-8620, or calling her at (212) 908-8730. In person registration at the location on the day of the meeting begins at 4:00 P.M. and ends at 5:00 P.M. Wheelchair access is available. Speaking preference is given to those who pre-register.

o27-31

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Thursday, **November 13, 2008**, at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 09-1155 - Block 8066, lot 1-20 Center Drive - Douglaston Historic District
A ranch style house built 1961. Application is to construct an addition. Zoned R1-2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 09-3550 - Block 8012, lot 14-25-04 West Drive - Douglaston Historic District
A new house designed by T.F. Cusanelli and built in 2008. Application is to install air-conditioning units.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 08-6374 - Block 1964, lot 18-115 St. James Place - Clinton Hill Historic District
An Italianate style rowhouse built c. 1865. Application is to construct rear yard and rooftop additions. Zoned R6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-0409 - Block 261, lot 47-42 Garden Place - Brooklyn Heights Historic District
An Eclectic style house built in 1861-1879. Application is to construct a rear yard addition, and alter the rear facade. Zoned R6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-3123 - Block 1222, lot 38-1298 Bergen Street - Crown Heights North Historic District
A Renaissance Revival style rowhouse designed by F. K. Taylor and built c. 1898. Application is to construct a rear yard addition. Zoned R6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-7133 - Block 180, lot 22-345 Greenwich Street - Tribeca West Historic District
A Renaissance Revival style store and loft building built in 1896. Application is to establish a master plan governing the future replacement of windows throughout the building.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-0609 - Block 475, lot 7508-37 Greene Street - SoHo-Cast Iron Historic District
A store building designed by Richard Berger and built in 1883-1884. Application is to construct a rooftop addition and alter the rear facade. Zoned M1-5B.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-3639 - Block 634, lot 4-727 Washington Street - Greenwich Village Historic District
A Renaissance Revival style rowhouse built in 1894 by Thom & Wilson, altered in 1940 by Alfred A. Tearle, and by Steven Mensch in 1990. Application is to alter the facade and install lot line windows. Zoned C61.

BINDING REPORT
BOROUGH OF MANHATTAN 09-1042 - Block 544, lot 16-425 Lafayette Street - Joseph Papp Public Theater-Individual Landmark, NoHo Historic District
An Italianate style building, originally the Astor Library, designed by Alexander Saeltzer, Griffith Thomas, and Thomas Stent, and built in 1849-1881. Application is to alter the sidewalk, construct a stoop, and install signage, lighting, and rooftop mechanical equipment.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-1235 - Block 529, lot 72-65 Bleecker Street - Bayard-Condict Building-Individual Landmark A Sullivan style office building designed by Louis Sullivan and built in 1897-99. Application is to alter the rear facade.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-8125 - Block 511, lot 1-568 Broadway - SoHo - Cast Iron Historic District
A Beaux-Arts style store and loft building built in 1895-97. Application is to replace windows.

ADVISORY REPORT
BOROUGH OF MANHATTAN 09-3721 - Block 777, lot 777- West 14th Street and 9th Avenue - Gansevoort Market Historic District
A street pattern laid out in 1811 and developed beginning in the 1840s. Application is to install of street furniture and paving.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-3271 - Block 673, lot 1-220 12th Avenue - West Chelsea Historic District
An American Round Arch style warehouse building designed by George B. Mallory and Otto M. Beck and built in 1890-91. Application is to install light fixtures.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-2511 - Block 698, lot 18-515-521 West 26th Street - West Chelsea Historic District
A vernacular brick factory building designed by Abraham Ratner and built in 1921; a daylight factory building designed by Rouse & Goldstone and built in 1911; a brick daylight factory building with Arts and Crafts style elements designed by Harris H. Uris and built in 1913-14. Application is to construct rooftop additions. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-3491 - Block 823, lot 68-46 West 22nd Street - Ladie's Mile Historic District
A late Italianate style dwelling built in 1850, altered in 1872 by William H. Hume, and altered for commercial use in 1907 by John B. Franklin. Application is to install new storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-8585 - Block 820, lot 31-11-13 West 18th Street - Ladies' Mile Historic District
A building originally built in 1849 and altered in the early 20th Century Commercial style in 1921. Application is to legalize the installation of windows without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-3052 - Block 822, lot 30-5 West 20th Street - Ladies' Mile Historic District
An Italianate style dwelling built in 1852 and altered in 1904 to accommodate storefronts at the first and second stories. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 07-0396 - Block 822, lot 70-54-62 West 21st Street - Ladies' Mile Historic District
A neo-Renaissance style, designed by Maynicke and Franke and built in 1909-1910. Application is to legalize storefront loft building the installation of a flagpole, light fixtures and conduits without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-4084 - Block 1287, lot 69-2 East 52nd Street, aka 651-653 Fifth Avenue - Morton and Nellie Plant House
An Italianate style townhouse designed by Robert W. Gidson and built in 1905. Application is to install awnings at the upper floors and to legalize the installation of three flagpoles without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-2049 - Block 1205, lot 34-320 Central Park West - Upper West Side/Central Park West Historic District
An Art Deco style apartment building designed by Emery Roth and built in 1930-31. Application is to establish a master plan governing the future replacement of windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 08-8662 - Block 1388, lot 17-922 Madison Avenue - Upper East Side Historic District
An Italianate/neo-Grec style residential building, designed by J.W. Marshall and built in 1871, and altered in 1928 by Harry Hurwit. Application is to legalize the installation of awnings without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-1536 - Block 1378, lot 23-717 Madison Avenue - Upper East Side Historic District
Two neo-Grec style rowhouses built in 1877 and altered in 1923 with the construction of two-story commercial extension designed by Charles E. Birge. Application is to replace the storefront infill and construct a full lot rear yard addition. Zoned C5-1.

o29-n13

OFFICE OF THE MAYOR

PUBLIC HEARINGS

NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAWS

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that proposed local laws numbered and titled hereinafter have been passed by the Council and that a public hearing on such proposed local laws will be held in the Blue Room at City Hall, Borough of Manhattan, New York City, on **Monday, November 3, 2008 at 9:30A.M.:**

Int. 500 - A Local Law to amend the administrative code of the city of New York, in relation to renaming six thoroughfares and public places, Hillside Avenue, Borough of Queens, Douglas Road, Borough of Queens, Little Neck Road, Borough of Queens, Cherry Street, Borough of Queens, Willow Street, Borough of Queens, Boulevard, Borough of Queens and to amend the official map of the city of New York accordingly.

Int. 608 - A Local Law to amend the administration code of the city of New York, in relation to renaming a portion of Shore Parkway in the Borough of Queens and to amend the official map of the city of New York accordingly.

Int. 776 - A Local Law to amend the administration code of the city of New York, in relation to renaming six thoroughfares in the Borough of Queens, Burlingham Court,

James Court, McKee Avenue, Calhoun Road, Moncriff Drive and Lockwood Court, and to amend the official map of the city of New York accordingly.

Int. 815 - A Local Law to amend the administration code of the city of New York, in relation to renaming one thoroughfare in the Borough of Manhattan, River Terrace and to amend the official map of the city of New York accordingly.

Int. 824-A - A Local Law to amend the administration code of the city of New York, in relation to filing of registration statements by owners of dwellings.

Int. 845 - A Local Law to amend the New York city charter, in relation to term limits for elected officials.

Michael R. Bloomberg
Mayor

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of City Legislative Affairs, 253 Broadway, 14th Floor, New York, NY 10007, (212) 788-3678, no later than **five business days prior to the public hearing**. TDD users call Verizon relay service.

o29

VOTER ASSISTANCE COMMISSION

MEETING

Bi-Monthly Open Meeting, Thursday, October 30, 2008, 1:00 P.M. - 3:00 P.M. at NYC Department of Youth and Community Development/DYCD, 156 Williams Street, 2nd Floor, Julius Kellogg Auditorium.

o28-30

COURT NOTICE

SUPREME COURT

NOTICE

RICHMOND COUNTY IA PART 74 NOTICE OF ACQUISITION INDEX NUMBER (CY) 4018/08

In the Matter of Application of the CITY OF NEW YORK, relative to acquiring title in fee simple absolute to certain real property where not heretofore acquired for the

GRANTWOOD RETENTION BASIN

located in the area generally bounded by Shotwell Avenue to the east, Tyron Avenue to the south, Grantwood Avenue to the west, and Woodrow Road to the north, in the Borough of Staten Island, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 74 (Hon. Abraham G. Gerges, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on October 9, 2008, the application of the City of New York to acquire certain real property, for the GRANTWOOD RETENTION BASIN, was granted and the City was thereby authorized to file an acquisition map with the Office of the Clerk of Richmond County. Said map, showing the property acquired by the City, was filed with the Clerk of Richmond County on October 9, 2008. Title to the real property vested in the City of New York on October 9, 2008.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot
1	5676	1

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before October 9, 2009 (which is one (1) calendar year from the title vesting date), to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL §504, the claim shall include:

- the name and post office address of the condemnee;
- reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL §503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PIN# 13007DJJ001 – DUE 11-14-08 AT 3:00 P.M. – CORRECTION: The NYC Department of Juvenile Justice (DJJ) is seeking one or more appropriately qualified vendors to provide non-secure detention services for youth. Services shall include, but not be limited to, custody, basic youth care, food, clothing, shelter, education, health care, recreation, court related services, social work and case management services, social skills instruction, group sessions and monitoring and supervision of these services. In addition, the contract will require that a defibrillator shall be located in each program facility and that all staff requiring CPR training shall be certified in use of said defibrillator.

