



Appeal No. 2501120

DOB v. VNO Bruckner Plaza LLC

October 30, 2025

APPEAL DECISION

The appeal of Respondent, premises owner, is **granted**.

Respondent appeals from a recommended decision by Judicial Hearing Officer (JHO) J. Rubin, dated August 21, 2025, sustaining a Class 1 violation of § 28-301.1 of the Administrative Code of the City of New York (Code) for failure to maintain a building in a safe and code-compliant manner. Having fully reviewed the record, the Board finds that the JHO’s decision is not supported by the law and a preponderance of the evidence. Therefore, the Board finds as follows:

Summons	Law Charged	Hearing Determination	Appeal Determination	Penalty
39127467P	Code § 28-301.1	In Violation	Reversed – Dismissed	\$0

BACKGROUND

In the summons, the issuing officer (IO) affirmed observing on October 19, 2024, at 1967 Turnbull Avenue, Bronx, “[f]ailure to maintain[] ADA signage at entrance of shopping center at steps and ramp.”

At the telephonic hearing held on August 19, 2025, the attorney for Petitioner, the Department of Buildings (DOB), submitted photographs taken by the IO depicting concrete steps leading up from the sidewalk to a shopping mall and a concrete ramp immediately adjacent to the steps leading up from the sidewalk to the mall. Respondent’s representative did not dispute that required signage for persons with disabilities was missing but argued that the lack of signage was not immediately hazardous where a prominent ramp was located next to the steps. The IO then testified that he issued the violation as Class 1 because the signage directs persons with disabilities on how to get in and out of the shopping center. Respondent’s representative reiterated that the ramp was clearly visible next to the steps and that persons with a vision impairment would not in any event see the signs or would have someone with them who would see the ramp and steps. Petitioner’s attorney countered that a person with a vision impairment is not necessarily accompanied by another person but may rely on a service animal or cane.

In her decision sustaining the charge, the JHO found that the violation was immediately hazardous because persons with disabilities would not know how to access the entrance or exits.

On appeal, Respondent’s representative reiterates his hearing arguments.

Petitioner did not answer the appeal.

ISSUE ON APPEAL

The issue on appeal is whether Petitioner established that the lack of signage for persons with disabilities on the exterior ramp and steps was an immediately hazardous violation.

APPLICABLE LAW

Section 1101.3.3 of the Building Code (BC) provides:¹

Directional signage shall be provided in accordance with Section 1111.2 at or in close proximity to inaccessible building entrances, inaccessible public toilets and bathing facilities, and elevators not serving an accessible route, indicating the route to the nearest like accessible element where such accessible element is provided, such that an individual with disabilities will not be required to retrace the approach route from the inaccessible element.

BC § 1111.2 provides, in pertinent part, that:

Directional signage indicating the route to the nearest like accessible element shall be provided at or in close proximity to the following locations, such that an individual with disabilities will not be required to retrace the approach route from the inaccessible element.

1. Inaccessible building entrances.

BC § 1101.3.4 provides that “[i]dentifying accessibility signage shall be provided in accordance with Item 5 of Section 1111.1 at accessible building entrances where not all entrances are accessible.”

BC § 1111.1 provides, in pertinent part:

Required accessible elements shall be identified by the dynamic accessibility symbol, in accordance with Figure 1111.1, at the following locations.

* * * * *

5. Accessible entrances where not all entrances are accessible. The sign, where provided, shall include a contact telephone number or instructions to gain access if an otherwise accessible building entrance is locked at all times or locked when the building is otherwise open



**FIGURE 1111.1
DYNAMIC ACCESSIBILITY SYMBOL**

¹ The BC is found in Title 28 of the Code.

Section E107 of BC Appendix E provides, in pertinent part, the “[s]igns that provide direction to, or information about, permanent interior spaces of the site and facilities shall contain visual characters complying with Section 703.2 (Visual Characters) of ICC A117.1.”

ANALYSIS

For the following reasons, the Board reverses the JHO’s decision.

On this record, the Board finds that Petitioner failed to establish that the lack of signage for persons with disabilities on the exterior ramp and steps was an immediately hazardous violation. At the hearing, the IO asserted that he designated the violation as Class 1 because the required signage provided persons with disabilities with directions on how to enter or exit the shopping center. However, as noted by Respondent’s representative, the IO’s photographs depict a large exterior concrete ramp immediately adjacent to exterior concrete steps, both leading from the sidewalk into the shopping mall. Further, the IO did not allege that signage was missing inside the shopping center. Because the prominent accessible ramp was located in close proximity to the concrete steps to the shopping mall entrance, the Board finds that the lack of identifying signage or directional signage at the inaccessible entrance indicating the route to the nearest like accessible element did not pose “a threat that severely affects life, health, safety, property, the public interest, or a significant number of persons so as to warrant immediate corrective action[.]” *See* § 102-01(b)(1) of Title 1 of the Rules of the City of New York.

Accordingly, the Board reverses the JHO’s decision sustaining a Class 1 violation of Code § 28-301.1 and dismisses this charge.

By: OATH Appeals Division