OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 001013402J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CHINNICI JOSEPH JR **Hearing Date:** 08/26/2026 **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
001013402J	Sustained	02/26/2025	8118 18th Avenue Brooklyn

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

Findings of Fact & Conclusions of Law

The Summons alleges Respondent caused or permitted the idling of a motor vehicle parked, standing, or stopped while adjacent to Milestone Park. As per DEP records, citizen observed TRUCK with NY License Plate # 92556NE idling for longer than one minute from 2/26/2025 11:34:02PM to 2/26/2025 11:38:59PM at 8118 18 Avenue.

Respondent appeared via a remote hearing by TIFFANY IRIZARRY, authorized representative, and waived the right to an interpreter, attorney and the presence of the IO. Petitioner appeared by Michael Grosso.

Petitioner submitted two photographs depicting the vehicle, including its license plate and side profile, which were admitted as

Exhibits 1 and 2. Petitioner also submitted the vehicle identification information and a redacted idling complaint, admitted as Exhibits 3 and 4. Petitioner further submitted the idling video, admitted as Exhibit 5.

Petitioner explained that the video does not contain audio but maintained that the visual evidence demonstrates that the vehicle was idling. Petitioner further stated that individuals were loading items into the truck while the engine remained running and that the loading activity could have been performed with the engine turned off.

Respondent submitted an affidavit from its client explaining the reason the truck's engine was running. The affidavit states that the vehicle was being used in connection with a bread delivery service and that the workers kept the truck running to operate the lighting in the rear of the vehicle so that they could see the orders. The affidavit was admitted as Exhibit A.

Petitioner argued in rebuttal that the stated reason for operating the vehicle did not constitute an applicable exemption from the idling prohibition because other means, such as a battery-operated device, could have been used to provide lighting in the rear of the truck.

Administrative Code §24-163(f) prohibits the idling of a motor vehicle for longer than one minute while parked, standing, or stopped adjacent to a qualifying school or park, unless a statutory exception applies. The Code permits limited idling of a school bus only where necessary for mechanical work, maintaining an appropriate temperature for passenger comfort, or emergency evacuations involving wheelchair lifts.

Here, the evidence establishes that the vehicle identified in the Summons was present at the stated location and that it remained with its engine running. The photographs establish the identity of the vehicle, including its license plate, while the idling video provides additional evidence concerning the condition and operation of the vehicle at the relevant time. The absence of audio from the video does not, by itself, render the visual evidence unreliable or insufficient.

Respondent does not dispute that the vehicle's engine was running. Instead, Respondent contends that the engine was kept running so that the workers could use the vehicle's rear lighting while making bread deliveries. This explanation does not establish that the vehicle was exempt from the applicable idling restriction. Respondent did not establish that the vehicle fell within a recognized exemption or that the circumstances described in the affidavit permitted the engine to remain running for the duration alleged.

I find Petitioner's evidence sufficient to establish that the subject vehicle was idling for longer than one minute at the stated location. Respondent's explanation for the idling does not establish a defense to the violation.

Accordingly, the Summons is sustained.



09/10/2026

09/10/2026

Patricia DeSalvo, Judicial Hearing Officer

Date