

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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June 25, 2010
Start: 11:16am
Recess: 1:05pm

HELD AT: Council Chambers
City Hall

B E F O R E:
PETER F. VALLONE, JR.
Chairperson

COUNCIL MEMBERS:

- Council Member Lewis A. Fidler
- Council Member Daniel R. Garodnick
- Council Member James F. Gennaro
- Council Member David G. Greenfield
- Council Member Daniel J. Halloran III
- Council Member Vincent M. Ignizio
- Council Member Peter A. Koo
- Council Member James S. Oddo
- Council Member Domenic M. Recchia, Jr.

A P P E A R A N C E S (CONTINUED)

Geraldine Kelpin
Director of Air and Noise and Policy and Permitting
NYC Department of Environmental Protection

Marty Markowitz
Borough President
Borough of Brooklyn

Ida Sanoff
Representative
Brooklyn Community

Norman Siegel
Attorney
Representing Ida Sanoff

Eddie Mark
Chair
Community Board 13, Brooklyn

Geoffrey Croft
President
NYC Park Advocates

Esfer Sicar
Resident
Brooklyn Community

Mendy Sontag
President
Sea Breeze Jewish Center

Arlene Brenner
Resident
Brooklyn Community

Paul Sternblitz
Resident
Brooklyn Community

A P P E A R A N C E S (CONTINUED)

Ralph Sternblitz
Resident
Brighton Beach Community

Alon Karpman
Resident
Brooklyn Community

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2 CHAIRPERSON VALLONE: Okay,
3 welcome, everyone. Good morning, thank you for
4 attending today's public safety hearing. Today
5 we're considering a Preconsidered Introduction
6 that would amend the law regarding sound permits.
7 If a person or an organization wants to use
8 amplified sound right now, the law requires that a
9 permit be obtained through the NYPD. Applicants
10 for these permits must file a written application
11 with the police at least five days before the
12 event for which the sound device is to be used.
13 In certain situations, however, the law says
14 permits may never be issued. One of these
15 situations is when the permit is requested for a
16 location within 500 feet of a school, courthouse
17 or church during the hours of school, court or
18 worship, respectively, or within 500 feet of any
19 hospital or similar institution. Recently, a
20 religious institution brought an action for a
21 preliminary injunctions to enforce this law
22 against the concert series in Asser Levy Park in
23 Coney Island. This will be the 32nd year of the
24 concert, it appears though the concert, it appears
25 as though the concert is fewer than 500 feet away

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2 from that religious institution. Now, the law
3 that we're relying on here, that prohibits the
4 noise within 500 feet dates back to 1935. And a
5 lot has changed since 1935. Houses of worship now
6 exist on every block, and sound wise we've gone
7 from phonographs to iPods. So, it is most likely
8 time for a change. We haven't revisited this law
9 in over 30 years. So, we're going to look at new
10 ways to measure the sound today. And this bill
11 would limit this change to permits for sound
12 devices only in fixed, open air structures, such
13 as band shells, amphitheater stadiums or other
14 permitted structures. It'll be a more accurate
15 way, if the bill goes through, a more accurate way
16 to measure the noise. [background voice]

17 Alrighty. [laughs] Additionally, this bill is
18 just a pilot program, just a pilot program. 90
19 days for us to gage whether or not it works, to
20 gage whether or not it's a good way to, to remedy
21 this situation. Now, I have not been to a, to a
22 concert series in Brooklyn, but I have, I fund
23 concerts in Astoria Park. This is not just a
24 Brooklyn issue. There are concerts all over the
25 City. The one I've, the ones I've funded in

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2 Astoria Park are wonderful family events,
3 sometimes we get 5,000 people; sometimes people
4 can't afford concerts nowadays. This is a way for
5 them to come out to a park in the evening with
6 their entire family, and enjoy themselves.
7 Hundreds of thousands, if, if we don't act,
8 hundreds of thousands of music lovers would be
9 denied the opportunity to enjoy the concerts, if
10 very small groups of people sought to enforce this
11 antiquated law through costly lawsuits. And I'm
12 guessing in this case that, to quote Spock, you
13 know, the needs of the many may outweigh the needs
14 of the few. But we will, we will see once, once
15 we hear our testimony. So, let me first call to
16 the stand Geraldine Kelpin, our Director of Air
17 and Noise and Policy at the NYC Department of
18 Environmental Protection. Gerry, thanks for
19 joining us today. We look forward to your
20 testimony.

21 [pause]

22 GERALDINE KELPIN: Good morning,
23 Chair Vallone and Members of the Committee. I am
24 Geraldine Kelpin, Director of Air and Noise Policy
25 and Permitting for the New York City Department of

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2 Environmental Protection. Thank you for the
3 opportunity to testify today in support of
4 Preconsidered Intro 1229, which would amend New
5 York City's Administrative Code, Section 10-108,
6 regarding restrictions on the issuance of permits
7 for the use of sound devices. The bill would
8 create an exemption from the restriction in the
9 code on issuing permits for the use of sound
10 devices within 15, 500 feet of a school,
11 courthouse or house of worship, during hours of
12 operation or worship. The exception is
13 conditioned on the applicant's certification that
14 the sound made by the device, for example, an
15 amplified use in concerts, does not exceed a level
16 of ten decibels above the ambient sound level as
17 measured at a distance of 15 feet or more from the
18 perimeter of the property where the property where
19 the sound device is in use. The exception that is
20 being considered in the bill is based on the
21 standard for unreasonable noise, ten decibels
22 above an ambient, contained in the New York City
23 Noise Code, which is Title 24, Chapter Two, of the
24 Administrative Code. Which the proposed language
25 follows very closely. For enforcement purposes,

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2 it was important that the noise code be structured
3 to allow for latitude in order to account for
4 variability in location and the source of the
5 noise. For this proposal, in which the
6 requirement is certification, we would suggest
7 that the bill be slightly amended to define both
8 distance and a reference location. A possible
9 amendment would be to simply say, "Set the
10 distance at 15 feet from the perimeter of the
11 property at the point nearest to the structure
12 where the sound device is in use. The
13 unreasonable noise standard has been used
14 successfully citywide in various situations since
15 the revision of the noise code became effective in
16 July 2007. This bill, which provides for a pilot
17 period of 90 days, will allow us to examine the
18 modifications and determine whether they enable us
19 to successfully balance the varied interests of
20 all members of the public. This concludes my
21 prepared statement. Thank you for the opportunity
22 to testify, and I'm happy to answer any questions
23 you may have.

24 CHAIRPERSON VALLONE: Thank you.

25 We'll obviously consider those amendments and most

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2 likely employ them once we go through them with
3 you. Tell us how this works in plain English.
4 It's got ambient sound levels and decibel levels
5 and tell us how this would affect houses of
6 worship and, and concert series and any other
7 situation that may arise. How, how would this new
8 law work?

9 GERALDINE KELPIN: In setting up
10 for the concert, the promoters, sound engineers,
11 certainly have an ability to set the amplifiers to
12 a particular sound. And when you're giving a
13 concert, you definitely want to direct your--your
14 entertainment to your audience. You have the
15 ability to satisfy your audience and still
16 protect, or, or not be broadcasting to everyone
17 else that surrounds the area. You do this by
18 location of speakers, you do it by the level of
19 amplification at the concert itself. So what,
20 what this will, what the unreasonable noise
21 provision does is it sets a place where you want
22 to determine whether the impact from your source,
23 in case the concert, is too loud or impacting
24 people that are beyond this 15 feet. And we came
25 up with the 15 feet just as sort of a

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2 conservative, measurable point if you are going to
3 be measuring from the street. And that's what we
4 would be doing in this case. You basically
5 measure the sound when the, in this case it would
6 be sort of in between some of the songs, you would
7 establish the ambient, which is the general level
8 that people are used to. And then, you would
9 allow up to ten decibels of music from the concert
10 to come out on the street

11 CHAIRPERSON VALLONE: Tell us what
12 ten decibels equals.

13 GERALDINE KELPIN: One way to judge
14 it would be something like when traffic is stopped
15 at a light, and the traffic starts going by you,
16 you can get, with that, usually like a five
17 decibel. If there's a truck mixed into that, the
18 sounds of the trucks will probably give you a
19 difference of about ten decibels. Now, the other
20 thing that we're considering in this is, you still
21 have a distance to your buildings, and building
22 structures themselves provide mitigation just by
23 the fact that they have a wall. And generally,
24 what we use in sort of judging mitigation, even
25 with an open window condition, about a ten decibel

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2 reduction from what's outside to inside of a
3 building. And that sort of plays into if we're
4 allowing it at 15 feet, ten, by the time you get
5 to the building, it's actually reduced to, to
6 probably have leveled off completely that it's not
7 noticeable. On the street, there's so much going
8 on that that noise will begin to, any noise that
9 comes out from the concert, will sort of blend in
10 with other activities that are going on. And you
11 have people, you know, moving on the street, so
12 it's not a constant increase in sound that they
13 were really experiencing. So, that's kind of how
14 it would work.

