

NOVICK EDELSTEIN POMERANTZ P.C.  
ATTORNEYS AND COUNSELLORS AT LAW  
733 YONKERS AVENUE  
YONKERS, NY 10704

FAX: (914) 375- 0699

(914) 375-0100

I. SCOTT EDELSTEIN  
EUGENE S. REISMAN  
EDWARD FRIEDMAN  
RAMONA L. GOODMAN  
MARYBETH HOTALING  
PETER A. LIFSON  
DANIEL POMERANTZ  
LAWRENCE T. SCHIRO  
CHARLES D. WASSERMAN  
CRAIG D. ZIM  
GREGORY S. BOUGOPOULOS  
HAROLD BORDOWITZ  
JASON FUHRMAN

MATTHEW L. GORDON  
PAUL T. FINKELSTEIN  
STEPHEN I. WOHLBERG  
MORTON M. GOLDBERG  
CRISTEN L. GOTTLIEB  
MICHELI PEREZ  
FRANCISCO RIVERA  
GREGORY R. SARAFAN

March 26, 2019

ROBERT EHRENFELD,  
OF COUNSEL

Honorable Kathleen H. Burgess  
Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

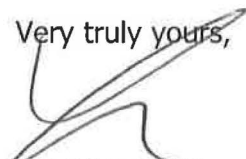
Via Email: [Secretary@dps.ny.gov](mailto:Secretary@dps.ny.gov)

**RE: MATTER 19-00570 - PETITION OF  
VERISON NEW YORK INC. FOR ORDERS  
OF ENTRY FOR 41 MULTIPLE-DWELLING  
UNIT BUILDINGS IN THE CITY OF NEW YORK**

Dear Ms. Burgess:

I enclose herein a duplicate answer. The original was submitted by regular mail and email on March 20, 2019 without a cover letter. This cover letter rectifies that.

Very truly yours,



Lawrence Schiro, Esq.

LS:jn  
Enc.

## Lawrence Schiro

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**From:** dps.sm.Secretary <Secretary@dps.ny.gov>  
**Sent:** Tuesday, March 26, 2019 10:39 AM  
**To:** Lawrence Schiro  
**Subject:** Response to Petition - Matter 19-00570

Good morning,

We received a Response to Petition and it is missing a cover letter addressed to secretary Burgess. Can you please email us a cover letter for that filing so we can process it?

Thank you so much!

## Lawrence Schiro

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**From:** 228correspondence@verizon.com  
**Sent:** Thursday, March 21, 2019 10:09 AM  
**To:** Lawrence Schiro  
**Cc:** Isaac Benishai  
**Subject:** RE: Attached Image

Thank you for your correspondence. It is being reviewed and will be handled/forwarded as appropriate.

**From:** Lawrence Schiro [mailto:lschiro@novickedelstein.com]  
**Sent:** Wednesday, March 20, 2019 1:52 PM  
**To:** 228 Correspondence <228correspondence@one.verizon.com>  
**Cc:** Isaac Benishai <ib@swmanagement.com>  
**Subject:** FW: Attached Image

Regarding 239-247 W.21street realty LLC and 49-15 Skillman realty LLC see response to access petition ; Thanks

Novick Edelstein lubell PC 733 yonkers avenue yonkers new York 10704 914 -375-0100; [lschiro@novickedelstein.com](mailto:lschiro@novickedelstein.com) fax 914 3750699

**From:** [copier@novickedelstein.com](mailto:copier@novickedelstein.com) <[copier@novickedelstein.com](mailto:copier@novickedelstein.com)>  
**Sent:** Wednesday, March 20, 2019 2:08 PM  
**To:** Lawrence Schiro <[lschiro@novickedelstein.com](mailto:lschiro@novickedelstein.com)>  
**Subject:** Attached Image

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

-----X

**Petition of Verizon New York Inc. for  
Orders of Entry for 41 Multiple-Dwelling  
Unit Buildings in the City of New York**

