



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000792182X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- KABASHI SOKOL Hearing Date: 07/07/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$800.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000792182X	Sustained	04/12/2025	210 EAST 36TH STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BNZ6	24-236 (E)	Sustained	\$800.00

Findings of Fact & Conclusions of Law

The summons allege that the respondent violated NYC Administrative Code 24-236(e), by causing/permitting sound from a motor vehicle on public Right of Way in excess of the VTL limit at 210 East 36th Street Manhattan on April 12, 2025. Michael Nacmias, Esq., appeared for the respondent Sokol Kabashi. Senior Inspector Dantney Parks appeared for the petitioner DEP.

The issuing officer stated that respondent caused or permitted the total sound from a motor vehicle with a maximum gross weight of 10,000 lbs or less operating on a public right of way to exceed sound levels in section 386 of the VTL. Vehicle 2017 AUDI R8 NY license plate LTT9222 was observed by a noise camera on 4/12/2025 at 5:25PM. Sound levels registered at

98.7db(a), in excess of 76 db(a) measured at 50 ft or more from the center of the lane. The petitioner provided photos of the license plate, a graph demonstrating noise levels, and short videos taken by the noise camera (Pet. Exh).

The respondent denied the charge. The respondent said that vehicle could not have been 50 feet from the noise camera, as required. The respondent provided a scale map of 36th Street at 3rd Avenue Manhattan (Resp Exh). The respondent pointed out that the width of the street is 40 feet. The vehicle is necessarily less than 40 feet from the monitoring device. The law requires the monitoring device to be 50 feet from the vehicle.

In response, the petitioner said that the noise camera must be 50 feet from the center of the lane, and not 50 feet from the vehicle according to the VTL. The respondent also did not consider the height at which the noise camera is situated above ground; a lateral measurement is not sufficient to determine the distance.

VTL 386(3)(c) provides in relevant part that it shall be unlawful for any person to operate on a public highway any motor vehicle with a maximum gross weight of ten thousand pounds or less, at any time, in such a manner as to exceed the applicable A-weighted sound level set forth in table II. The maximum allowable sound levels in table II are based on a sound level measured at, or adjusted to, a distance of fifty feet from the center of the lane in which the motor vehicle is traveling: TABLE II
MAXIMUM ALLOWABLE A-WEIGHTED SOUND LEVELS
MAXIMUM SPEED LIMIT 35 miles per hour over 35 OR LESS
MILES PER HOUR 76 DB(A) 82 DB(A) d.

I credit the issuing officer's sworn statement in the summons. I credit the petitioner's documentary and photographic evidence. I find that the noise camera was at a proper distance to measure sound levels. I find the respondent's vehicle exceeded legal sound levels. The respondent did not deny ownership of the vehicle, or that the noise camera found respondent's vehicle exceeded legal sound levels. I do not credit the respondent's claim that the noise camera was at an improper distance. I find respondent's measurements did not consider angular distances from the camera based on its height. I find further that according to the VTL sound levels can be measured at or adjusted to a distance of fifty feet from the center of the lane in which the vehicle traveled (emphasis added). Accordingly, I find the petitioner proved its charge by a preponderance of the evidence. I find the respondent is in violation. I impose the standard penalty.



07/08/2025

07/08/2025

Anthony Feldmesser, Hearing Officer

Date