15 CHAIRPERSON VALLONE: Okay, now, as
16 I've said, I support this pilot program, but let
17 me play Devil's Advocate for a moment. Right now,
18 if someone's coming in for a permit, it's very
19 easy for the Police Department to say, just based
20 on distance, yes/no. How would the new process
21 work? How would the new group come in and certify
22 that they would meet this level? And how would
23 you determine whether to allow the permit or not?

24 GERALDINE KELPIN: The, this is
25 going to be based on the sound engineers, when

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2 they start to set up for the concert, they would
3 be setting up their amplification levels for the,
4 the audience that they're facing, and they would
5 have to go out to the perimeter and take some
6 measurements, and simply, you know, adjust it
7 during the, the concert. Technically, it's, it's
8 very feasible to be able to do this, in terms of--
9 And that's why it's a certification, that there
10 would be an effort on the part of the production
11 team, to keep the, the sound level below the
12 threshold on the street.

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CHAIRPERSON VALLONE: Okay, we've
14 been joined by, we've got Council Members Dan
15 Halloran, Domenic Recchia, Lew Fidler, David
16 Greenfield. Do any of my colleagues have any
17 questions before I continue to move on? No?
18 Okay. [pause] So, is there a way for, doesn't
19 appear to be a way for you to know, or for the
20 Police Department who actually gives the permits,
21 who isn't here today testifying, whether or not
22 they would meet this criteria before the sound
23 actually starts.

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GERALDINE KELPIN: Yeah, that would
25 be correct. And again, because it's based on

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2 their certifying, they would have to take steps to
3 set their music.

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CHAIRPERSON VALLONE: Do they need
5 any equipment to certify? Wouldn't they need
6 somehow a way to measure this ambient sound level?

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GERALDINE KELPIN: The sound
8 engineers generally have meters, and they would,
9 they would take some readings before the start of
10 the concert. And they would then be able--
11 because, I mean, the other thing about sound, and
12 sorry if I digress a little. As you, as you move
13 away from the source, it, it decreases in, in
14 loudness. So, many of the locations, because
15 they're within a structure already, they're
16 absorbing some of the sound even before it starts
17 to leak, or starts to move through the rest of the
18 park to the outside perimeter where people would
19 be, you know, on the street. So there's, there's
20 always, there's already a built in, you know,
21 sound reduction, which is why we're very
22 comfortable with the idea that the, the systems
23 can be designed, can just be set on the day of the
24 concert.

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CHAIRPERSON VALLONE: Council

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Member Greenfield.

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COUNCIL MEMBER GREENFIELD: Hi,

good morning, thank you for your testimony today.

I have a question specifically as it relates to

the Asser Levy Seaside Park on Coney Island

Avenue. Have you received many complaints from

the concert series that have been taking place

there for some 19 years or so?

GERALDINE KELPIN: I'm actually not

aware that we've gotten complaints that have gone

to DEP. We, we certainly have from some other

parks and some issues, and we've like worked with

those groups to, to come up with a very reasonable

solution, very similar to what's being suggested

here, but it was a case-by-case basis.

COUNCIL MEMBER GREENFIELD: So,

technically the 500 foot rule is that is currently

being invoked, that rule could've been invoked any

time over the past 19 years, as well, is the

correct?

GERALDINE KELPIN: Based on what's

in the Title, I guess yes. I am not with PD, so I

don't issue the permits, but based on my reading

of it, sure.

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COUNCIL MEMBER GREENFIELD: God it.

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So, the, the purpose of the legislation is to come

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up with a standard that is more consistent, in

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terms of, in terms of actually affecting the noise

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quality as it relates to the school, synagogues

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and churches. Is that correct, as well?

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GERALDINE KELPIN: Yes, I think

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that's the goal of it. Using a decibel based

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system, you know, allows, in a way a more

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protective approach, and balances both needs.

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COUNCIL MEMBER GREENFIELD: Right,

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because in theory, you could be 1,000 feet away

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from a synagogue, and you could be blasting the

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music, and the synagogue could be impacted.

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Right?

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GERALDINE KELPIN: Very true.

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COUNCIL MEMBER GREENFIELD: Or vice

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versa, you could be 100 feet away from a

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synagogue, and you could have it a whisper, and it

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wouldn't be impacted. So, this legislation

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effectively would actually, if, which the pilot,

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which we're going to study, would effectively

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allow for better protection of these locations.

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Is that correct?

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2 GERALDINE KELPIN: In my opinion,
3 yes, I think we could design it that they, there
4 is better protection.

5 COUNCIL MEMBER GREENFIELD:
6 Appreciate that. Thank you for your testimony,
7 Gerry.

8 CHAIRPERSON VALLONE: Thank you.
9 Council Member Fidler? Okay, we'll, we'll wait
10 for a moment. Yes, Council Member Greenfield, not
11 only for the last, for the years of the concert,
12 but since 1935, this law could've been invoked,
13 because it's, it's that antiquated. And it's time
14 to take a new look at this. So, there are no more
15 questions from, from the panel for you, but I
16 thank you for, for coming up today to testify.
17 And I'm, and we're going to work with you towards
18 those amendments that you mentioned.

19 GERALDINE KELPIN: Great, we
20 appreciate that.

21 CHAIRPERSON VALLONE: And try to
22 move this as quickly as possible. So, thank you.

23 GERALDINE KELPIN: Thank you.

24 CHAIRPERSON VALLONE: We've, I'm
25 going to call next, our Borough President, Marty

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2 Markowitz, who just, just arrived. Thank you for,
3 for coming down. And while you're taking the,
4 taking the stand, I'd like to call on Council
5 Member Lew Fidler.

6 COUNCIL MEMBER FIDLER: Thank you,
7 Chairman Vallone, and first I just want to ask
8 that my name be added as a cosponsor to this piece
9 of legislation. In your opening remarks, you made
10 a Star Trek reference, that the needs of the many
11 may outweigh the needs of the few. There's
12 another Star Trek expression about beware of your
13 enemies, they, like Romulans, often come cloaked.
14 And in this particular case, I think what's really
15 going on here is, after 19 some odd years of not
16 having a problem, someone found an ancient law
17 that they're using for a different purpose, to try
18 and stop something else. And I think that's
19 outrageous, I honestly do. And quite frankly I
20 would look at this pilot as an opportunity for us
21 to look at all legislation in the, all regulations
22 in the noise code regarding religious
23 institutions, because I think there are a number
24 of issues that, that ought to be raised, and I'm
25 glad that we're raising them. I think it's long

1
2 overdue. So, I thank you for this hearing, and
3 please add my name as a sponsor to this bill.

4 CHAIRPERSON VALLONE: Thank you,
5 Council Member Fidler, I think we just set the
6 record for Star Trek references at a City Council
7 Hearing. [laughter] Let's hope that one never
8 gets broken.

