

Testimony of Geraldine Kelpin
Director, Air, Noise Policy and Permitting
New York City Department of Environmental Protection

Preconsidered Intro 1229 – In relation to sound permits
New York City Council Committee on Public Safety
City Hall, June 25, 2010

Good morning, Chair Vallone and members of the committee. I am Geraldine Kelpin, Director of Air and Noise Policy and Permitting for the New York City Department of Environmental Protection (DEP). Thank you for the opportunity to testify today in support of Preconsidered Intro 1229, which would amend New York City Administrative Code (Code) Section 10-108 regarding restrictions on the issuance of permits for the use of sound devices:

This bill would create an exemption from the restriction in the Code on issuing permits for the use of sound devices within 500 feet of a school, courthouse or houses of worship during hours of operation or worship. The exception is conditioned on the applicant's certification that the sound made by the device, for example an amplifier used in concerts, does not exceed a level of 10 decibels (10dB(A)) above the ambient sound level as measured at a distance of 15 feet or more from the perimeter of the property where the sound device is in use.

The exception in the bill is based on the standard for 'unreasonable noise'—10 decibels above ambient—contained in the New York City Noise Code, found in Title 24, Chapter 2 of the Administrative Code, which the proposed language follows very closely. For enforcement purposes, it was important that the Noise Code be structured to allow for latitude in order to account for variations in location and the source of the noise. For this proposal, in which the requirement is certification, we would suggest that the bill be amended to define both distance and a reference location. A possible amendment would be to set the distance at 15 feet from the perimeter of the property at the point nearest to the structure where the sound device is in use. The unreasonable noise standard has been used successfully Citywide in various situations since the revision of the Noise Code became effective in July 2007. This bill, which provides for a pilot period of 90 days, will allow us to evaluate the modifications and determine whether they enable us to successfully balance the varied interests of all members of the public.

This concludes my prepared statement. Thank you for the opportunity to testify, and I am happy to answer any questions you may have.

Testimony of Brooklyn Borough President Marty Markowitz
to the New York City Council Committee on Public Safety
Chairman Peter Vallone

Regarding amending the Administrative Code of the City of New York in relation to sound permits

I WANT TO THANK CHAIRMAN PETER VALLONE AND THE NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC SAFETY — ERIK MARTIN DILAN — HELEN FOSTER — DANIEL GARODNICK — JAMES GENNARO — VINCENT GENTILE — DANIEL HALLORAN — ERIC ALDRICH — AND DAVID GREENFIELD.

I THANK MAYOR BLOOMBERG — AND COUNSELOR TO THE MAYOR ANTHONY CROWELL AND DIRECTOR OF INTERGOVERNMENTAL AFFAIRS HAEDA MIHALTSES AND CERTAINLY COUNCIL FINANCE CHAIR DOMENIC RECCHIA — AS WELL AS NEW YORK CITY'S FINEST, THE NYPD.

AS IS WELL KNOWN, OUR BROOKLYN AND NEW YORK CITY PARKS HAVE ALWAYS CELEBRATED CULTURAL PROGRAMMING — AND ASSER LEVY SEASIDE PARK HAS BEEN THE SITE OF LIVE PERFORMANCE FOR OVER A CENTURY IN SOME FORM OR ANOTHER.

IT IS THE "EASTERN GATEWAY" TO CONEY ISLAND.

HAS FOR THE PAST 19 YEARS BEEN A PLACE WHERE POP FANS COULD THRILL TO THE MUSIC OF EVERYONE FROM SUPERSTARS LIKE LIZA MINNELLI, FRANKIE VALLI AND THE FOUR SEASONS, SMOKEY ROBINSON, AND PAUL ANKA, TO ROCK AND DISCO ICONS LIKE PETER FRAMPTON AND DONNA SUMMER TO MORE RECENT GENERATIONS OF HIT-MAKERS LIKE HALL & OATES, MARC ANTHONY, AND THE B-52'S.

THIS PILOT PROGRAM MEANS THE SEASIDE CONCERT SERIES, WHICH HAS BEEN HELD AT ASSER LEVY SEASIDE PARK IN CONEY ISLAND WITHOUT COMPLAINT FOR 19 SUMMERS — WILL CONTINUE TO BRING JOY TO THOUSANDS.

UPCOMING ASSER LEVY PARK RENOVATIONS — WHICH INCLUDE A COVERED BAND SHELL, AS WELL AS IMPROVED DRAINAGE, WALKWAYS, A NEW STATE-OF-THE-ART COMFORT STATION AND FABULOUS NEW ACCESSIBLE PLAYGROUND — WILL ONLY MAKE THE PARK BETTER AND MORE USABLE FOR THE SURROUNDING COMMUNITY — AS WELL AS FOR THOSE VISITORS WHO WILL EXPERIENCE IT AS A VIBRANT PART OF THE CONEY ISLAND REVITALIZATION.

THIS COMPROMISE ENSURES THAT SERVICES HELD IN NEARBY SYNAGOGUES WILL NOT BE DISTURBED — AND PREVENTS THE ATTEMPTED CYNICAL USE — BY SOME AND BY THEIR OWN ADMISSION — OF THE 500-FOOT RULE TO HOLD THESE SHOWS HOSTAGE TO AN AGENDA TO STOP FUTURE PARK RENOVATIONS.

I LOOK FORWARD TO THE FINDINGS GATHERED BY THE PILOT PROGRAM, AND TO A FULL STUDY OF THE 500-FOOT RULE IN THE MONTHS AND YEARS TO COME — WHICH WILL ENSURE THAT THIS 1939 LAW IS FINE-TUNED TO MEET THE NEEDS OF OUR GROWING 21ST CENTURY CITY.

ONCE AGAIN, I WANT TO THANK THE MAYOR AND THE CITY COUNCIL — AND I LEAVE YOU WITH THIS —

"THE SHOW WILL GO ON."

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

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Name: Eddie Mark

Address: 2818 W. 195th

I represent: CB # 13

Address: 1201 Surf Av.

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Date: 6/25/2010

(PLEASE PRINT)

Name: Estir Sikar

Address: 3111 Ocean Pkwy # 8D

I represent: Tenants of Seabreeze Plaza Conv

Address: 3111 Ocean Pkwy

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Name: Alon Kapman

Address: 3101 Ocean Pkwy

I represent: Myself

Address: _____

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Name: MENDY SONTAG

Address: 3111 OCEAN PKWY

I represent: SEADREEZE JEWISH CENTER

Address: 3111 OCEAN PKWY BKLYN N.Y.

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Name: GILBERT CROFT

Address: _____

I represent: NYC PARK ASSOCIATES

Address: _____

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Date: 6/25/10

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Name: RALPH STERNWICHTZ

Address: 3085 BR 13TH ST

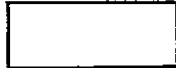
I represent: MY SELF

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Date: 6-25-10

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Name: PAUL STERNBLITZ

Address: 3085 BR 13 ST, BKLN 11235

I represent: Self

Address: _____

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Date: June 25, 2010

(PLEASE PRINT)

Name: Norman Stegel

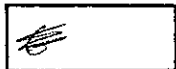
Address: 260 Madison Ave NY NY 10016

I represent: _____

Address: _____

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Name: ARLENE BRENNER

Address: 3101 Ocean Parkway #311

I represent: myself

Address: _____

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I represent: _____

Address: _____

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THE CITY OF NEW YORK**

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in favor in opposition

Date: 6 25 10

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Address: _____

I represent: _____

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