Each program facility will provide at least 10 and no more than 12 beds in accordance with the applicable regulations promulgated by the New York State Office of Children and Family Services (NYS OCFS), 9 N.Y.C.R.R. Section 180 et seq. The Department is seeking to provide services at facilities that will be operational at any time from January 1, 2007 to December 31, 2010. A vendor may submit an offer for more than one Facility Option. Current Agency vendors operating non-secure group homes that have contracts expiring in calendar year 2006 are urged to respond to this solicitation.

All program facilities shall be appropriately equipped to provide services for male or female youth as required by the Department, and be located in one of the five boroughs. The term of the contracts awarded from this solicitation will be for three years and will include an additional three-year option to renew. The anticipated maximum average annual funding available for each contract will be \$1,067,000, excluding start-up costs. Proposed start-up costs will be considered in addition to the proposed annual line item budget. Greater consideration will be given to applicants offering more competitive prices.

If your organization is interested in being considered for award of the subject contract, please hand deliver a written expression of interest addressed to my attention at 110 William Street, 13th Floor, New York, NY 10038. The expression of interest should specifically address the following:

1. Indicate each program facility for which the vendor is submitting.
2. Describe each proposed facility, its location, and proposed date of operation.
3. Attach appropriate documentation demonstrating the current use of each proposed facility and the vendor's site control of the facility for a period of at least 3 years.
4. For each proposed facility,
 - a) Indicate the number of beds to be provided and demonstrate that the facility has the capacity to provide the indicated number of beds.
 - b) Demonstrate that the facility will be appropriately equipped to provide services for male or female youth.
5. Demonstrate the vendor's organizational capability to:
 - a) Provide the indicated number of beds at each proposed facility. (If the vendor is a current provider, also demonstrate the capability to provide the indicated number of beds in addition to those already provided.)
 - b) Ensure that each proposed facility will be fully operational by required date in accordance with the applicable regulations promulgated by the New York State Office of Children and Family Services (NYS OCFS), 9 N.Y.C.R.R. Section 180 et seq.
6. Demonstrate the quantity and quality of the vendor's successful relevant experience.
7. Attach for each proposed facility three-year annual line item operating budget. Include staffing details. Proposed start up costs should be included in addition to the proposed three-year annual line item operating budget.

All expressions of interest received in the manner set forth will be reviewed to determine if they are responsive to the material requirements of this solicitation. Expressions of interest determined to be non-responsive will not be further considered. Expressions of interest determined to be responsive will be considered in terms of the following factors:

- Appropriateness of each proposed facility.
- Demonstrated site control of each proposed facility.
- Demonstrated level of organizational capability to provide the proposed number of beds and to ensure that each proposed facility if fully operational by the applicable requisite date.
- Demonstrated quantity and quality of successful relevant experience.
- Annual budget amount and cost effectiveness of the budget.

The Department will enter into negotiations with the vendor(s) determined to be the best qualified at the time of evaluation, based on consideration of the above-cited factors. A contract will be awarded to the responsible vendor(s) whose offer(s) is/are determined to be the most advantageous to the City, taking into consideration the price and the other factors set forth in this solicitation. In the case that a vendor is eligible for award of more than one program facility, the Department reserves the right, based upon the vendor's demonstrated organizational capability and the best interest of the City, respectively, to determine how many and for which program facility(ies) the vendor will be awarded a contract.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Juvenile Justice, 110 William Street
13th Floor, New York, NY 10038.
Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

n20-13

AWARDS

Human/Client Service

DISCHARGE PLANNING SERVICES – Renewal – PIN# 13008DJJ01 – AMT: \$1,227,650.00 – TO: Research Foundation of the City University of New York, 555 West 57th Street, 7th Fl., NY, NY 10019.

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PARKS AND RECREATION

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction/Construction Services

RECONSTRUCTION OF THE RECREATION

BUILDING – Competitive Sealed Bids – PIN# 8462008X104C02 – DUE 12-02-08 AT 10:30 A.M. – Contract #X104-207M. Vendor Source ID#: 95217.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

This contract is subject to Apprenticeship program requirements. A pre-bid meeting is schedule for Wednesday, November 19, 2008, at 11:00 A.M. at the site.

● **PLUMBING WORK** – Competitive Sealed Bids – PIN# 8462008X104C03 – DUE 11-25-08 AT 10:30 A.M. - Contract #X104-407M. Vendor Source ID#: 95218.

● **HVAC WORK** – Competitive Sealed Bids – PIN# 8462008X104C04 – DUE 11-25-08 AT 10:30 A.M. - Contract #X104-507M. Vendor Source ID#: 95219.

In Williamsbridge Oval, located at the intersection of Vancortlandt Avenue East of the Reservoir Oval, The Bronx.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Room 64
Flushing Meadows Corona Park, Flushing, NY 11368.
Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov
Olmsted Center, Room 60, Flushing Meadows-Corona Park, Flushing, NY 11368.

o29

PAYROLL ADMINISTRATION

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Services (Other Than Human Services)

LODI APPLICATION DEVELOPERS – Negotiated Acquisition – PIN# 09131000042215 – DUE 11-06-08 AT 5:00 P.M. – The Office of Payroll Administration (OPA) intends to enter into negotiations with Spherion Atlantic Enterprises, Inc. and MODIS, Inc. to continue to obtain services of Syed Raza, Venu Talluri, Kevin Yang and Girish Ukarande. The Consultants will continue to provide consulting, programming and training to support the Line of Duty Injury (LoDI) FICA Refund Claim. These firms have provided the four aforementioned consultants who have been with OPA on the LODI Project since its inception. The contract will commence on January 1, 2009 and will conclude on June 30, 2009.

As per PPB Rules, Section 3-04(b)(2)(I)(b)(d), OPA intends to use the Negotiated Acquisition process to insure continuity of this critical service. The contractor must have unique understanding or familiarity of City's complex Line of Duty Injury (LODI) application that consists of a combination of Web. Windows, Batch, Database, and other components which work together to achieve the desired results.

Any contractors who believe they are able to provide these specific services may submit expressions of interest in writing to Valerie Himelewski, ACCO, at 1 Centre Street, Room 200N, New York, New York 10007, or vhimelewski@payroll.nyc.gov.

There is a time-sensitive situation where a vendor must be retained quickly because the funds available from a source outside the City will be lost to the City. In addition, there is a compelling need for services that cannot be timely met through competitive sealed bidding or competitive sealed proposals.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Office of Payroll Administration, 1 Centre Street, Room 200N
New York, NY 10007. Valerie Himelewski (212) 669-3455
vhimelewski@payroll.nyc.gov

o28-n3

SANITATION

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATIONS

Construction/Construction Services

BID EXTENSION: INSTALLATION OF REMOVABLE SALT PILE COVERS AT 803 FORBELL STREET – Competitive Sealed Bids – PIN# 82708RR00085 – DUE 11-06-08 AT 11:00 A.M. – BID EXTENSION: CORRECTION: BID ESTIMATE \$1,500,000. There is a

\$80.00 fee for this bid document, certified check or money order, please make payable to "Comptroller, City of New York."

Last day for questions was Tuesday, October 14, 2008 at 3:00 P.M., please contact Frank Mitchell at (917) 237-5542, or e-mail at fmitchell@dny.nyc.gov. In accordance with Schedule A of the bid document, if your bid is over \$500,000, you must submit a certified check or money order equal to 5 percent of the Bid amount of Bid Bond with Penal Sum equal to 10 percent of the Bid amount. This Procurement is subject to Local Law 129, M/WBE participation, see Schedule A of the Construction Contract Book for details. VSID#: 55491.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Sanitation, 51 Chambers Street, Room 806,
New York, NY 10007. ACCO (917) 237-5357.

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BID EXTENSION: INSTALLATION OF REMOVABLE SALT PILE COVER AT 146TH STREET – Competitive Sealed Bids – PIN# 82708RR00086 – DUE 11-06-08 AT 11:00 A.M. – BID EXTENSION: CORRECTION: BID ESTIMATE \$1,500,000. There is a \$80.00 refundable deposit for this bid document, certified check or money order, please make payable to "Comptroller, City of New York."