9 COUNCIL MEMBER FIDLER: [off mic]
10 Live long and prosper.

11 CHAIRPERSON VALLONE: [laughter]
12 Okay. Borough President Markowitz, I just want
13 to, I want to welcome you and also just repeat
14 something briefly I said in the opening, so that,
15 so that you're aware. I did mention that this law
16 has existed since 1935, and many, many things have
17 changed since then. There are now houses of
18 worship, you know, every 50 feet, and there are
19 also huge advances in sound technology. We've
20 gone from the phonograph to the iPod. I've never
21 been down to one of your concerts, I hear great
22 things about them, but I do fund concerts up in
23 Astoria, Astoria Park, and they're, they're
24 wonderful events. And this is not solely a
25 Brooklyn issue. I know you like to think most

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2 things are only Brooklyn issues, but this is not
3 solely a Brooklyn issue. You know, we've got
4 concerts throughout the City for this summer that
5 could be endangered if people sought to enforce
6 this antiquated law against the masses who wish to
7 enjoy these concerts. If small groups of people,
8 their rights win out over large groups, and that's
9 where the Star Trek reference came in, the needs
10 of the many here outweigh the needs of the few.
11 So, we are looking to, to update this law with a
12 pilot program, to allow for the music lovers of
13 this City to enjoy responsibly their music in a
14 way that respects the rights of all. So, I thank
15 you for bringing this to our attention and look
16 forward to your testimony.

17 MARTY MARKOWITZ: Thank you very,
18 very much, and let me thank you Chairman Peter
19 Vallone, and New York City Council Committee on
20 Public Safety, Eric Martin Dilan, Helen Foster,
21 Daniel Garodnick, Jim Gennaro, Vinnie Gentile,
22 Daniel Halloran, thank you, Eric Ulrich, David
23 Greenfield, and certainly I thank my colleague, my
24 colleagues in government, Domenic Recchia and Lew
25 Fidler. I'm really, our friendship, many, many

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2 years, and thank you so much. Mayor Bloomberg, I
3 want to thank you, as well, and Counselor to the
4 Mayor Anthony Crowell, and certainly Director of
5 Intergovernmental Affairs, Haeda Mihaltses, and
6 Robert Newman. And of course, NYPD, thank you for
7 your great assistance, as well. Let me be brief,
8 if I may. As is well known, our Brooklyn and New
9 York City parks have always celebrated cultural
10 programming. And Asser Levy Seaside Park, I have
11 to tell you, has been a site of performances for
12 over a century, in one form or another. It's the
13 eastern gateway to Coney Island. In fact, this
14 site is where John Philip Sousa once played, and
15 where community organizer Sidney Jonas of Blessed
16 Memory held wonderful shows, from the mid-1960s
17 until his, until he passed, in the '90s. For the
18 past 19 years, our concerts have been in place,
19 where pop fans could thrill to the music of
20 everyone from superstars like Liza Minelli,
21 Frankie Valli, and the Four Seasons, Smokey
22 Robinson, Paul Anka, Peter Frampton, Donna Summer,
23 and recent generations of hit makers, Hall and
24 Oates, and the B-52s, just to name a few of the
25 great acts. This pilot program means that the

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2 seaside concert series, which has been held at
3 Asser Levy Seaside Park in Coney Island, without
4 complaint, for 19 summers, will continue to bring
5 joy to thousands of folks in Brooklyn and beyond.
6 Indeed, it's important to note that Asser Levy
7 Seaside Park belongs to all of us, not a group or
8 two groups, it belongs to the residents of
9 Brooklyn and indeed New York City. Upcoming Asser
10 Levy Park renovations, which include a covered
11 band shell, in case of rain, concerts can be held
12 and not to be cancelled, or face the elements in
13 terms of weather, as well as improved drained at
14 this Park, brand new walkways, a state-of-the-art
15 comfort station, and real bathrooms at this park,
16 and fabulous new children's playground, will only
17 make the Park better and more usable for the
18 surrounding community, as well as those visitors
19 who experience it as a vibrant part of the Coney
20 Island revitalization. As you know, there are two
21 synagogues nearby who would like to prevent these
22 planned renovations. And that's their right, by
23 the way, to the part, and who though they have
24 never complained about these concerts before, and
25 I want you, Mr. Chairman, to note, that many

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2 members of these two synagogues have attended our
3 shows over the years, and there are one or two
4 people right with us this afternoon, this morning,
5 that have asked for special seating that we
6 provide to our community leaders during those
7 concerts over the years; now, are saying that they
8 would like these happy events to come to an end.

9 The, the compromise, this compromise, ensures that
10 these services held in nearby synagogues will not
11 be disturbed. I would never want to disturb any
12 religious, any religion, and I have to add, if I
13 may, I'm a proud Jew as well, by the way. And
14 prevents the attempted cynical use, in my opinion,
15 cynical use, by some, and by their own admission,
16 in the New York Daily News, and in the Post, of
17 the 500 foot rule to hold the shows hostage to an
18 agenda to stop the future park renovations as
19 Asser Levy Park. That's it, in a nutshell. I
20 look forward to findings gathered by the pilot
21 program, and to a full study of the 500 foot rule
22 in the months and years to come, which will ensure
23 that this 1935 law is fine-tuned to meet the needs
24 of our growing, 21st Century. I want to add that
25 this pilot also has the full support of David

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2 Rivel, the City Parks Foundation Executive
3 Director, in the interest of citywide cultural
4 events. Once again, I want to thank the Mayor,
5 the City Council, our Speaker Quinn, this
6 Committee. And as we say, the show will go on.
7 Thank you all very, very much. Thank you.

8 CHAIRPERSON VALLONE: Thank you.

9 MARTY MARKOWITZ: If there's any
10 questions, I'll be happy to answer.

11 CHAIRPERSON VALLONE: As usual,
12 it's all about Brooklyn again, okay. [laughter]
13 I do have a question, how many people do attend
14 this concert series.

15 MARTY MARKOWITZ: It depends upon
16 the entertainer. Some evenings, 6,000-7,000
17 people. We've had shows that go up to 10,000-
18 12,000 people. It depends on the entertainer that
19 we present, and the weather. Weather is a big
20 factor, of course. But generally speaking, our
21 crowds are very healthy, and we're very delighted.
22 We have full cooperation NYPD, no crime, no
23 incidents, no nothing.

24 CHAIRPERSON VALLONE: Well, that's-

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MARTY MARKOWITZ: Just good times.

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CHAIRPERSON VALLONE: --so about
12,000 per, you can get at one concert?

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MARTY MARKOWITZ: Yeah, easily.

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CHAIRPERSON VALLONE: That's a
great number--

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MARTY MARKOWITZ: Or more, or more.

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CHAIRPERSON VALLONE: I mean, we've
had 1,000 to 5,000 up in Astoria, we don't have
the bands that you had.

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MARTY MARKOWITZ: Yeah, right.

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CHAIRPERSON VALLONE: In fact, I--
in fact, I played once, that's how bad we've come
down in the [laughter] in the category of
musicians we have there.

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MARTY MARKOWITZ: In fact, Donna
Summer drew about, close to 15,000 last summer,
so.

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CHAIRPERSON VALLONE: Really?

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Okay, Council Member Halloran?

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COUNCIL MEMBER HALLORAN: Thank
you, Mr. Chairman. Borough President, it's a
pleasure to have you here.

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MARTY MARKOWITZ: Thank you.

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COUNCIL MEMBER HALLORAN: Just wanted to follow up, a question had been asked of Director Kelpin when she was on the, on the panel a few moments ago, and I just wanted to ask it to you. We asked if there was any complaints leveled over the 19, past 19 years in this park, and she said, as far as she was concerned, the DEP, they had received none. Are you aware of any other complaints that have been received about these venues to-date?

