



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000851090X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ON PENSKE TRUCK LEASING CORPORATI Hearing Date: 04/22/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000851090X	Sustained	12/20/2023	307 East 12th Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA11	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Respondent appeared by its authorized representative Lance Chebin to respond to the charge of idling a motor vehicle for more than one minute adjacent to a school.

Petitioner appeared by Inspector Leah Smith and submitted photos and a video of the truck in question, a redacted idling complaint and a screen shot of the USDOT vehicle registration information. Also submitted was a photo of the school located adjacent to the subject location which also shows the location of the school's playground.

After reviewing the video Inspector Smith stated that the truck is a refrigerated truck with no lift gate in use and that while the

truck has a refrigeration unit the engine is not needed to operate the type of refrigeration device on the truck.

Mr. Chebin argued that the school is not adjacent to where the truck was located (and submitted a street image of the street) but is on a different street. Mr. Chebin also stated that the engine is needed to operate the refrigeration device but did not submit evidence to support this.

Inspector Smith responded that the school has multiple entrances, a school yard and that the school borders on East 12th Street and takes up almost the entirety of the avenue where the school is located and is adjacent to where the truck was observed.

I credit petitioner's evidence and find that petitioner established a prima facie case for idling and that the truck's location was adjacent to a school and that the truck's engine was not needed to power the refrigeration unit on the truck.

Accordingly, the summons is **sustained**.

Melanie Finkel

04/29/2025

04/29/2025

Melanie Finkel, Hearing Officer

Date