Last day for questions was Tuesday, October 14, 2008 at 3:00 P.M., please contact Frank Mitchell at (917) 237-5542, or e-mail at fmitchell@dny.nyc.gov. In accordance with Schedule A of the bid document, if your bid is over \$500,000, you must submit a certified check or money order equal to 5 percent of the Bid amount of Bid Bond with Penal Sum equal to 10 percent of the Bid amount. "This Procurement is subject to Local Law 129, M/WBE participation, see Schedule A of the Construction Contract Book for details." VSID#: 55491.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Sanitation, 51 Chambers Street, Room 806,
New York, NY 10007. ACCO (917) 237-5357.

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SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Services

LANDSCAPE ARCHITECTURE SERVICES FOR PLAYGROUNDS, ATHLETIC FIELDS AND PAVING – Competitive Sealed Bids – PIN# SCA09-00012R – DUE 11-05-08 AT 2:00 P.M. – In connection with Capital Improvement Projects at various schools in New York City. Proposals will be accepted from the following firms: EKLA Elizabeth Kennedy Landscape Architects; HM White Site Architects; Lee Weintraub Landscape Architecture; Mark K. Morison Associates; Saratoga Associates; Semmens Associates P.C.; Synterra Ltd.; Thomas Balsley; W. Architecture and Landscape Architects.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
Long Island City, New York 11101. Sal DeVita, Senior
Management Specialist, (718) 472-8049, sdevita@nyscsa.org

o24-30

Construction/Construction Services

SCIENCE LAB – Competitive Sealed Bids – PIN# SCA09-12245D-1 – DUE 11-12-08 AT 11:00 A.M. – PS 2 (X). Project Range: \$1,680,000.00 to \$1,770,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, Plans Room Window
Room #1046, 30-30 Thomson Avenue, 1st Floor
Long Island City, New York 11101, (718) 752-5849.

o23-29

TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

SOLICITATIONS

Services

TRAFFIC VOLUME COUNTING AND/OR RELATED TRAFFIC DATA SERVICES – Competitive Sealed Bids – PIN# GES167000000 – DUE 11-12-08 AT 3:00 P.M. – A pre-bid conference is scheduled for 10/31/08 at 10:30 A.M. Reservations must be made with Rita Pabon, Contract Manager, at (646) 252-7082 no later than noon the preceding work day.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Triborough Bridge and Tunnel Authority, 2 Broadway,
Bid Suite, New York, NY 10004, Bid Reception Desk,
(646) 252-6101, vprocure@mtabt.org. Call for fee.
All bids must be delivered to the 2 Broadway, Bid Suite,
located at the 3 Stone Street entrance. Please allow extra time
for delivery.

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AGENCY RULES

CONSUMER AFFAIRS

■ NOTICE

NOTICE OF ADOPTION

Notice of Adoption of Amendment to Rule Regarding the Posting of Signs by Immigration Assistance Service Providers.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 20-779 of Chapter 5, Title 20 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter that the Department promulgates and adopts amendments to an existing rule regarding the posting of signs by immigration assistance service providers.

The amendment to the rule was proposed and published on August 20, 2008. The required public hearing was held on September 19, 2008.

No text is being deleted and material being added is underlined.

RULE

Section 1. Section 5-263 of Title 6 of the Rules of the City of New York is amended to read as follows:

§5-263 Requirements Concerning Posting of Signs.

(a) The text in the signs required to be posted by §20-773 of the New York City Administrative Code shall be in type large enough to be clearly legible and visible from where a provider or its agent transact business with a consumer.

(b) Every provider shall conspicuously post where he or she transacts business with a consumer a sign, at least 11 inches by 17 inches with letters at least 1-inch high, reading as follows, in English and in every other language in which business is transacted with consumers:

If you have a complaint about this business, contact: The New York City Department of Consumer Affairs (Insert the Department's current address.) (Insert current telephone number and current web address to which complaints may be sent within a box in bold faced type.) Business name: (insert legal name of business). Business address: (insert address of business). Business phone: (insert current business phone number).

Statement of Basis and Purpose: Section 20-779 of the Administrative Code of the City of New York authorizes the Commissioner to adopt such rules as are necessary for the purpose of implementing and carrying out the provisions of the law governing immigration assistance services. The purpose of that legislation as expressed in the legislative findings was to give immigrants a clear understanding of the work performed by immigration assistance service providers, to promote honesty and fair dealing among providers of immigration assistance services by establishing standards of conduct, to curb abusive practices by immigration services providers and to enable the Department of Consumer Affairs to prevent abuses and assist individual harmed by the unlawful conduct of such providers.

Since the law governing immigration assistance service providers became effective October 10, 2004, the Department has conducted compliance checks that have identified 125 locations in FY 2005 and 2006 where immigration assistance service providers were operating and issued 81 notices of violation to such providers. Although the 65 percent non-compliance rate that these inspections uncovered clearly revealed a substantial probability that users of these services were subject to abuse, the Department has received only six complaints from consumers from FY 05 to the present.

The Department has concluded that a significant reason for consumers' failure to contact the Department is that they lack the information that would encourage and enable them to do so.

To ensure that consumers doing business with licensees are fully aware of their opportunity to contact the Department about complaints against such businesses, the Department requires all licensees to post signs identifying the Department as the place to contact about complaints and listing the contact information for reaching the Department.

Although immigration service providers are not required to be licensees, they required to adhere to standards of conduct that are applicable to licensees who are required to post such signs.

The Department has, therefore, concluded that it is necessary that providers of immigration services post the same signs as licensees to alert their clients where they can contact the Department about complaints to effectuate the purpose of the law to enable the Department to assist consumers harmed by providers who fail to comply with the requirements of the Local Law Number 31 of 2004 and other applicable statutes.

The amendment to §5-263 of Title 6 of the Rules of the City of New York relating to the requirements for posting signs by providers includes the same requirement for posting information about how clients can contact the Department as licensees are required to do. Since the clients of providers of immigration services are natives of other countries who may only be conversant in languages other than English, the rule also requires that providers post the information on the required sign in all the languages in which they transact business.

ENVIRONMENTAL PROTECTION

■ NOTICE

NOTICE OF PUBLIC HEARING AND OPPORTUNITY TO COMMENT

PROPOSED AMENDMENTS TO CHAPTER 18 OF TITLE 15 OF THE RULES OF THE CITY OF NEW YORK:

RULES FOR THE PROTECTION FROM CONTAMINATION, DEGRADATION AND POLLUTION OF THE NEW YORK CITY WATER SUPPLY AND ITS SOURCES

IN COMPLIANCE WITH SECTION 1043(b) OF THE NEW YORK CITY CHARTER NOTICE IS HEREBY GIVEN of the intention of the Department of Environmental Protection to amend the provisions of Chapter 18 of 15 RCNY, the NYCDEP Rules for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources. These amendments incorporate changes in federal and State law since 1997, when the Watershed Regulations were adopted in their present form, and also address issues that have arisen during administration and enforcement of the Regulations over the past eleven years. The language to be deleted is bracketed and the new parts to be added are underlined.

The proposed rules would be promulgated pursuant to the authority of the Department of Environmental Protection as set forth in Section 1043(a) of the New York Charter, Section 24-302 of the New York City Administrative Code, and Section 1100 of the New York State Public Health Law. Consistent with Section 1100 of the New York State Public Health Law, the Department of Environmental Protection will not adopt the proposed amendments until they are approved by the New York State Department of Health.

Further notice is hereby given that the Department of Environmental Protection will hold hearings on the proposed rules on the following dates:

Location	Date	Time
SUNY Delhi 2 Main Street Delhi, NY 13753	12/02/08 (Tuesday)	6:00 p.m. – 10:00 p.m.
Belleayre Mountain Discovery Room 181 Galli Curci Road Highmount, NY 12441	12/03/08 (Wednesday)	6:00 p.m. – 10:00 p.m.
Mildred E. Strang Middle School 2701 Crompond Road Yorktown Heights, NY 10598	12/04/08 (Thursday)	6:00 p.m. – 10:00 p.m.
Putnam County Bureau of Emergency Services 112 Old Route 6 Carmel, NY 10512	12/08/08 (Monday)	6:00 p.m. – 10:00 p.m.
Onteora High School 4166 Route 28 Boiceville, NY 12412	12/09/08 (Tuesday)	6:00 p.m. – 10:00 p.m.
NYC DEP 59-17 Junction Blvd. 6th Floor Flushing, NY 11373	12/11/08 (Thursday)	6:00 p.m. – 10:00 p.m.

Persons interested in pre-registering to speak should give written notice to Melissa Siegel, Department of Environmental Protection (DEP), Bureau of Legal Affairs, 19th Floor, 59-17 Junction Boulevard, Flushing, New York, 11373. Please include a telephone number where you can be reached during normal working hours. Speakers will be limited to ten minutes. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided are asked to notify Melissa Siegel in writing at the foregoing address at least 10 days prior to the hearing date.