MARTY MARKOWITZ: Listen, you're always going to get a few people, always, that don't want anything there. They don't want to hear music, they don't want it there, they don't want people, they don't want cars, they don't want anything. You'll always get that. But by and large, I'm acutely aware of the level of sound that is permitted under the law, and we have some of the best sound engineers of any concert venue in New York. The group that we hire works for many other venues in New York City. And so we keep within the sound, we're conscious, we don't want to in any way, in any way, mitigate, decrease, the quality of life for anyone. So the

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2 answer is that we've gotten almost no complaints.
3 The only complaints we get is that, you know, they
4 want this seat instead of that seat; I mean, we
5 get that all the time. Or how come I don't bring
6 Neil Diamond, every year, why don't I bring Neil
7 Diamond. They don't realize he wants over \$2
8 million for a show. But whatever the case might
9 be, that's the complaints I get more than anything
10 else.

11 COUNCIL MEMBER HALLORAN: Thank
12 you, I appreciate it.

13 CHAIRPERSON VALLONE: We've also
14 been joined by Council Member Garodnick, thank
15 you, another member of our Committee. I've got no
16 further questions for Council Member Markowitz,
17 so--Council Member, Borough President Markowitz.
18 So, thank you for coming down today.

19 MARTY MARKOWITZ: Thank you. Thank
20 you, Mr. Chairman.

21 CHAIRPERSON VALLONE: We look
22 forward, we look forward to working with you and
23 moving as quickly as we can to resolve this, so
24 that concertgoers throughout the City can
25 responsibly enjoy music.

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2 MARTY MARKOWITZ: Thank you, Mr.
3 Chairman.

4 CHAIRPERSON VALLONE: Okay, we're
5 going to call up the Plaintiff in a lawsuit
6 regarding this matter, whose name is Ida Sanoff,
7 and attorney Norman Siegel. [pause] My mom
8 testified once, so you'll be able to, you'll be
9 fine. [pause]

10 IDA SANOFF: Okay. [background
11 noise] Did not have time. Want me to go first?
12 I'm sorry that I don't have prepared statements.
13 We got very, very short notice to, that this
14 hearing was going to move forward. Mr. Markowitz
15 talked about the Park belonging to the people,
16 yeah it belongs to the people. And the people who
17 use the Park most frequently are the ones who live
18 around in the neighborhood around the Park. We
19 have over 13,000 signatures opposing Mr.
20 Markowitz's plan to build a \$64 million
21 amphitheater in this small neighborhood park. It
22 will hold 2,000 people more than Radio City Music
23 Hall. It will hold over 1,000 people more than
24 the Nokia Theater in Los Angeles. This is not a
25 small, neighborhood venue that is being planned;

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2 it is a major, year round, entertainment center,
3 with a concert season that will last several
4 months, several days of the week, and will bring
5 tens of thousands of people to a small,
6 residential, densely packed residential community,
7 that has no parking and crowded streets, every day
8 of the week. I couldn't schlep 13,000 signatures
9 on the subway. I'm sorry, but I haven't.

10 Complaints, I was First Vice Chair of Community
11 Board 13, the local community board. People would
12 call up the community board office to call and
13 complain about the concerts. I know I called up
14 the community board to complain about the
15 concerts, when I heard the volume in my apartment
16 several blocks away. At one point, people in
17 Manhattan Beach, there are a number of houses in
18 Manhattan Beach, that face the sand, okay, and
19 those are I'd say at least a mile away; at one
20 point, they were complaining about the volume
21 level in the concert. So people, yes, have
22 complained. And this is prior to 311. Why are we
23 doing this now? We're laypeople. We didn't know
24 there was a law against this, we suffered in
25 silence because we figured it was only six nights

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2 a week, and nobody wants to ruin everybody's good
3 time. Well, now it's not going to be six nights a
4 week, it's going to be maybe six days a week.

5 Some of you sitting here, I don't see anybody
6 sitting here that lives in the blocks surrounding
7 the park. Our concert days begin the day before
8 the concert, when all of the parking spaces in our
9 neighborhood are removed. There are signs that
10 put up, say "No Parking." Streets are closed off
11 to provide VIP parking. Mr. Markowitz, I see his
12 car parked on the sidewalk in front of one of the
13 synagogues. He doesn't have to put up with the
14 parking problems that we have to put up with.

15 After the concerts, the Park is just covered with
16 trash for several days. Mr. Markowitz has
17 complained that the Parks is a dustbowl. Well,
18 tens of thousands of feet of his concert goers
19 stand there and stamp on that grass every week,
20 and he hasn't even so much as invested in a bag of
21 grass seed in all of the years that he has been
22 doing concerts. And if he really wanted to fix up
23 this Park, he could certainly do it without
24 spending \$64 million and building an amphitheater.
25 And by the way. John Philip Sousa played in the

1
2 Park long before there were residential towers
3 surrounding it. This is all about the people.
4 And it's not just about this three month concerts
5 series. Mr. Markowitz has been approached over
6 the years by various city agencies, and they've
7 told us this off the record, and I am willing to
8 take a polygraph test, and name the names of the
9 people who have discussed things with me, and who
10 won't say things publicly, because they're afraid
11 to lose their jobs. There are other places in the
12 community where Mr. Markowitz can hold his
13 concerts. A temporary stage could be set up on
14 the beach, and indeed this was suggested by the
15 Parks Department. Concerts are held every year on
16 West 10th Street. We have a ballpark, Key Span
17 Stadium, it's now called MCU Park. They hold
18 concerts there. They do, and I have the
19 environmental impact statement from when that
20 ballpark was built. And it clearly states that
21 concerts can be held there, and concerts have been
22 held there. But Mr. Markowitz wants his concerts
23 and his amphitheater constructed where they will
24 be the first thing that people see on the way to
25 the new Coney Island. You ladies and gentlemen

1
2 are elected officials. You're supposed to be
3 public servants, you're supposed to represent us.
4 You're changing the law to suit one person. You
5 should be standing up to protect us. Okay. And
6 you're not doing that. There are alternatives
7 here, nobody wants to stop the concerts, I agree
8 that they're enjoyed by tens of thousands of
9 people, but the impacts to the community have been
10 tremendous. When I go into the ladies room at
11 Temple Beth Abraham, I have to go through the main
12 doors of the synagogue, through the doors of the
13 smaller sanctuary, out the back door of the
14 smaller sanctuary, down a hall, through the doors,
15 into the ladies room, and when I'm in the ladies
16 room, at the back of the building, I hear those
17 concerts right in there, like they're sitting next
18 to me. These are not small entertainment venues.
19 The impact on the park, the impact on the quality
20 of life is huge. And I implore you as the good
21 people that you were, we're good people, too. And
22 you come to the concerts and you say hello and
23 it's very nice, and everybody has a good time.
24 Okay. But the law is the law. If I drive my car
25 through a red light, I get a ticket. They don't

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2 change the law to accommodate me because I drove
3 through a red light. Please uphold the law,
4 please protect the thousands of people in the
5 community, a lot of them wanted to come today.
6 They're elderly, they cannot schlep on the subway.
7 Thank you.

8 CHAIRPERSON VALLONE: Thank you.
9 And before we get to questions I guess we ought
10 to, Normal Siegel.

11 NORMAN SIEGEL: Good morning,
12 Chairman Vallone and Members of the City Council.

13 CHAIRPERSON VALLONE: And if I can
14 ask you to limit your testimony to the issue
15 before us today, which is the sound. We all
16 sympathize with the--

17 NORMAN SIEGEL: I will do that.

18 CHAIRPERSON VALLONE: --effects of
19 a concert on the local community, I have them in
20 my local community. This bill has nothing to do
21 with that. this bill has to do with sound levels,
22 with places, with places of worship within 500
23 feet, not the, the problems with the park and the
24 garbage and the parking and things we all know
25 about, which are not before us today.

