OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons# : 001010862R et al. (1 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- CHINNICI JOSEPH JR Hearing Date : 8/19/2026 Hearing Location : Remote Type of Hearing : By Telephone

Total Penalty Amount :	**350.00**	**Community Service(Hr):**	**Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
001010862R	Sustained	02/19/2025	intersection of 81st Street and 18th Avenue, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: **350.00**

Findings of Facts & Conclusions of Law

Summons #001010862R alleges that on 2/19/25 the Respondent, Joseph Chinnici, Jr., was in violati n of NYC Administrative Code section 24-163 by causing or permitting the idling of a motor vehicle engine for more than three minutes at the intersection of 81st Street and 18th Avenue, Brooklyn, NY.

Tiffany Irizarry, authorized representative, appeared for the Respondent. Leah Smith appeared for Petitioner DEP.

Petitioner rested on the summons and provided evidence in support (See Pet. Ex.- one photograph, citizens complaint, affirmation of service, video).

Ms. Irizarry provided a letter from the Respondent stating that the driver was packing bread orders inside the truck at the time of the idling and the trucks need to remain on so that the employees can see which packaging they need to use for bagging the orders (See Res. Ex.).

While I credit Respondents testimony, the Board has found that the idling exemption does not apply where idling is used to power equipment that is not integral to the vehicle's design and purpose ie strobe lights/arrow boards/hazard lights/interior lights etc. (See Appeal #2201394, #2100891, #2200589, #2200479).

Respondent has failed to establish a valid defense or otherwise refute the charge. Accordingly, the summons is sustained.

09/09/2026 **09/09/2026**

Lara Bianchi, Hearing Officer **Date**

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 001010863Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CHINNICI JOSEPH JR **Hearing Date:** 08/19/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$350.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
001010863Z	Sustained	02/19/2025	18th Avenue between 81st Street and 82nd Street Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	$350.00

Findings of Fact & Conclusions of Law

Summons #001010863Z alleges that on 2/19/25 the Respondent, Joseph Chinnici, Jr., was in violation of NYC Administrative Code section 24-163 by causing or permitting the idling of a motor vehicle engine for more than three minutes on 18th Avenue between 81st Street and 82nd Street, Brooklyn, NY.

Tiffany Irizarry, authorized representative, appeared for the Respondent. Leah Smith appeared for Petitioner DEP.

Petitioner rested on the summons and provided evidence in support (See Pet. Ex.- one photograph, citizens complaint, affirmation of service, DMV info, video).

Ms. Irizarry provided a letter from the Respondent stating that the driver was packing bread orders inside the truck at the time of the idling and the trucks need to remain on so that the employees can see which packaging they need to use for bagging the orders (See Res. Ex.).

While I credit Respondents testimony, the Board has found that the idling exemption does not apply where idling is used to power equipment that is not integral to the vehicle's design and purpose ie strobe lights/arrow boards/hazard lights/interior lights etc. (See Appeal #2201394, #2100891, #2200589, #2200479).

Respondent has failed to establish a valid defense or otherwise refute the charge. Accordingly, the summons is sustained.

09/09/2026

09/09/2026

Lara Bianchi, Judicial Hearing Officer	Date