Persons who wish to comment on the proposal in writing must submit written comments to Melissa Siegel at the above address on or before December 31, 2008.

Registration to testify at the hearings will be accepted at the door until 9:30 p.m. Preference in order of testimony will be given to those who pre-register.

A copy of the proposed rules may be obtained from the offices of the Department of Environmental Protection, Bureau of Legal Affairs, 19th Floor, 59-17 Junction Boulevard, Flushing, New York, 11373 and at www.nyc.gov/dep.

Written comments and a transcript of the public hearing will be available for public inspection within a reasonable time after receipt of a request, between the hours of 10:00 a.m. and 4:00 p.m. at the offices of the Department of Environmental Protection, Bureau of Legal Affairs, 19th Floor, 59-17 Junction Boulevard, Flushing, New York, 11373.

STATEMENT OF BASIS AND PURPOSE

Under authority granted to it by section 1100 of the Public Health Law and section 24-302 of the New York City Administrative Code, the New York City Department of Environmental Protection ("DEP") is amending sections 18-14 through 18-17, 18-23, 18-32, 18-35 through 18-40, 18-42, 18-48, 18-61, and 18-82 of its Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources ("Watershed Regulations"). The purpose of the Watershed Regulations is to protect public health by preventing contamination to and degradation of the City's surface water supply. These amendments incorporate changes in federal and State law since 1997, when the Watershed Regulations were adopted in their present form, and also address issues that have arisen during administration and enforcement of the Regulations over the past eleven years.

The proposed amendments to the Watershed Regulations include revisions to the provisions pertaining to stormwater pollution prevention plans so as to incorporate the New York State Department of Environmental Conservation ("DEC") SPDES General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-08-001. The Watershed Regulations also continue to require the water quality protection standards that DEP has determined are appropriate for stormwater pollution prevention plans in the watershed. Similarly, the proposed amendments incorporate the DEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems ("MS4s"), Permit No. GP-08-002, by making clear that miscellaneous

point source discharges now covered by the Watershed Regulations include discharges from MS4s.

The proposed revisions also include provisions authorizing DEP to grant a variance for a new or expanded surface-discharging wastewater treatment plant within the 60-day travel time, in the Croton system only, under specified and limited circumstances. Additionally, DEP proposes to revise the definition of "Phosphorus restricted basin" to incorporate, with respect to basins of source water reservoirs, a phosphorus concentration standard of 15 micrograms per liter, consistent with the Phase II Total Maximum Daily Loads for Phosphorus for New York City's Drinking Water reservoirs proposed by New York State DEC and approved by EPA. These amendments also clarify the regulatory status of holding tanks and sewer systems, consistent with existing State standards.

In addition, the proposed amendments include technical corrections such as substituting more recent versions of publications cited in the Watershed Regulations, updating certain technical terminology, and modifying or changing the order of certain text to improve clarity and intelligibility.

As required by section 1100 of the Public Health Law, DEP will not adopt these amendments until the State Department of Health has approved them.

NYCDEP

Rules for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources

Section 1. Paragraphs (5) and (7) of subdivision (a) of section 18-14 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-14 Applicability.

(a) These rules and regulations apply to all persons undertaking, or proposing to undertake, the activities in the categories listed below, where such activities are specifically regulated in these rules and regulations and occur in the New York City watershed:

(5) Discharge or transport of human excreta and use of holding tanks.

(7) Design, construction and operation of [sewerage] sewer systems and service connections.

Section 2. Section 18-15 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-15 Local Representatives.

(a) Information about these rules and regulations and application and other forms required by these rules and regulations may be obtained from the following offices of the Department or on the Department's website at www.nyc.gov/dep. Applications for Department approval of a regulatory activity must be submitted to one of [the] these offices [of the Department listed in subdivision (b)]. Petitions appealing from a determination issued by the Department or requesting a hearing on a cease and desist order issued by the Department must be submitted to the offices listed in subdivision [(c)] (b).

- (1) New York City Department of Environmental Protection [Chief,] Regulatory and Engineering [Section] Programs
465 Columbus Avenue
Valhalla, New York 10595
Telephone: [(914) 742-2069] (914) 742-2028
- (2) [New York City Department of Environmental Protection
5 Jay Street
Katonah, New York 10536
Telephone: (914) 232-5171
City Tie-line: (212) 349-4017
- (3) New York City Department of Environmental Protection [Deputy Chief,] Regulatory and Engineering Programs [P.O. Box 370] 71 Smith Avenue [Route 28A
Shokan, New York [12481] 12401
Telephone: [(914) 657-6972] (845) 340-7215
- [(4) New York City Department of Environmental Protection
P.O. Box 358
Grahamsville, New York 12740
Telephone: (845) 985-2275
City Tie-line: (212) 349-1930
- (5) New York City Department of Environmental Protection
P.O. Box D
Downsville, New York 13775
Telephone: (607) 363-7000]

(b) [Applications for Department approval of a regulatory activity must be submitted to one of the following offices of the Department:

- (1) New York City Department of Environmental Protection Deputy Chief, Engineering
465 Columbus Avenue
Valhalla, New York 10595
Telephone: (914) 773-4418
- (2) New York City Department of Environmental Protection Deputy Chief, Engineering
P.O. Box 370
Route 28A
Shokan, New York 12481
Telephone: (914) 657-6972

(c) Petitions for appeal of a determination issued by the Department in accordance with §18-28 and petitions for a hearing on a cease and desist order issued by the Department in accordance with §18-29 must be submitted to the address listed in paragraph (1), with a copy to the address listed in paragraph (2).

- (1) New York City Office of Administrative Trials and Hearings
40 Rector Street
New York, New York 10006-1705
Telephone: (212) 442-4900

to wells, watercourses, wetlands, controlled lakes and reservoirs; and

- (b) site/tank plans including an alarm system, a back-up pump if pumping is required, and appropriate measures to prevent overflow.
- (iii) A report describing the reasons for and duration of the proposed use of the holding tank.
- (iv) A schedule for the tank to be pumped by an entity licensed by the New York State Department of Environmental Conservation under 6 NYCRR Part 364.

(6) Any approval of a holding tank issued by the Department shall expire and thereafter be null and void unless construction is commenced within two (2) years of the date of issuance. Following expiration of the approval, the plans for the holding tank may be resubmitted to the Department for consideration for a new approval.

(c) Emptying, discharging or transferring the contents of a [sewage vault] holding tank or other sewage receptacle into any watercourse, wetland, reservoir, reservoir stem, or controlled lake is prohibited.

(c) Transportable sewage receptacles shall have tightly fitting covers which shall be securely fastened during transport.]

Section 8. Paragraphs (4), (6), and (9) of subdivision (a), paragraph (2) of subdivision (d), subparagraphs (ii) and (iii) of paragraph (2) of subdivision (e), paragraphs (2), (3), (4), subparagraph (iv) of paragraph (5), and paragraphs (6), (7) and (8) of subdivision (f), and paragraphs (3) and (4) of subdivision (g) of Section 18-36 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-36 Wastewater Treatment Plants

(a) Minimum Requirements.

(4) The owner or operator of a new or existing wastewater treatment plant shall operate and maintain the wastewater treatment plant in accordance with the operations and maintenance manual for the plant. Such manual shall be prepared by the owner and approved by the Department. Such manual shall be prepared or revised, and submitted to the Department for approval, within ninety (90) days after construction, expansion, alteration or modification of a wastewater treatment plant is completed.

(6) No part of any seepage unit or absorption [field] area for a subsurface discharge from a wastewater treatment plant shall be located within the limiting distance of 100 feet of a watercourse or wetland or within the limiting distance of 500 feet of a reservoir, reservoir stem, or controlled lake.

(9) Wastewater treatment plants with surface discharges to intermittent streams in the watershed shall be operated and maintained to meet the intermittent stream effluent limits set forth in the New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1, Total Maximum Daily Loads and Water Quality-Based Effluent Limits (July 8, 1996, Revised February 1998), including Amendments A through E (July 8, 1996), and New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.3.1B, Total Maximum Daily Loads and Water Quality-Based Effluent Limits, Amendments-Low and Intermittent Stream Standards (July 8, 1996), provided however, that the effluent limit for a discharge of a pollutant to an intermittent stream shall in no case be less stringent than the effluent limit which would apply to the same discharge of the pollutant to the first downstream perennial stream.

(d) Treatment requirements for wastewater treatment plants located within the 60 day travel time to intake.

