

VILLAGE OF NYACK  
BUILDING AND ZONING DEPARTMENT  
9 NORTH BROADWAY  
NYACK, NY 10960  
(845) 358-4249

APPEARANCE TICKET

TO: Carol McIlmurray  
17 North Broadway  
Nyack, NY 10960

SEC-BLK-LOT: 66.38-2-4.

FILE NO: 599

INCIDENT NO: 9-167

LOCATION: 17 North Broadway

YOU ARE HEREBY NOTIFIED to appear personally in the Village Court of  
the VILLAGE OF NYACK, located at 9 NORTH BROADWAY, NYACK, NY 10960  
on the 9 Day of July, 2009  
at 9:30 in the forenoon.

To answer the charge of committing the following offense at the above  
mentioned location:

Altered the exterior appearance of a building by painting various  
images, words, and/or artwork on storefront without applying for and  
obtaining Architectural Review Board approval.


which is in violation of:

SEC: 59-41.7  
SUB-DIV: A.  
TITLE: Referrals for building permits;  
PAGE: 5996.4

Building & Zoning Code  
30-10  
A.  
Responsibilities of occupants.  
3013

UPON YOUR FAILURE TO APPEAR AS ABOVE DIRECTED, A WARRANT MAY BE ISSUED FOR  
YOUR ARREST.

Issued on this 30 day of June, 2009

  
John Allgor, Chief Building Inspector

**JUSTICE COURT OF THE VILLAGE OF NYACK  
COUNTY OF ROCKLAND: STATE OF NEW YORK**

-----X  
**PEOPLE OF THE STATE OF NEW YORK,**

**Plaintiff,**

**INFORMATION**

**-against-**

**Incident No. 9-167**

**Carol McIlmurray**

**Defendant.**

-----X  
I, John Allgor, Chief Building & Zoning Inspector, for the Village of Nyack, with offices located at 9 North Broadway, Nyack, New York, County of Rockland and State of New York, by this information depose and say:

**COUNT I**

That on or about the 28th day of May, and 29<sup>th</sup> day of June 2009, at the premises located at 17 North Broadway, Nyack, New York, and designated on the Town of Orangetown assessment map as Section 66.38, Block 2, Lot 4, the said Carol McIlmurray, hereinafter referred to as the defendant, did violate the provisions of Section 59-41.7A., of the Code of the Village of Nyack by altering the exterior appearance of the building by painting various images words, and/or artwork on storefront without applying for and obtaining Architectural Review Board approval. A copy of said provision is attached hereto and made a part hereof.

To wit: A review of the files and records maintained by the office of the Building Department revealed that the defendant is the occupant of the premises and the person in control of the premises and that on or about the 28th day of May 2009, Carol McIlmurray painted various images words, and/or artwork on storefront without applying for and obtaining Architectural Review Board approval. Specifically, on May 28, 2009 and June 29, 2009, I personally observed the storefront painted with various images words, and/or artwork.

**COUNT II**

That on or about the 23<sup>rd</sup>, 24<sup>th</sup>, 27<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> day of June 2009, at the premises located at 17 North Broadway, Nyack, New York, and designated on the Town of Orangetown assessment map as Section 66.38, Block 2, Lot 4, the said Carol McIlmurray, hereinafter referred to as the defendant, did violate the provisions of Section 59-41.11., of the Code of the Village of Nyack by failing to comply with the conditions of the Architectural Review Board. A copy of said provision is attached hereto and made a part hereof.

To wit: A review of the files and records maintained by the office of the Building Department revealed that the defendant is the occupant of the premises and the person in control of the premises and that on or about the 23<sup>rd</sup>, 24<sup>th</sup>, 27<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> day of June 2009, the defendant failed to submit documents required by the Architectural Review Board's conditional approval,

failed to properly clean paint from the sidewalk, and continued to paint the storefront. The source of my information and the grounds for my belief for several noted dates is the attached supporting deposition signed by Code Enforcement Officer Fred Viohl.

### COUNT III

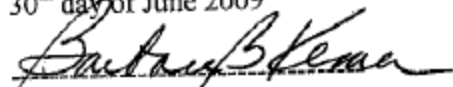
That on or about the 29<sup>th</sup> day of June 2009, at the premises located at 17 North Broadway, Nyack, New York, and designated on the Town of Orangetown assessment map as Section 66.38, Block 2, Lot 4, the said Carol McIlmurray, hereinafter referred to as the defendant, did violate the provisions of Section 30-10A, of the Code of the Village of Nyack by failing to maintain the premise for which she is responsible in a clean condition. A copy of said provision is attached hereto and made a part hereof.

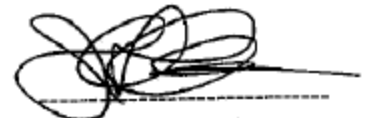
To wit: A review of the files and records maintained by the office of the Building Department revealed that the defendant is the occupant of the premises and the person in control of the premises and that on or about the 29<sup>th</sup> day of June 2009, the defendant failed to maintain the premise for which she is responsible in a clean condition. Specifically, I observed excessive amounts of paint on the sidewalk in front of store where painting is being done.