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2 NORMAN SIEGEL: Well, I'll, I'll
3 respect your request, but I respectfully disagree
4 with that analysis. And since you opened this
5 door, I'll just take ten seconds, but then comply
6 with you. And I know you, I think it's naïve to
7 think that one is not connected to the other.
8 It's usually a pleasure, Mr. Chair, and Members of
9 the Committee, to be here and discuss with you
10 issues of public concern. Today is anything but a
11 pleasure. In fact, I submit there's a dark cloud
12 over this hearing, regarding not only the
13 substance of the change that you're contemplating,
14 but, and maybe even more important, how you're
15 going about doing it. What we're about to witness
16 here today, and next Wednesday, is a clear end run
17 around the existing law. If this wasn't the month
18 of June, you wouldn't be moving in the expeditious
19 manner and extraordinary manner that you're moving
20 in. You're doing it so that next Wednesday,
21 before you break for the summer, you can change
22 this law. A law that has been on the books for at
23 least my research 61 years, which prohibits
24 amplified sound within 500 feet of 1) a school and
25 a courthouse when they're in session; 2) houses of

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2 worship during hours of worship; and 3) hospitals.
3 For at least 61 years, this prohibition was in
4 place and followed. As a civil liberties lawyer,
5 on numerous occasions, the New York City Police
6 Department would not allow groups I represented to
7 have sound and a sound permit because of this 500
8 foot rule. Now because of a lawsuit that was
9 filed last week, in Brooklyn Supreme Court,
10 regarding the Brooklyn Borough President's summer
11 concert in Asser Levy Park, and I emphasize West
12 Brighton, which brought public attention to the
13 illegal concerts, you know, upon the request of
14 Mayor Bloomberg will accommodate the Brooklyn
15 Borough President and change the law even just for
16 90 days, rather than comply with the law. In
17 effect, I submit you are legitimizing an
18 illegality. Rather than telling the borough
19 president to adhere to the law, even for the 90
20 day period that you're talking about. I submit
21 this is a perfect example of different standards
22 for different people. It's the classic example of
23 a runaway government body holding a public
24 hearing, not really intending to hear what the
25 public has to say, but to validate a pre-

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2 determined result. Why move as expeditiously as
3 you are doing? My information is the bill was
4 introduced yesterday. We have a hearing, you're
5 going to vote on it today, so you can vote it in
6 on Wednesday. In my years of observing this body,
7 I'm not aware of that kind of movement. If
8 there's any silver lining, maybe there's a fact
9 that you are moving expeditiously on an issue, but
10 this issue deserves some more attention, more
11 analysis. For example, even on its face, the law,
12 Mr. Chair, that tries to create an objective
13 standard. The question is, will this law only
14 have an effect on Asser Levy Park? Or are there
15 other locations that will change their practice
16 because of this law? If it is only with regard to
17 Asser Levy Park, and this law is exclusively for
18 the benefit of Asser Levy Park and the Borough
19 President, I submit you might have additional
20 legal issues where perhaps I have to amend the
21 complaint in the court on Wednesday. Let me
22 quickly, if you allow, just hearing the Borough
23 President, I also want to fess up. My family, for
24 40 years, lived in Wabass [phonetic], I lived
25 there in the '60s, I actually did go to one or two

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2 of these concerts. I want to point out that no
3 one in this community of West Brighton is saying
4 no to concerts. No one's saying no to enjoyment.
5 However, there are adequate, reasonable
6 alternative sites, not within the 500 foot rule,
7 and not causing the negative aspects to the
8 residents in places like Trump and Wabass. Even
9 though the parks is public and open to New
10 Yorkers, and I would fight in any situation so
11 that the parks are not the exclusive domain of
12 people in a particular community, it's open to
13 everyone, as has happened before, and it makes
14 absolutely good public policy, and actually
15 there's legal concerns, especially with regard to
16 things like ULURP, where you do take into account
17 the sentiments, the concerns, the fears, the
18 anxieties, the positive and negative aspects of
19 people who live in the adjacent neighborhood to
20 the public arena. And finally, when you keep
21 talking about, some of the Council People went on
22 the far right to me, I don't know your name, but
23 congratulations, welcome, I think you're a new
24 member. If you're an old member, I apologize for
25 not knowing who you are. When you ask about

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2 whether there were complaints in the past, my mom,
3 god bless her, she's not a lawyer, she's not
4 expected to know Section 10-108(g) of the
5 Administrative Code, and when people were informed
6 that there is an illegality with regard to these
7 concerts, of course what they did is they then
8 stood tall and consistent and said, "Respect the
9 law." But what you're doing here today,
10 especially in the way you're going about it, is
11 not right, and it's not fair. And what I will
12 conclude with, is that I think this is runaway.
13 I'll be surprised, pleasantly surprised, if this
14 doesn't go through today. Looking at the
15 Committee, maybe there will be one, possibly two
16 dissents, but I'm not sure. I would hope that
17 there would be at least one or two dissents,
18 knowing some of the people here. And if not on
19 the substance, at least in the way you're going
20 about doing it. And I know the Chair, perhaps
21 there should've been an attempt to sit down and
22 figure out how this could be amicably resolved.
23 When this issue was raised, and people went to the
24 Borough President, and put it on the table, what
25 he said to them in a very arrogant manner, was

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2 "Sue me." And that's what we did. It's not what
3 we wanted to do, but as a last resort that's what
4 we did. And what I think we're going to be
5 witnessing today and on Wednesday, and I hope I'm
6 wrong, is a manipulation of the law. And it's
7 another example of why more and more people do not
8 trust their politicians and their government. I
9 thank you very much for listening.

10 CHAIRPERSON VALLONE: It's usually
11 a pleasure to have you here, too, but not today.
12 If there's a dark cloud, the dark cloud was
13 brought in here by your lawsuit, which has
14 apparently attempted to hold hostage a concert
15 series to your dispute over an amphitheater. I am
16 unconcerned about your dispute over an
17 amphitheater, I didn't even know it was happening
18 until yesterday. I am concerned about concert
19 series in Brooklyn and throughout the City, which
20 can now be stopped because you've brought to our
21 attention that there's an antiquated law that
22 could be misused to deny hundreds of thousands of
23 people throughout the City their right to listen
24 to music. And yes, we are acting probably more
25 quickly than I have ever seen, you're absolutely

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2 right. Why? Because these concert series start
3 very soon, and if it takes quick government action
4 to let those happen in a responsible manner,
5 that's what we're here for, and that's what we do,
6 we help the majority of the people who want these
7 things to happen. And I think they would be very
8 proud of us taking quick action like this, and
9 not, and not dismayed in any way. So, I'm going
10 to go, while I calm down a little bit, I'm going
11 to go over to Council Member--

12 NORMAN SIEGEL: Well, before you
13 turn it over, you can't make a statement like
14 that--

15 CHAIRPERSON VALLONE: Well, let's
16 go.

17 NORMAN SIEGEL: --without giving me
18 an opportunity. First, for the record, this issue
19 was raised months ago. And--

20 CHAIRPERSON VALLONE: What issue?

21 NORMAN SIEGEL: The issue of the
22 500 foot rule.

23 CHAIRPERSON VALLONE: The issue of
24 the amphitheater or the 500 foot rule.

25 NORMAN SIEGEL: The 500 foot rule.

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CHAIRPERSON VALLONE: Okay.

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NORMAN SIEGEL: I'm, I'm staying within your requested parameters. And there was attempts to try to amicably resolve this, Peter, so that--that the lawsuit was not necessary. But when government officials are unwilling to comply with the law, you of all people, I'm surprised, would think that the mere fact of filing a lawsuit is something that's a negative, and would be "used as hostage, what this is about, Chairman Vallone--

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CHAIRPERSON VALLONE: I'm so sorry, you're, you're Plaintiff admitted that. So, I'm not making things up, taking things out of thin air here, but--

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NORMAN SIEGEL: You, your comment--

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CHAIRPERSON VALLONE: You may want to pay attention.

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NORMAN SIEGEL: Your comments on the record were directed to me, as an attorney, and talked about hostage--

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CHAIRPERSON VALLONE: Yes, based on information that I received from your Plaintiff.