(2) Within the 60 day travel time to the intake the following requirements are applicable:

- (i) New wastewater treatment plants with surface discharges, or expansions of existing wastewater treatment plants with surface discharges, are prohibited except as provided in §18-82(e). A variance from this provision may be sought in accordance with the requirements set forth in §18-61(e);
- (ii) Existing wastewater treatment plants with SPDES permitted surface discharges may continue to operate provided [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration, disinfection, phosphorus removal, and microfiltration or a Department-approved equivalent technology to microfiltration, as required by these rules and regulations;
- (iii) New and existing wastewater treatment plants with subsurface discharges may commence or continue to operate provided that [the treated effluent is also subject

to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration and phosphorus removal, and for SPDES permitted discharges greater than 30,000 gallons per day (gpd), disinfection, as required by these rules and regulations.

(e) Treatment requirements for wastewater treatment plants located in the watershed and beyond the 60 day travel time to intake.

(2)(ii) All new surface discharges into a watercourse, and any existing wastewater treatment plants with SPDES permitted surface discharges may commence or continue to operate, provided that [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration, disinfection, phosphorus removal, and microfiltration or a Department-approved equivalent technology to microfiltration, as required by these rules and regulations;

(iii) New and existing wastewater treatment plants with subsurface discharges may commence or continue to operate, provided that [the treated effluent is also subject to] the wastewater treatment plant provides sand filtration or a Department-approved alternative technology to sand filtration and phosphorus removal, and for SPDES permitted discharges greater than 30,000 gallons per day (gpd), disinfection, as required by these rules and regulations.

(f) Design, operation and maintenance requirements.

(2) The criteria used by the Department to approve the design for any new wastewater treatment plant or the portion of any new or existing wastewater treatment plant which is being expanded or altered or modified shall be all applicable requirements of law, including the standards set forth in the following documents:

- (i) "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988); and
- (ii) "Recommended Standards for Wastewater Facilities," Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers [(1990)](2004).

(3) The Department shall not approve a wastewater treatment plant, or any proposed expansion of a wastewater treatment plant, [which discharges within the watershed, if there is] unless inflow or infiltration into, or exfiltration from, a [sewerage] sewer system connected to such wastewater treatment plant [which causes either:] has been eliminated to the extent practicable.

- (i) The State authorized flow limit of the wastewater treatment plant to be exceeded; or
- (ii) The strength of the sewage influent to the wastewater treatment plant to be diluted to a level that adversely affects the efficacy of the State permitted and Department approved treatment process.]

(4) [The Department shall not approve a wastewater treatment plant, or any proposed expansion of a wastewater treatment plant, if there is an indication of exfiltration from a sewerage system connected to such wastewater treatment plant.

(5) All wastewater treatment plants shall meet the following requirements to insure uninterrupted reliable operation:

- (iv) [In wastewater treatment plants with a SPDES permitted surface discharge of 50,000 gpd or less, there shall be a minimum of two (2) sand filters, each rated to handle the full plant flow. In wastewater treatment plants with a SPDES permitted surface discharge greater than 50,000 gpd, there shall be a minimum of three (3) sand filters, each rated to handle one-half (1/2) of the full plant flow.] Sand filtration or a Department-approved alternative technology to sand filtration shall be implemented in units of sufficient number and size to ensure that the flow they are designed to accommodate, consistent with the "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988) and/or the "Recommended Standards for Wastewater Facilities," Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers (2004), can be processed in the event that the largest such unit is off line;

[(6)](5) The following requirements shall apply to all wastewater treatment plants with subsurface discharges or absorption [fields] areas located in the watershed:

- (i) The loading rate to the absorption trench may be 25 percent greater than that required under the design standards

listed in subdivision (f)(2) of this section;

- (ii) An additional area of at least 50 percent of the absorption [field] area shall be set aside as a reserve [field] area;
- (iii) At a minimum, one percolation and one deep hole test shall be performed in both the primary absorption [field] area and in the reserve absorption [field] area. An applicant shall notify the Department in writing at least 7 business days prior to performance of such tests, and specify the location and the time of the tests. At the option of the Department, a Department representative may witness these tests; and
- (iv) The use of pumping, mechanical dosing or other mechanical devices requires a pump chamber equipped with an alarm to indicate malfunction, a backup pump, and any other safety features required by the Department to prevent overflow.

[(7)](6)

[(8)](7) The transfer of any approval or permit issued by the Department for the construction and/or operation of any wastewater treatment plant shall require Department approval. The Department shall approve such transfer provided that the transferee demonstrates sufficient financial, technical, and professional capability to construct, operate and/or maintain the subject wastewater treatment plant in compliance with applicable laws, as cited in §18-36(a)(1), the provisions of these rules and regulations, and the terms and conditions of any approval or permit granted by the Department.

(g) Application Requirements.

(3) [An application for review and approval of a plan for bringing an existing wastewater treatment plant into compliance with the requirements of this section shall include the operation and maintenance manual for the wastewater treatment plant.

(4) All approvals for new or expansion of existing wastewater treatment plants are conditioned on the applicant's submission of record drawings [and an operation and maintenance manual] once construction is complete.

Section 9. Section 18-37 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-37 [Sewerage] Sewer Systems, Service Connections and Discharges to [Sewerage] Sewer Systems.

(a) Combined [sewerage] sewer systems are prohibited from discharging within the watershed.

(b) A new service connection or sewer extension to a [sewerage] sewer system is prohibited where the wastewater treatment plant to which the [sewerage] sewer system has been connected and which discharges within the watershed has had a SPDES flow parameter violation in the prior twelve months, or where the additional flow from the new service connection or sewer extension will cause or can be expected to cause such wastewater treatment plant to have a SPDES flow parameter violation.

(c) All new service connections shall be tested [as required by and] in accordance with the standards set forth in "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988), and the standards in "Recommended Standards for Wastewater Facilities," [the] Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers, §§33.92-[33.94]33.95 [(1990)] (2004). A copy of the results of the tests shall be forwarded to the Department as soon as they are available.

(d) Except for the owner of an individual or two family residence, the owner of any property which will be served by a new [service] sewer connection to a [sewerage] sewer system, or by any alteration or modification of a [service] sewer connection to a [sewerage] sewer system, shall submit all plans or designs for such [service] sewer connection or such alteration or modification to the Department prior to or simultaneously with the delivery of the notice to the Department required under paragraph (d)(1) below. The owner of an individual or two family residence to be served by a new [service] sewer connection to a [sewerage] sewer system, or by an alteration or modification of a [service] sewer connection to a [sewerage] sewer system, shall not be required to submit the plans or designs for such [service] sewer connection or such alteration or modification to the Department, unless specifically requested by the Department. If so requested, such owner shall submit such plans or designs to the Department prior to or simultaneously with the delivery of the notice to the Department required under paragraph (d)(1) below or, if the request is made by the Department after such notice has been given, within ten (10) days after such request has been made.

(1) The owner of any property which will be served by a new [service] sewer connection to a [sewerage] sewer system, or by an alteration or modification of a [service] sewer connection to a [sewerage] sewer system, shall notify the Department 48 hours prior to the installation of such [service] sewer connection or of such alteration or modification, and provide an opportunity to the Department to observe the work. If required or requested pursuant to subsection 18-37(d), the owner shall submit to the Department all plans or designs for such [service] sewer connection or for such alteration or modification prior to or simultaneously with the delivery of such notice to the Department.

(e) The design, construction and plans for a new [sewerage] sewer system or sewer extension shall require the

review and approval of the Department. Any proposed alteration or modification of a [sewerage] sewer system, including a [sewerage] sewer system that is a noncomplying regulated activity, shall require the review and approval of the Department.

(1) The Department may require an engineering report, construction plans and specifications, and any environmental assessments and determinations in compliance with Article 8 of the Environmental Conservation Law when reviewing any application pursuant to this subdivision for a new [sewerage] sewer system or sewer extension, or a proposed alteration or modification of a [sewerage] sewer system.

(2) Any approval of a new or an alteration or modification of an existing sewer system or sewer extension issued by the Department shall expire and thereafter be null and void unless construction is commenced within five (5) years of the date of issuance. Following expiration of the approval, the plans for the sewer system may be resubmitted to the Department for consideration for a new approval.

(f) The criteria used by the Department to approve any new [sewerage] sewer system or sewer extension or the portion of any [sewerage] sewer system which is being altered or modified, shall be all applicable requirements of law, including the standards set forth in the following documents:

(1) "Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities," New York State Department of Environmental Conservation (1988);

(2) "Recommended Standards for Wastewater Facilities," [The] Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers [(1990)](2004).

(g) All [sewerage] sewer systems and sewer extensions connected to a wastewater treatment plant which discharges within the watershed shall be designed, operated and maintained in such manner as to prevent inflow, [or] infiltration [which causes either:], or exfiltration to the extent practicable.

(i) The State authorized flow limit of the wastewater treatment plant to be exceeded; or

(ii) The strength of the sewage influent to the wastewater treatment plant to be diluted to a level that adversely affects the efficacy of the State permitted and Department approved treatment process.]