The facts upon which this information is made are of my own knowledge and on information and belief including a review of the files, records and documents in the office of the Building Department.

STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

Sworn to before me this  
30<sup>th</sup> day of June 2009

  
Notary Public

  
John Allgor

BARBARA S. KUNA  
Notary Public, State of New York  
No. 01KU0081272  
Qualified in Rockland County  
Commission Expires July 18, 2011

VILLAGE OF NYACK  
BUILDING AND ZONING DEPARTMENT  
9 NORTH BROADWAY  
NYACK, NY 10960  
(845) 358-4249

APPEARANCE TICKET

TO: Carol McIlmurray  
17 North Broadway  
Nyack, NY 10960

SEC-BLK-LOT: 66.38-2-4.

FILE NO: 599

INCIDENT NO: 9-216

LOCATION: 19 North Broadway, Nyack, NY 10960

YOU ARE HEREBY NOTIFIED to appear personally in the Village Court of  
the VILLAGE OF NYACK, located at 9 NORTH BROADWAY, NYACK, NY 10960  
on the 30 Day of July, 2009  
at 9:30 in the forenoon.

To answer the charge of committing the following offense at the above  
mentioned location:  
Operating a business without obtaining a certificate of Fire Safety  
Compliance

which is in violation of:  
Code of the Village of Nyack  
SEC: 22  
SUB-DIV: 22-38  
TITLE: Conditions and requirements

UPON YOUR FAILURE TO APPEAR AS ABOVE DIRECTED, A WARRANT MAY BE ISSUED FOR  
YOUR ARREST.

Issued on this 6 day of July, 2009



Vincent Fiorentino, Fire Inspector

JUSTICE COURT OF THE VILLAGE OF NYACK  
COUNTY OF ROCKLAND; STATE OF NEW YORK

-----X  
PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

INFORMATION

Against-

Incident No. 9-216

Carol McIlmurray  
Romp Room

Defendant.  
-----X

I, Vincent Fiorentino, Fire Inspector, for the Village of Nyack, with offices located at 9 North Broadway, Nyack, New York, County of Rockland and State of New York, by this information depose and say:

COUNT I

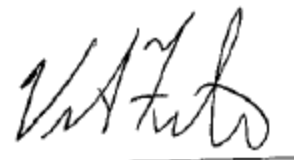
That on or about the 4<sup>th</sup> day of July 2009 at the premises located at 19 North Broadway, Nyack, New York, and designated on the Town of Orangetown assessment map as Section 66.38, Block 2, Lot 4, the said Carol McIlmurray, doing business as The Romp Room hereinafter referred to as the defendant, did violate the provisions of the **Code of the Village of Nyack, Section 22-38. Conditions and requirements; fees.** A copy of said provision is attached hereto and made a part hereof.

To wit: A review of the files and records maintained by the office of the Building Department revealed that the defendant is the occupant of the premises and the person in control of the premises and that on the 4<sup>th</sup> day of July 2009 I personally observed the business known as the Romp room opened and operating. A review of the files kept at the Village of Nyack Building and Zoning revealed that no certificate of fire compliance had been issued for said business. I personally and in writing told owner to comply with the requirements of the Village of Nyack Fire Compliance Requirements prior to opening and operating said business. A copy of the Fire Compliance Requirements is attached hereto and made part hereof.

STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR  
PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

Sworn to before me this  
10<sup>th</sup> Day of July 2009

  
Notary Public

  
Vincent Fiorentino

RENEE L. HALPERIN  
Notary Public, State of New York  
No. 4825558  
Qualified in Rockland County  
Commission Expires 07/30/2010

Code of the Village of Nyack

Chapter 22, Fire Compliance

§ 22-38. Conditions and requirements; fees

A. An annual certificate of compliance to ensure compliance with all requirements of this code and the New York State Uniform Fire Prevention and Building Code shall be required for all uses and occupancies of property other than one- or two-family dwellings. Such certificate does not take the place of any other permits or certificates required by law. It shall not be transferable, and any change in the use or occupancy of premises shall require a new certificate.

B. Before a certificate of compliance may be issued, a Fire Inspector or Deputy or Assistant Fire Inspector shall make such inspections or tests as are necessary to assure that the provisions of this code and the New York State Uniform Fire Prevention and Building Code are being complied with.

C. Any certificate of compliance required under the provisions of this section shall be issued by the Building Department upon approval of the Fire Inspector, and such certificate shall be posted or displayed in a conspicuous place on the premises.

D. The Village of Nyack may require applicants to submit written applications supplying, under affidavit, such information needed for fire-protection purposes as requested by the Fire Inspector and/or Fire Department.

E. Fees for certificates of compliance for new or changed uses and annual inspection fees payable each year for the specific uses subject to inspection by the Fire Inspector shall be established from time to time by resolution of the Village Board.