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NORMAN SIEGEL: You didn't talk before, you talked about, there's two lawyers

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2 here, Herbert Teitelbaum and myself. And we did
3 what we did to uphold the rule of law. If you
4 want to interpret it the way you just interpreted,
5 then that's your right and, but I'm surprised that
6 you of all people would be looking negatively on
7 trying to uphold the rule of law, and we'll see on
8 Wednesday what the judge says.

9 CHAIRPERSON VALLONE: Yes, we will.
10 I'm going to go to Council Member Fidler first.

11 COUNCIL MEMBER FIDLER: Thank you,
12 Mr. Chairman, and I have to tell you, I agree with
13 your opening statement completely. And quite
14 frankly, Mr. Siegel, there's a lot of pot/kettle
15 stuff going on here, to accuse this Council of
16 rushing something through, when you waited until
17 the precipice of the beginning of everyone's
18 summer concert series, to seek this injunction, to
19 suggest that no one wants to stop the concerts,
20 when in fact your prayer for relief is injunctive
21 relief to stop them, that's quite a boatload of
22 bull.

23 NORMAN SIEGEL: No, I--

24 COUNCIL MEMBER FIDLER: That's a
25 boatload of bull. All right? So let's start with

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2 that. So is that not your prayer for relief? Is
3 that not what you're seeking in the lawsuit, to
4 enjoin these concerts? Have you not asked the
5 court? Because you have--if you haven't, I
6 apologize, but if you have, are you willing to
7 take that off the table and withdraw that prayer
8 for relief right now?

9 NORMAN SIEGEL: The relief asks for
10 declaratory relief first, to declare that the
11 concerts in the past were illegal; and two, to
12 enjoin them starting on July 15th. Let me also
13 add, Council Member--

14 COUNCIL MEMBER FIDLER: So that
15 would be a yes to the, to my question about what
16 the relief is. That in fact--

17 NORMAN SIEGEL: In part, in part--

18 COUNCIL MEMBER FIDLER: --you are
19 see--Yeah, okay, in part.

20 NORMAN SIEGEL: That's all.

21 COUNCIL MEMBER FIDLER: So, yes you
22 are in fact seeking to stop con--this concert
23 series, that is, so all this fancy, "Oh, nobody
24 wants to stop the concerts," that's just, just,
25 that's just a load of crap, right?

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2 NORMAN SIEGEL: Stopping the
3 concerts in Asser Levy Park. There are
4 alternative sites very close by where the concert
5 can continue. And second, one other point, you
6 talk about how I--

7 COUNCIL MEMBER FIDLER: And, and
8 how quickly--

9 NORMAN SIEGEL: --Wait, if you're
10 going to let, if you ask a question--

11 COUNCIL MEMBER FIDLER: Go ahead,
12 go ahead, go ahead.

13 NORMAN SIEGEL: I, I try to be
14 disciplined and listen to you.

15 COUNCIL MEMBER FIDLER: Oh, yeah,
16 that's all right, I'm a civil libertarian. Go
17 ahead.

18 NORMAN SIEGEL: I understand you
19 are. And today's a good test to see where you
20 stand on those kinds of principles.

21 COUNCIL MEMBER FIDLER: Sure is.

22 NORMAN SIEGEL: And we tried for
23 months to try to get an amicable resolution. This
24 issue, from people in the community, including the
25 woman who's sitting next to me, presented this

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2 issue, not only in the public arena but to the
3 Borough President, months before. The reason why
4 we filed it when we filed it, is that we had hoped
5 that there would be a way to amicably resolve this
6 so we didn't have to go to court. If I waited any
7 further, I would've had legal problems. So, in
8 the context of that, there was an attempt to try
9 to resolve this short of going to court. And when
10 you can't resolve it with the executive branch of
11 government, a traditional remedy is to go to the
12 court.

13 COUNCIL MEMBER FIDLER: So, in
14 short, when you didn't get your way, you went to
15 court to try and stop it. All right, knowing that
16 at this point in time there is absolutely not
17 functional way these concerts can be moved. And
18 in fact--

19 NORMAN SIEGEL: Sure they can.

20 COUNCIL MEMBER FIDLER: --the real
21 issue--

22 NORMAN SIEGEL: Sure they can.

23 COUNCIL MEMBER FIDLER: --the real
24 issue--now it's my turn. The real issue is you
25 want to stop the amphitheater, all right, which

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2 has absolutely nothing to do with this. And just
3 as you and your clients can be charged with
4 knowing Section 10 point whatever of the
5 Administrative Code, I got news for you, I'm a
6 lawyer for 25 years, I'm not familiar with every
7 section of the Administrative Code. And quite
8 frankly, had I known this antiquated rule that you
9 are now hanging your hat on, in an attempt to
10 foster a different agenda, was still on the books,
11 I would've introduced legislation to get rid of it
12 a long time ago. And as I said before you walked
13 into this room, it is long time for this Council
14 to review the sections of the noise code as it
15 relates to religious institutions, to bring it in
16 line with life in the year 2010. Technology in
17 the year 2010, both as the sound that they receive
18 and sound as they generate. And that is what this
19 is the beginning of. I look forward to this
20 discussion moving forward, it is not just about
21 the concert series, it is your lawsuit that's made
22 it about the concert series, it is your lawsuit
23 that has made this an issue that had to be moved
24 quickly. And the last thing I will say is just as
25 you might complain that it was a little difficult

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2 to bring 12,000 or whatever signatures to, down
3 here to City Hall, all right, the thousands and
4 thousands and thousands of people who would be
5 equally outraged if your lawsuit were to succeed,
6 this injunction would be granted, and these
7 concerts would, would be cancelled, they would
8 fill this room, they would fill this building,
9 they would fill City Hall Park, they would fill
10 Broadway, because that's how angry they would be.
11 So when your plaintiff sits there and says, "We
12 are, we need to be representing the people," I
13 assure you I am here today not as a member of this
14 Committee, because I am representing my people. I
15 have, I haven't been to one of these concerts in
16 three years. I imagine you were there last year
17 campaigning, so I guess you've seen it more
18 recently than I, all right. But I know that these
19 are popular, I know that they have the support of
20 many, many, many more people. I don't represent
21 the area directly, I've never heard of complaint.
22 All right? People complain about the most
23 ridiculous things in the world, but the fact of
24 the matter is, this is one of the most popular
25 things that happens in Brooklyn every summer, and

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2 it's, I'm here to make sure that they're not
3 stopped based on a 1935 law that no one, not you,
4 not I, not your plaintiff, not the members of this
5 Council, knew was on the books.

6 NORMAN SIEGEL: Well, what about
7 the Police Department? When the Police Department
8 stops civil rights groups from marching and can't
9 have sound because of the 500 foot rule, what
10 happened in the last 19 years? What about the
11 precinct? What took place? Are you going to look
12 into why they're not--?

13 COUNCIL MEMBER FIDLER: Why don't
14 you--

15 NORMAN SIEGEL: I filed a FOIL and
16 they never responded.

17 COUNCIL MEMBER FIDLER: And, and
18 Mr. Siegel, if the law was being applied
19 inequitably, you're absolutely right--

20 NORMAN SIEGEL: It is.

21 COUNCIL MEMBER FIDLER: That
22 doesn't mean you drag this down with you. All
23 right? The fact of the matter--

24 NORMAN SIEGEL: I don't drag what?

25 COUNCIL MEMBER FIDLER: That you

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drag these concerts down with you. And the enjoyment of tens of thousands of New Yorkers down with you. All right--

NORMAN SIEGEL: So you selectively enforce the law?

COUNCIL MEMBER FIDLER: No, sir, I'm telling you--

NORMAN SIEGEL: What do you about the law?

COUNCIL MEMBER FIDLER: That the--

NORMAN SIEGEL: What do you do about--?

COUNCIL MEMBER FIDLER: --the law's going to be changed! The law's going to be changed. That's what we're doing here. And you know what, Mr. Siegel?

NORMAN SIEGEL: And the laws changed because of the lawsuit, right?