(h) [All sewerage systems shall be designed, operated and maintained to prevent exfiltration from such systems.

(i) The owner or operator of a facility which disposes of wastes regulated pursuant to the Federal Categorical Pretreatment Standards, 40 CFR Part 403, shall submit three copies of the engineering report, plans and specifications, prepared by a licensed design professional, in compliance with 40 CFR Parts 403, 406-471 and any applicable local regulations, to the Department for its review and approval.

(i) Application Requirements: An application for review and approval of any sewer system or sewer extension shall include the following information:

(1) Tax map number and, where available, building permit number, for each property to be served by the proposed sewer system or sewer extension;

(2) Copy of the applicable municipal Sewer Use Ordinance, if any;

(3) Letter of flow acceptance from the owner of the receiving wastewater treatment plant, when available;

(4) An engineering report presenting the proposed flow and supporting design calculations; and

(5) Four (4) sets of plans showing:

(i) site location in relation to established sewer district;

(ii) distances to wells, watercourses, rock outcroppings, wetlands, controlled lakes and reservoirs;

(iii) system profile including all connections, manholes and required pump stations;

(iv) design details of system components including pipe sizes and pump capacities; and

(v) where applicable, a copy of the application for modification of the SPDES permit for the receiving wastewater treatment plant and any draft revisions to such SPDES permit.

Section 10. Paragraphs (4), (5), (6), (7), (8) and (9) of subdivision (a), paragraphs (2), (3), (4), and (7) of subdivision (b), and the introductory sentence and clause (b) of subparagraph (iii) of paragraph (1) and paragraph (2) of subdivision (c) of Section 18-38 of title 15 of the Rules of the City of New York are amended to read as follows:

§18-38 Subsurface Sewage Treatment Systems.

.....

(a)(4) [All new subsurface sewage treatment systems, other than those covered by paragraphs

(2) and (3) of this subdivision, shall comply with the applicable requirements of 10 NYCRR Part 75 and Appendix 75-A or the applicable published standards of the Design Standards for Wastewater Treatment Works, Intermediate Sized Sewerage Facilities, New York State Department of Environmental Conservation (1988), except where a local government or agency has enacted, or these rules and regulations specify, more stringent standards, in which case, the more stringent standards shall apply.

(i) As a condition of approval the Department may require evidence of financial security prior to construction, from any owner or operator of a new subsurface sewage treatment system or a substantial alteration or modification to an existing subsurface sewage treatment system. Such financial security shall consist of a bond, or an equivalent guaranty, to be deposited with the Department, covering the full cost of the construction of such facility and an additional bond or an equivalent guaranty for the payment of labor and material furnished in the course of such construction. Upon completion of construction and payment of labor and materials, such bonds or other guaranties shall be released. Additionally, a bond or equivalent guaranty may be required for the maintenance and operation of the facility for a period of five years post-construction. No bond or guaranty is required where the owner or operator of such a facility is a village, town, county or city.

(5) No part of any absorption field for [a new conventional individual] any new subsurface sewage treatment system[, as described in Appendix 75-A of 10 NYCRR Part 75, or for the types of sewage treatment systems described in paragraphs (3) and (4) of this subdivision, or for an Ulster County Fill System,] shall be located within the limiting distance of 100 feet of a watercourse or wetland or 300 feet of a reservoir, reservoir stem or controlled lake. For a new conventional individual subsurface sewage treatment system or for a new Ulster County Fill System the Department may recommend a greater limiting distance from an absorption field to a watercourse, wetland, reservoir, reservoir stem or controlled lake.

[(6)](5) Raised systems, as described in 10 NYCRR Part 75 and Appendix 75-A, are allowed on undeveloped lots not located in a subdivision or on undeveloped residential lots located in a subdivision which was approved prior to the effective date of these rules and regulations, where site conditions are not suitable for a conventional system provided that:

.....

[(7)](6) Where a watershed county has adopted a subdivision code that allows a raised system, as described in 10 NYCRR Part 75 and Appendix 75-A, or where any system that has been modified from the standards outlined in Appendix 75-A has been approved by the New York State Department of Health as an alternative system, or where the New York State Department of Health approved such raised or modified alternative systems for use in subdivisions located in the watershed, such raised or alternative systems are allowed in subdivisions that are approved subsequent to the effective date of these rules and regulations, provided that no part of such systems shall be located within 250 feet of a watercourse or wetland or 500 feet of a reservoir, reservoir stem or controlled lake.

[(8)](7) Any proposed alteration or modification of any subsurface sewage treatment system, including a noncomplying regulated activity, requires the review and approval of the Department[, and shall also be subject to the following, where applicable:].

(i) Any proposed alteration or modification of any individual sewage treatment system [or any other kind of subsurface sewage treatment system described in paragraphs (3) and (4) of this subdivision located within the limiting distances set forth in this section] which is an existing or a noncomplying regulated activity shall be performed in accordance with the [New York State Fire Prevention and Building Code, Executive Law Section 370 et seq.] requirements applicable to new subsurface sewage treatment systems under this section. Alterations or modifications of such individual sewage treatment systems which cannot meet these requirements, due to site constraints, shall be performed in accordance with these requirements to the extent possible, and the applicant shall demonstrate adequate mitigation measures to avoid contamination to, or degradation of, the water supply which are at least as protective of the water supply as the requirements that cannot be met.

(ii) Any proposed alteration or modification of any new individual sewage treatment system shall be performed in accordance with the requirements applicable to new subsurface sewage treatment systems under this section.

(iii) Any proposed alteration or modification of any intermediate sized subsurface sewage treatment system is prohibited unless such alteration or modification complies with the requirements of this section.

[(9)](8) All existing subsurface sewage treatment systems, which are operating in accordance with their Federal, State, and local approvals on the effective date of these rules and regulations, but which do not comply with the additional requirements set forth in this section, shall be allowed to continue to operate and shall be considered noncomplying regulated activities.

(9) [However, if] If at any time after the effective date of these rules and regulations [such] a subsurface sewage treatment system fails or needs remediation, the owner or operator of the subsurface sewage treatment system shall comply with the following:

(i) Any proposed remediation of any part of [such existing] a subsurface sewage treatment system shall require the prior review and approval of the Department, and if approved, shall be completed as soon as possible in accordance with a schedule approved by the Department;

(ii) [Upon the failure of any subsurface sewage treatment system, it] Any proposed remediation of any part of a subsurface sewage treatment system shall be [remediated] designed and performed, to the extent possible, in accordance with the design standards set forth in this section, and shall require the prior review and approval of the Department. However, if the Department determines, based upon the application submitted by the owner or operator of the subsurface sewage treatment system, that such system cannot comply with this section, the owner or operator of the subsurface sewage treatment system shall cooperate with the Department to determine the most suitable location and design for the system on the specific site. The Department may require the owner to agree to a regular schedule for the pump out of [any failed subsurface sewage treatment system] the septic tank or other remedial action, including the use of holding tanks, until the proposed remediation is approved by the Department and implemented; and

(iii) The provisions of this paragraph shall not apply to the routine repair and maintenance of a subsurface sewage treatment system, including, but not limited to, the pump out of a septic tank, the replacement of a septic tank, whether in kind or with a larger tank of an appropriate size for the subsurface sewage treatment system, the repair of a broken lateral, the leveling of a distribution box, or the removal of a blockage.

.....

(b)(2) Mound systems, galley systems, [intermittent sand filters, and evapotranspiration/absorption] seepage pits, evaporation-transpiration (ET) and evaporation-transpiration absorption (ETA) systems are prohibited from use in the watershed. Sand filters are prohibited from use for individual sewage treatment systems in the watershed.

(3) An additional area of at least 100 percent of the primary absorption field [area] shall be set aside as a reserve absorption field [area] for any subsurface sewage treatment system.

(4) [Primary and reserve absorption fields may not] No part of any primary or reserve absorption field shall be built under pavement or other impervious surfaces, and pavement and other impervious surfaces [may] shall not be built over such absorption fields after installation.

.....

(7) Whenever possible, gravity flow systems shall be used for subsurface sewage treatment systems. The use of [pumping, mechanical dosing or other mechanical devices] electrically operated pumps shall require a [pump] chamber equipped with an alarm to indicate malfunction and any other safety features required by the Department to

prior to construction, or to divert runoff from off-site and/or undisturbed areas away from areas proposed to be disturbed.

- (ii) To minimize loss of annual recharge to groundwater by maximizing the use of stormwater infiltration practices where suitable soil conditions exist.

(6) If an activity requiring a stormwater pollution prevention plan will result in impervious surfaces covering twenty percent (20%) or more of any given drainage area, the stormwater pollution prevention plan shall provide for stormwater runoff from that drainage area to be treated by two different types of stormwater management practices in series, except that if the stormwater management practice provided is a stormwater infiltration practice, only one stormwater management practice is required.