-----X

**RESPONSE**

**Matter 19-\_\_\_\_\_**

239-243-247 W. 21 Realty LLC c/o S.W. Management LLC and 49-15 Skillman Realty LLC  
c/o S.W. Management LLC by their attorneys, Novick Edelstein Pomerantz P.C., as and for the  
Answer to the Petition for Orders of Entry allege as follows:

1. Respondents deny knowledge or information sufficient to form a belief as to  
paragraphs 1, 3 and 5 of the Petition.

2. Respondents deny paragraphs 4 and 8 of the Petition.

**I. RESPONDENTS REQUEST JUST COMPENSATION PURSUANT TO 16 NYCRR §898.2  
AND SUPREME COURT CASE LAW, INCLUDING MANHATTAN TELEPROMPTER**

**II. SPECIFIC RESPONSE TO ACCESS REQUESTED FOR 239-247 WEST 12ST STREET**

3. Respondents have fully attempted to interact and comply with Petitioner. However,  
Petitioner has failed to comply with reasonable request of Respondents, including copies of high  
level survey for each of the properties for which access has been sought (see, Isaac Benishai email  
of January 7, 2019) and Respondents have offered inspection of all properties and requested dates  
when Petitioner planned on visiting the site to coordinate staff to meet Petitioner and give access  
throughout both of the buildings (see, Isaac Benishai email of March 13, 2019). Respondents have  
made reasonable requests as to certain physical intrusions into the premises such as the plan of  
Verizon to penetrate through the back of the building 239 West 21<sup>st</sup> Street, enquiring as to the size  
of the hole, and whether or not Petitioner has done testing to determine that the core of the wall  
is secure enough to bore through. Respondents have further requested certain construction details  
such as all holes be waterproofed at the end of each day and whether or not the building would

be a "block feeder" (see, Isaac Benishai email of March 7, 2019).

**III. SPECIFIC RESPONSE TO ACCESS REQUESTED FOR 49-15 SKILLMAN AVENUE, QUEENS, NEW YORK**

4. On or about February 8, 2017 Respondents received communications from Verizon as to notice of intention to install cable television facilities and service at 49-15 Skillman Avenue. A construction coordinate sheet was executed and on March 23, 2017 Respondents authorized pathway work at the building.

5. On March 21, 2018 management indicated that there was expensive facade and roof work in progress and that the work would take eight to nine months to complete. As soon as it was completed Respondents would permit access to Petitioner.

6. The same day, March 21, 2018, Petitioner advised they were taking this property off the calendar and they would reach back out to Respondents in December 2018 or January 2019.

7. There were no further interactions from Petitioner until we received the Petition seeking access.

8. Respondents' roof and facade work is still ongoing. Once it is completed Respondents will permit access to Verizon to complete its pathway work.

**IV. RESPONDENTS HAVE REQUESTED REASONABLE ACCOMMODATIONS FROM PETITIONER**

9. Respondents request an insurance certificate showing liability and personal property insurance coverage of at least \$1,000,000 each occurrence, \$3,000,000 aggregate for liability and \$1,000,000 property damage, \$2,000,000 aggregate (accord 27, proof of insurance).

**V. RESPONDENTS HAVE REQUESTED TO ASCERTAIN THE SCOPE OF WORK PROPOSED BY PETITIONER**

10. Respondents have requested a scope of work of the work to be done on Respondents' properties by Petitioner.

**VI. RESPONDENTS ARE READY, WILLING AND ABLE TO PERMIT ACCESS SUBJECT TO THE ABOVE**

11. Respondents are ready, willing and able to interact with Petitioner to permit access for the cable installation subject to the above.

**VII. CONCLUSION**

12. Respondents request that the Petition be denied as indicated above, together with whatever other further and just relief the Public Service Commission deems just and appropriate.