COUNCIL MEMBER FIDLER: I guarantee, I guarantee you, Mr. Siegel, that if they don't apply it when we change it, you'll be in court suing to make sure that they do. Good for you.

CHAIRPERSON VALLONE: Okay, that's

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enough, that's enough. Let's--and let me just point out that we started this very calmly, and it was the City Council that was accused of acting cynically by yourself, which is what has upset--

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NORMAN SIEGEL: I didn't use that word.

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CHAIRPERSON VALLONE: Which is-- well [laughs] which is, has upset all of us up here, and there's a few more left to go, and I assume they're going to be very upset, too.

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NORMAN SIEGEL: But now that you entered--

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CHAIRPERSON VALLONE: No, no, I'm not done, I'm not done, because you, you also did say that no one's goal is to stop the concert series. So, and I, and I submit that that is not your goal. And you are truthful when you said that, despite the fact that your complaint says it is to stop the concert series, because your goal is to stop the amphitheater. The 1,300 signatures against the amphitheater, not the concerts. And you are cynically using a law that's on the books to stop, to hold these concerts hostage to your amphitheater dispute. Fine, do what you got to

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do, you're an attorney, but do not accuse us of acting cynically when you are the ones misusing the law that exists now for a purpose it was not intended to use. Council Member Garodnick.

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COUNCIL MEMBER GARODNICK: Thank you, Mr. Chairman. I'm going to take it down a notch.

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NORMAN SIEGEL: Okay, Dan.

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COUNCIL MEMBER GARODNICK: First of all, Mr. Siegel, I think you are, you're correct to observe that the Council is acting faster than usual here, and of course it's, it's the first law that I've seen of its time both to be enacted and sunset in such a short period of time. But let's just talk about the circumstances that are present here, 'cause I want to make sure that I understand it. I do not represent the area in question, I have never been to one of these concerts, although it is my understanding that they are extremely popular. And that New Yorkers would be very disappointed if they were not able to continue. I understand that there's also significant concern in the immediate surrounding neighborhood due to noise, parking, etc. My first question for you

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2 is, this issue appears to have been going on for
3 quite some time. Is that correct? The concerts
4 have been going on for some time.

5 NORMAN SIEGEL: Correct.

6 COUNCIL MEMBER GARODNICK: How long
7 have they been going on?

8 NORMAN SIEGEL: My understanding
9 that for 19 years at Asser Levy Park and for 31
10 years in total. But 19 in Asser Levy Park, again
11 which is West Brighton, not Coney.

12 COUNCIL MEMBER GARODNICK: Okay.
13 When you make that distinction between West
14 Brighton and Coney, why--I've heard that
15 distinction made already. Explain why we're
16 making that distinction.

17 NORMAN SIEGEL: Well, Coney Island
18 is a distinct area and Brighton and then West
19 Brighton when Wabass and Bright--and Trump were
20 built, example when my family moved there, almost
21 everybody in the neighborhood went out of their
22 way to point out that it was "West Brighton." I
23 always would say, "I'm part of Coney Island," but
24 people said "West Brighton," and because this has
25 been seen as a Coney Island issue, and part of the

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2 Coney Island renovation, you know, there are
3 alternative sites: Key Span Park, which would be
4 a excellent venue for these kinds of concerts,
5 with better facilities, better seating for people,
6 better acoustics. It's the perfect example. And,
7 you know, when these issues were presented, you're
8 talking about revitalizing Coney Island, you know,
9 I love Coney Island. I know Domenic Recchia
10 represents Coney Island, and he loves it, too.
11 And in the context of that, there is a need to
12 improve Coney Island. But Asser Levy Park, as I
13 see it, is not Coney Island.

14 COUNCIL MEMBER GARODNICK: Okay, I
15 understand the distinction. Now you all filed a
16 lawsuit on June 17. Obviously, the concert
17 series, or sounds to me the concert series is
18 imminent. You filed for a preliminary
19 injunctions, you filed for declaratory relief, the
20 preliminary injunction, if granted, would stop the
21 concerts this summer, is that right?

22 NORMAN SIEGEL: At Asser Levy Park.

23 COUNCIL MEMBER GARODNICK: At Asser
24 Levy Park. Okay, so on the cusp, on the cusp of
25 the concerts about to take place, it would stop it

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2 there, force them, if possible, to be relocated
3 to, to be relocated. Is that correct?

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NORMAN SIEGEL: Absolutely.

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COUNCIL MEMBER GARODNICK: Okay.

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Your decision to file the lawsuit in June of 2010,
as opposed to at any point over the past 19 or 31
years, is there, can you give a sense as to what
the, what the thought process was there?

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NORMAN SIEGEL: Yeah, I got a phone
call from people in the community asking me to
come down to the synagogue, because they had a
problem. And--

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COUNCIL MEMBER GARODNICK: So I
guess the question is better for the, than the
resident--this is your client here?

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NORMAN SIEGEL: One of the clients.

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COUNCIL MEMBER GARODNICK: Allow
me, maybe I should direct that to you, as to why
you decided to pursue this now.

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IDA SANOFF: We had suffered in
silence for many years. And again we're not
attorneys, we did not know how to address it. We
had complained to the community board. A lot of
people don't like calling 311, but we had

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2 complained. And we just, just didn't know what
3 else to do.

4 COUNCIL MEMBER GARODNICK: Let's
5 talk about the, the noise issues as they exist
6 today. Obviously, there's a concert right next to
7 houses of worship, neighbors, etc. Do we have a
8 sense as to what the decibel level is of these
9 concerts today?

10 NORMAN SIEGEL: I don't have a
11 reading of that.

12 COUNCIL MEMBER GARODNICK: Is--

13 NORMAN SIEGEL: All I know is
14 affidavits are that it's loud, annoying,
15 disturbing. And there's rehearsals in the
16 afternoon.

17 COUNCIL MEMBER GARODNICK: Okay,
18 well, loud, annoying, disturbing, you know, may
19 not be the right standard here. But the question
20 that I want to understand, particularly from you,
21 Mr. Siegel, is what should be the right standard?
22 Is a 500 foot standard the right standard? Or is
23 the decibel, the amount of noise that is actually
24 able to be heard from a fixed distance, the right
25 standard? Putting aside, let's put aside the

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2 lawsuit, let's put aside the concerts, let's put
3 aside everything that is currently before us.

4 Let's just understand, in modern, in a modern era,
5 where we can actually measure sound, is the right
6 standard the physical distance from a church or
7 synagogue or whatever, or court or school; or is
8 it what you can actually hear there?

9 NORMAN SIEGEL: Let me respond,
10 Dan, in the following way. A classic example,
11 when people wanted to demonstrate at Gracie
12 Mansion, when we had Mayor's who lived at Gracie
13 Mansion, the police would, every time, deny people
14 the right to even use a bullhorn because within
15 500 feet of Gracie Mansion was a hospital. And
16 when people, especially the groups that I know who
17 were very activist, outspoken, nobody ever
18 challenged that, at that point, in the sense that
19 the 500 foot rule, no one thought about going to
20 court to challenge it. And what I'm saying is
21 people complied with that 500 foot rule. There
22 were numerous times it was because of a church, a
23 synagogue, and I was once in a courtroom where
24 there was a demonstration outside, and we couldn't
25 continue the trial, and we had to get the police

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2 to have the people not use the sound. And that
3 was again, for me, where you're suppressing free
4 speech and the right to demonstrate, because
5 you're in the courtroom; on the other hand, the
6 courtroom couldn't go on. And so, the rule seemed
7 to make sense, and no one really began to
8 challenge it. The question you're raising I think
9 is a legitimate question. And the question of
10 whether or not 500 feet should be the standard, I
11 think is a good question. But it comes in the
12 context of the facts here. And therefore, you
13 have admitted that you're, it's good legislative
14 history now, that you have admitted that you're
15 changing the law in order to continue the concerts
16 this summer. And I as a lawyer say that it's the
17 rule of law that supersedes, and what you should
18 be saying is "Comply with the law. And if you
19 can't comply with the law, let's find an
20 alternative location. Let's find out whether on
21 that night, on those Thursday nights, Key Span
22 Park is available. It's publicly owned.