(7) For purposes of the design criteria incorporated by reference in New York State Department of Environmental Conservation General Permit GP-0-08-001, "detention time" shall mean the time runoff is detained in a stormwater management practice. It can be computed using either the center of mass method or the plug flow method.

(d) Application requirements and procedures.

(1) An application for approval of a stormwater pollution prevention plan shall include:

- (i) The pollution prevention plan; and
 (ii) The information required in a Notice of Intent under New York State Department of Environmental Conservation General Permit No. [GP-93-06; and] GP-0-08-001.
 [(iii) A phosphorus and/or coliform analysis when required by this section.]

(e)(1) An individual residential stormwater permit is required for:

- (iii) Construction of an impervious surface for a driveway located within the limiting distances of 50 feet of an intermittent stream or wetland or within 100 feet of a perennial stream[, provided that the driveway is necessary for access to an individual residence which is not located within a subdivision and where the individual residence accessed by the driveway would be required to obtain an individual residential stormwater permit pursuant to this section].

Section 12. Subdivision (a) of section 18-40 of the Rules of the City of New York is amended to read as follows:

§18-40 Miscellaneous Point Sources.

(a) Unless otherwise permitted by the rules and regulations, a discharge, or storage which is reasonably likely to lead to a discharge into the environment (including into groundwater), from industrial facilities, including vehicle washing facilities, or from a municipal separate stormwater sewer system requiring coverage under New York State Department of Environmental Conservation General Permit No. GP-0-08-002, and which is reasonably likely to cause degradation of surface water quality or of the water supply, is prohibited. It shall be an affirmative defense under this subsection that such discharge, or storage likely to lead to a discharge, is either permitted or not prohibited under federal law, and is either permitted or not prohibited under state law.

Section 13. Section 18-43 of title 15 of the Rules of the City of New York is amended to read as follows:

§ 18-43 Pesticides.

(a) Unless otherwise permitted by these rules and regulations, the discharge or use, or storage of pesticides which is reasonably likely to lead to a discharge, of pesticides into the environment (including into groundwater), and which is reasonably likely to cause degradation of surface water quality or of the water supply, is prohibited. It shall be an affirmative defense under this subsection that such discharge, or storage likely to lead to a discharge, is either permitted or not prohibited under federal law, and is either permitted or not prohibited under state law.

(b) Reference is made to the Pesticide Standards set forth in Appendix 18-D to these rules and regulations. The Department states its intention to seek:

- (1) Promulgation by the New York State Department of Environmental Conservation of appropriate State regulations, applying such standards to the watershed; and
 (2) Delegation of appropriate authority, from the New York State Department of Environmental Conservation, to administer and enforce such rules and regulations in the watershed.]

Section 14. Section 18-48 of title 15 of the Rules of the City of New York is amended as follows:

§18-48 Water Quality Standards

(a) The water in all reservoirs, Lake Gilead, and Lake Gleneida, shall meet the following standards of quality:

(1) 6 NYCRR Parts 701 [(narrative standards)] and 703 (standards applicable to Class AA waters)[,], and

- (i) For purposes of determining compliance with this subchapter, the Department shall take water samples from the reservoirs; and
 (ii) Where total coliform standards exceed the standards set forth in 6 NYCRR Parts 701 and 703, and are determined by the Department to be due to a non-perennial, non-anthropogenic source, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.]
 (2) The New York State Department of Environmental Conservation Technical and Operational Guidance Series (TOGS) 1.1.1, Ambient Water Quality Standards and Guidance Values (October 22, 1993, Reissue Date June 1998,

as modified and supplemented by the January 1999 Errata Sheet and the April 2000 and June 2004 Addenda) which [sets forth] lists the ambient water quality standards and guidance values for principal organic chemicals and synthetic organic chemicals.

(b) In addition, the water in source water reservoirs shall meet the following phosphorus standard:

(1) Total phosphorus concentrations shall be equal to or less than 15 micrograms per liter.

(c) [The] In addition, the water within 500 feet of the aqueduct effluent chamber located at a terminal reservoir (Kensico, West Branch, New Croton, Ashokan and Rondout) shall meet the following coliform standard:

(1) Raw water fecal coliform concentrations shall be equal to or less than 20 colonies per 100 milliliters or total coliform concentration shall be equal to or less than 100 colonies per 100 milliliters in at least 90 percent of the measurements made over any consecutive six month period. For purposes of determining compliance with this [subchapter] paragraph, a minimum of five samples per week will be taken from each terminal reservoir. If both fecal and total coliform analyses are performed, the fecal coliform results shall take precedence over the total coliform analysis.

(i) Where fecal coliform standards exceed the above standards, and are determined by the Department to be due to non-perennial, non-anthropogenic sources, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.]

(d) For purposes of determining compliance with this subchapter, the Department shall take water samples from the controlled lakes and reservoirs and shall evaluate them in accordance with subdivisions (a), (b), and (c) of this section.

(1) Where total coliform concentrations exceed the standards set forth in 6 NYCRR Parts 701 and 703, and are determined by the Department to be due to non-perennial, non-anthropogenic sources, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.

(2) Where fecal coliform concentrations exceed the standards set forth in subparagraph (c) above, and are determined by the Department to be due to non-perennial, non-anthropogenic sources, such exceedances shall not be included in calculating whether a violation of these rules and regulations has occurred.

[(c)](e) The Department shall, on an annual basis, conduct a review of [all reservoirs and controlled lakes] water quality data for the purpose of determining whether each reservoir and controlled lake meets or fails to meet the water quality standards set forth in subdivisions (a), [and] (b), and (c) of this section, as applicable. The results of the Department's review, together with the calculations used in arriving at the results for each reservoir, shall be published in a report which shall be made available to the public upon request.

Section 15. Subparagraph (iii) of paragraph (1) of subdivision (a) and paragraph (1) of subdivision (d) of section 18-61 of title 15 of the Rules of the City of New York are amended, and a new subdivision (e) is added, to read as follows:

§18-61 Variances.

(a)(1) An application for a variance for a regulated activity or for an alteration or modification of a noncomplying regulated activity shall:

- (iii) Demonstrate that the activity as proposed includes adequate mitigation measures to avoid contamination to or degradation of the water supply which are at least as protective of the water supply as the standards for regulated activities set forth in these rules and regulations and which shall mitigate adverse impacts to water quality from land clearing or impervious surfaces or other regulated activities related to or enabled by the regulated activity authorized by the variance; and

(d) Variances within coliform and phosphorus restricted basins.

(1) The Department may grant a variance from the prohibition of locating a new wastewater treatment plant or expanding an existing wastewater treatment plant in a coliform restricted basin, or in a phosphorus restricted basin, where the Department determines that conditions in the area to be served by the new or expanded wastewater treatment plant are resulting in the release or discharge of inadequately treated sewage into the water supply, and that there is no other feasible method of correcting such release or discharge of inadequately treated sewage except to provide a variance from such prohibition. Provided, however, that in such cases, the additional treatment capacity of the new or expanded wastewater treatment plant may only be of a size sufficient to service the area identified as the source of contamination and any immediate area of concern as limited or delineated by the Department.

(e) Variances Within the 60 Day Travel Time to Intake in the Croton System

(1) The Department may grant a variance from the prohibition set forth in §18-36(d)(2)(i) against locating a new wastewater treatment plant or expanding an existing wastewater treatment plant in the Croton System, within the 60 day travel time to intake, where the Department has made the following determinations:

- (i) One of the following situations is present:
 (a) conditions in the area

to be served by the new or expanded wastewater treatment plant, including failed subsurface sewage treatment systems, are resulting in the release or discharge of inadequately treated sewage into the water supply; or

(b) influent flow rates to an existing wastewater treatment plant exceed the permitted flow limit for the wastewater treatment plant as specified in its SPDES permit and/or the design capacity of the wastewater treatment plant and have caused, or can reasonably be expected to cause, the release of inadequately treated sewage.

(ii) There is no other feasible method of correcting such release or discharge of inadequately treated sewage except by locating a new or expanding an existing surface-discharging wastewater treatment plant within the 60 day travel time to intake; and

(iii) The applicant has demonstrated that there are no sources of inflow or infiltration to the sewer system of the new or expanded wastewater treatment plant, other than sources that are to be eliminated pursuant to a consent order or other commitment binding on the applicant, that can practicably be eliminated.