**Dated: Yonkers, New York**  
**March 20, 2019**

**Yours, etc.**



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**NOVICK EDELSTEIN POMERANTZ P.C.**  
**ATTORNEYS FOR RESPONDENTS**  
**BY: LAWRENCE SCHIRO, ESQ.**  
**733 YONKERS AVENUE**  
**YONKERS, NEW YORK 10704**  
**(914) 375-0100**  
**(914) 375-0699 [FAX]**  
**lschiro@novickedelstein.com**

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

-----X

**Petition of Verizon New York Inc. for  
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-----X

**VERIFICATION**

**Matter 19-\_\_\_\_\_**

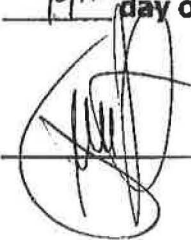
**STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF                    )**

**ISAAC BENISHAI**, being duly sworn, deposes and says:

I am a manager of S.W. Management LLC, managing agent for the two Respondents herein. I have read the foregoing Answer. It is true based upon my personal knowledge except where I rely on information and belief, which is formed by my review of my books and records.

  
**ISAAC BENISHAI**

**Sworn to before me this**  
19th **day of March 2019**



VESNA STAMM  
Notary Public, State of New York  
Registration #01ST6239129  
Qualified In Queens County  
Commission Expires April 18, 2019

\_\_\_\_\_  
**Notary Public**

**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

-----X

**Petition of Verizon New York Inc. for  
Orders of Entry for 41 Multiple-Dwelling  
Unit Buildings in the City of New York**

-----X

**AFFIRMATION OF SERVICE**

**Matter 19-\_\_\_\_\_**

**LAWRENCE SCHIRO, ESQ.**, an attorney duly admitted to practice before the courts of the State of New York, affirms the following to be true under penalty of perjury.

1. I am over 18 years of age, I maintain an office at 733 Yonkers Avenue, Yonkers, New York, and I am not a party to this proceeding.

2. That on March *20*, 2019 I served the within Response to Petitioner Verizon New York Inc. for Orders to Entry upon:

Joseph A. Post  
Deputy General Counsel - NY  
Verizon  
140 West Street - 7<sup>th</sup> Floor  
New York, New York 10007  
Email: 228correspondence@verizon.com

Hon. Kathleen H. Burgess  
Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

the addresses designated by said attorney for that purpose, by regular first class mail, by depositing a true copy of same enclosed in a post-paid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, **and via email to 228correspondence@verizon.com.**

**Dated: Yonkers, New York  
March *20*, 2019**

  
\_\_\_\_\_  
**LAWRENCE SCHIRO, ESQ.**



NOTICE OF ENTRY

Sir:-Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on \_\_\_\_\_, 2019

Dated:

Yours, etc.

NOVICK EDELSTEIN POMERANTZ P.C.

Attorney(s) for

Office and Post Office Address

733 Yonkers Avenue  
Yonkers, NY 10704

To:

Attorney(s) for

\_\_\_\_\_  
Notice of Settlement  
\_\_\_\_\_

Sir:-Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

on the \_\_\_\_\_ day of \_\_\_\_\_ 2019

at \_\_\_\_\_ M.

Dated,

Yours, etc.

NOVICK EDELSTEIN POMERANTZ P.C.

Attorney(s) for

Office and Post Office Address

733 Yonkers Avenue  
Yonkers, NY 10704

To

Attorney(s) for

MATTER 19-\_\_\_\_\_

YEAR: \_\_\_\_\_

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

Petition of Verizon New York Inc. for Orders of Entry for 41 Multiple-Dwelling Unit Buildings in the City of New York

RESPONSE

NOVICK EDELSTEIN POMERANTZ P.C.

Attorney(s) for Respondents 239-243-247 W. 21 Realty LLC & 49-15 Skillman Realty LLC

Office and Post Office Address, Telephone

733 Yonkers Avenue  
Yonkers, New York 10704  
(914) 375-0100

COMPLIANCE PURSUANT TO 22 NYCRR §130-1.1[a]

To the best of the undersigned's knowledge, information and belief formed after inquiry reasonable under the circumstances, the within document(s) and contentions contained herein are not frivolous as defined in 22 NYCRR §130-1.1[a]