(2) The applicant must demonstrate to the Department, that the total flow to the new or expanded wastewater treatment plant authorized pursuant to this subdivision will be limited as follows:

(i) if the applicant seeks to expand a wastewater treatment plant serving a sewer district, the flow to the expanded wastewater treatment plant may include only:

(a) flow from facilities within the sewer district that are connected to the wastewater treatment plant as of the date of the application for a variance (based on the flows reported by the wastewater treatment plant pursuant to its SPDES permit in the year preceding the application for the variance); and

(b) flow from facilities within the sewer district that are served by subsurface sewage treatment systems as of the date of the application for a variance; and

(c) additional flow from the sewer district of no more than ten percent (10%) of the average of the flows reported by the wastewater treatment plant pursuant to its SPDES permit in the year preceding the application for the variance; and

(d) reasonably anticipated flows from any area(s) outside the sewer district identified as source(s) of contamination pursuant to clause (a) of subparagraph (i) of paragraph (1) of subdivision (e) of this section.

(ii) if the applicant seeks to expand a wastewater treatment plant without a sewer district, the flow to the expanded wastewater treatment plant may include only:

(a) flows to the wastewater treatment plant as of the date of the application for a variance;

(b) reasonably anticipated flows from any area(s) identified as source(s) of contamination pursuant to clause (a) of subparagraph (i) of paragraph (1) of subdivision (e) of this section.

(iii) if the applicant seeks to construct a new wastewater treatment plant, the flow to the new wastewater treatment plant may include only reasonably anticipated flows from the area(s) identified as source(s) of contamination pursuant to clause (a) of

subparagraph (i) of paragraph (1) of subdivision (e) of this section.

(3) A new or expanded wastewater treatment plant authorized pursuant to a variance under this subdivision, and its sewer system, shall meet the following conditions:

(i) The wastewater treatment plant shall provide sand filtration or a Department-approved alternative technology to sand filtration, disinfection, phosphorus removal, and microfiltration or a Department-approved equivalent technology to microfiltration, as required by these rules and regulations; and

(ii) The wastewater treatment plant shall be designed, operated, and maintained to meet a total phosphorus limit of 0.1 mg/l, and the applicant shall seek to have such limit included in the wastewater treatment plant's SPDES permit; and

(iii) The applicant shall develop and implement a Department-approved Capacity, Management, Operation and Maintenance (CMOM) plan for the entire sewer system serving the wastewater treatment plant, and shall seek to have such plan incorporated into the wastewater treatment plant's SPDES permit. At a minimum, such CMOM plan shall include:

(a) a map of the entire collection system;

(b) an assessment of the current capacity of the collection system;

(c) a program and schedule for routine inspections and testing, and preventive operation and maintenance activities;

(d) a list of any structural deficiencies identified in the system and a schedule for short- and long-term rehabilitation measures to address each identified deficiency;

(e) an inflow study, and a plan and implementation schedule, to control and eliminate, to the extent practicable, stormwater contributions from sources such as catch basins, downspouts, and sump pumps; and

(f) a program for training appropriate personnel on collection system operation and maintenance; and

(iv) All wastewater pumping stations in the sewer system serving the new or expanded wastewater treatment plant, both new and existing, shall meet the alarm systems and emergency operation requirements applicable to new wastewater pumping stations as set forth in "Recommended Standards for Wastewater Facilities," Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers (2004); and

(v) In the event that the SPDES permitted flow limit of the wastewater treatment plant which has been constructed or expanded pursuant to a variance issued under this section is violated, the owner of the wastewater treatment plant shall investigate the cause of the violation and shall provide a report of its investigation to the Department within thirty (30) days of reporting such violation pursuant to the wastewater treatment plant's SPDES permit. In the event that the SPDES permitted flow limit of the wastewater treatment plant is violated two or more times during a consecutive twelve month period, the owner of the wastewater treatment plant shall submit a corrective action plan, including a schedule for implementation, to the Department for review and

approval within sixty (60) days of reporting the second such violation pursuant to the wastewater treatment plant's SPDES permit, and shall commence implementation of the approved plan in accordance with the approved schedule within thirty (30) days of receiving the Department's approval.

Section 16. Subparagraph (ii) of paragraph (2) of subdivision (c) of section 18-82 of title 15 of the Rules of the City of New York is amended to read as follows:

§18-82 Watershed Planning in the Croton System.

(c) The Croton Plan shall consist of the following three elements:

(2) Identification of investments to correct existing water quality problems in accordance with developed priorities. Such identification shall include the following elements:

(ii) Proposed measures to address water quality problems identified in paragraph (c)(1)(ii) above. Such measures may include subsurface sewage treatment system maintenance, rehabilitation and replacement programs, installation of community septic systems, the construction of sewer extensions or new [sewerage] sewer systems, stormwater controls, and the permanent diversion of wastewater to a discharge point outside of the watershed.

Section 17. Appendix D of chapter 18 of title 15 of the Rules of the City of New York, entitled "Hazardous Waste and Pesticide Standards," is repealed.

Prior to the issuance of a permit by the Department of Buildings for the alteration or demolition of residential buildings in certain areas of the **Special Greenpoint-Williamsburg District**, the Department of Housing Preservation and Development is required to certify that: 1) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration or demolition, the owner shall have notified HPD of the owner's intention to alter or demolish the building and 2) the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred.

The owner of the building located at the above-referenced address seeks the issuance of an HPD Certification. The owner has represented and certified to HPD of the owner's intention to alter or demolish the building and that the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has occurred. For your information HPD considers harassment to include, but not be limited to, the threatened or actual use of physical force, deprivation of essential services such as heat, water, gas or electric, or any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

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TRANSPORTATION

■ NOTICE

PUBLIC NOTICE OF A CONCESSION OPPORTUNITY FOR THE OPERATION, MANAGEMENT AND MAINTENANCE OF PEDESTRIAN PLAZAS LOCATED ON BROADWAY BETWEEN 41ST AND 36TH STREETS, BOROUGH OF MANHATTAN

Pursuant to the Concession Rules of the City of New York, the Department of Transportation ("DOT") intends to enter into a concession for the operation, management, and maintenance of pedestrian plazas located on Broadway between 41st and 36th Streets, Borough of Manhattan, including through DOT-approved events, sponsorships, and subconcessions, providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhoods or the concessionaire, and other similar merchandise. The concessionaire shall issue solicitations in the basic form of a Request for Proposals to select entities to operate and manage such subconcessions. The selection of the entities to operate and manage the subconcessions will be subject to DOT's approval.

The concession agreement will provide for one (1) five-year term and four (4) one-year renewal options, exercisable at DOT's discretion. Any revenue received by the concessionaire in excess of both the amount attributable to maintenance of the pedestrian plazas and reasonable administrative costs shall be paid to DOT for the City's General Fund.

DOT has identified the Fashion Center Business Improvement District ("Fashion BID") as a potential concessionaire, but DOT will consider additional expressions of interest from other potential concessionaires for the operation, management, and maintenance of pedestrian plazas located on Broadway between 41st and 36th Streets, Borough of Manhattan.

Instructions and information for potential concessionaires concerning how they may express interest in the proposed concession and/or how they may obtain additional information concerning the proposed concession should be directed to Andrew Wiley-Schwartz, Assistant Commissioner for Public Spaces, at (212) 442-7462 or by email at awileyschwartz@dot.nyc.gov. To ensure the consideration by DOT of any expressions of interest resulting from this notification, please contact Mr. Wiley-Schwartz by Friday, October 31, 2008. Mr. Wiley-Schwartz may also be contacted with any questions relating to the proposed concession. Please note that the New York City Comptroller is charged with the audit of concession agreements in New York City. Any person or entity that believes that there has been unfairness, favoritism or impropriety in the concession process should inform the Comptroller, Office of Contract Administration, 1 Centre Street, New York, New York 10007, telephone number (212) 669-2323.

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LATE NOTICES

HEALTH AND MENTAL HYGIENE

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, November 6, 2008, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, to add support services for five additional beds to a Supportive Housing Program for

SPECIAL MATERIALS

HOUSING PRESERVATION & DEVELOPMENT

■ NOTICE

**OFFICE OF PRESERVATION SERVICES
CERTIFICATION OF NO HARASSMENT UNIT**

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: October 27, 2008

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
388 Dean Street, Brooklyn	87/08	October 1, 2005 to Present
1239 Dean Street, Brooklyn	91/08	October 14, 2005 to Present
203 West 139th Street, Manhattan	88/08	October 1, 2005 to Present
103 West 73rd Street, Manhattan	92/08	October 16, 2005 to Present
1327 3rd Avenue, Manhattan	93/08	October 17, 2005 to Present
a/k/a 200 East 76th Street		
226 West 132nd Street, Manhattan	94/08	October 20, 2005 to Present

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

o27-n5

**OFFICE OF PRESERVATION SERVICES
CERTIFICATION OF NO HARASSMENT UNIT**

REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO THE SPECIAL GREENPOINT-WILLIAMSBURG DISTRICT PROVISIONS OF THE ZONING RESOLUTION

DATE OF NOTICE: October 27, 2008

TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
231 Bedford Avenue, Brooklyn	89/08	October 8, 2004 to Present
300 North 8th Street, Brooklyn	90/08	October 7, 2004 to Present