23 COUNCIL MEMBER GARODNICK: Without
24 conceding that last point that you mentioned, and
25 the point here, of course, is not to develop a

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specific legislative history for your lawsuit, but
let me just ask this.

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NORMAN SIEGEL: But that's what's
happening here now.

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COUNCIL MEMBER GARODNICK: Okay,
well let me just, let me just understand what, if
any, are the issues for passing a bill at this
moment, which would sunset within a fixed, I guess
it's a 90 day period of time?

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NORMAN SIEGEL: Oh, you're really
smart yourself, and a good lawyer. If you have a
bill that is intended, and the result is that it
only affects one location, you have some serious
legal questions right there. On the surface of
the bill, it doesn't say, "Asser Levy Park," but
if it turns out that the application of those
words that were carefully drafted applies only
Asser Levy, you could have a problem there. And
so this might not be the way to go about doing it.
My hope was that people would sit down and try to
resolve, at least for this summer, where the
alternative location could be that's consistent
with the law, and then figure out the questions
you're raising. My complaint, and the dark cloud,

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Mr. Chair, that I submitted before is because of the method that you're doing. Now, I understand what you're saying, is that you felt that you had to do it, I understand what Fidler's saying, he thinks there's just thousands and thousands of people out there who would be upset. But I don't think this is the way to go about doing it, given the context that you're in. And especially with some of the statements that have now been articulated here.

CHAIRPERSON VALLONE: Okay, I just need to move quickly, because we have to be out of her by 1:00.

NORMAN SIEGEL: Okay, I'll try to be answering--

CHAIRPERSON VALLONE: But, but some, you didn't just say it was the way we were doing it, you talked about how, how this--

NORMAN SIEGEL: I understand.

CHAIRPERSON VALLONE: --perpetuates why people would be so upset and ashamed of their elected officials. But--

NORMAN SIEGEL: I have notes here, Mr. Chair, and I can read it where--

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CHAIRPERSON VALLONE: I--

NORMAN SIEGEL: --it said there were two things, including how you went about doing it.

CHAIRPERSON VALLONE: We, we have a transcript, it's okay.

NORMAN SIEGEL: Well, so will I.

CHAIRPERSON VALLONE: So, let me, first of all, you didn't hear my opening, because you were having a press conference, but I did repeat it a few times, about how this law affects concerts throughout the entire City, like the ones that I fund in Astoria Park, and, and that lawsuits brought under this antiquated law could possibly stop concerts throughout the entire City. And it was not--

NORMAN SIEGEL: But are you within 500 feet of--?

CHAIRPERSON VALLONE: I've never checked it, no one's ever sued, but they could sue tomorrow. And it could stop it a day before the concert, and I don't want to allow that to happen. So I'm just clarifying that you said it's one location, and I said in my opening, right off the

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bat, it's not about one location.

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NORMAN SIEGEL: No, I--

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CHAIRPERSON VALLONE: But you, you mentioned a few examples, and you mention Gracie Mansion, about where, about how this law has been, according to you, misapplied by the, or selectively applied by the, by the NYPD. So this law has existed by 1935, you've given a few examples about how it's been used against you, unfairly. So do you believe that this law needs to be revised?

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NORMAN SIEGEL: I think it made sense to take a look at it, yes.

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CHAIRPERSON VALLONE: Okay, we agree. Council Member, I'm sorry, Garodnick, did you have - -

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COUNCIL MEMBER GARODNICK: I just have, thank you, Mr. Chairman, I just wanted to note that I, I am trying to look at this bill from its general and broader applicability. I'm not looking at this--

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NORMAN SIEGEL: I know you will.

COUNCIL MEMBER GARODNICK: --in the context of Asser Levy, or any specific park. The

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2 question is what the appropriate law should be,
3 and how it should read here. So I just wanted to
4 make that, make that point to you.

5 NORMAN SIEGEL: I understand that,
6 but you have to vote on this bill in this context,
7 and you can't get around that.

8 COUNCIL MEMBER GARODNICK: I
9 understand, we're also, we're also in a position
10 where we, we have to look at, I mean, we have a
11 bill before us. So, we're going to have to take a
12 look at both its broader applicability, as well as
13 current circumstances. So, I thank you, Mr.
14 Chairman, for the opportunity.

15 CHAIRPERSON VALLONE: Thank you.
16 Again, we do need, we've got a few more panels to
17 go, including members of the Community Board, and
18 so I do need to just keep, keep things moving.
19 So, Council Member Halloran.

20 COUNCIL MEMBER HALLORAN: Thank
21 you, Mr. Chairman. Mr. Siegel, I'm Council Member
22 Halloran from Queens, I'm actually the only
23 elected Libertarian in the City Council, so let me
24 first--

25 NORMAN SIEGEL: Well--

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2 COUNCIL MEMBER HALLORAN: Let me
3 first say to you that I generally find you to be
4 somebody I look, look up to and, and believe you
5 fight the good fight, most of the time. I am
6 perplexed at your position here, because it's
7 contrary to the lawsuits you've brought in the
8 past, on this issue, in that I think previously
9 you've criticized the NYPD's denial of permits,
10 and the elevation of form over substance in the
11 law, and, and I have applauded you in the past for
12 taking a perspective, at looking at maximizing
13 those liberties that we have, and which seem to be
14 slipping away. So let me, let me first note by
15 saying that you've agreed now with the Chairman
16 that his law does need to be revisited, that you
17 have been on the receiving end of this 500 foot
18 rule being misapplied, or, or applied and
19 therefore denying opportunity for electronic
20 sounds to be used, you acknowledge that the
21 statute itself is at least 61 years old, and has
22 not been significantly revisited. Would you
23 agree, regardless of the timing of these
24 circumstances, that when we are looking to grant a
25 right, that that right extends till the nose of

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2 the other person, and therefore, feet wouldn't be
3 the issue; rather, the sound and its ability to
4 interfere would be the issue that an ordinance
5 like this should be addressing?

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NORMAN SIEGEL: Feet becomes the
7 vehicle to measure an objective standard, how you
8 deal with the quiet enjoyment.

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COUNCIL MEMBER HALLORAN: Would you
10 agree with me that the decibel level at that
11 particular foot is more significant than how far
12 the sound travels? If there's a one decibel noise
13 ten feet away, versus a 100 decibel noise 500 feet
14 away, there's a difference there? A difference
15 of, of significance?

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NORMAN SIEGEL: Could be, yeah.

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COUNCIL MEMBER HALLORAN: Could be.
18 And would you agree with me that at 500 feet, to
19 arbitrarily say that that would be sufficient to
20 deaden the noise is not a realistic perspective,
21 given the capacity of sound to carry in this
22 electronic age?

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NORMAN SIEGEL: I'm not ready to
24 concede that. I think I would need to do some
25 more research on that, I think that's a question

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that I'm not prepared to answer at this point.

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COUNCIL MEMBER HALLORAN: I just have a question for your client. You indicated in your primary testimony that you were the community board vice chair. Is that accurate?

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IDA SANOFF: Former.

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COUNCIL MEMBER HALLORAN: Former, yes. And it's your testimony that as the CD vice chair, you were unaware that you could report to the Police Department, the Department of Environmental Protection, or 311, a noise condition that you, that you were experiencing and supposedly so many of your constituents were experiencing. And you served how long is the CD vice chair?

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IDA SANOFF: Oh, gosh, I think it was two years, first vice chair.

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COUNCIL MEMBER HALLORAN: And how long were you on the board?

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IDA SANOFF: About eight years.

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COUNCIL MEMBER HALLORAN: Eight years. And so in all of that time serving in those capacities, you, you had no idea--the specific statute aside, you had no idea that, that

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2 there was a mechanism available to you, to
3 complain to the Police Department who issued a
4 permit, the DEP who monitors sound, or 311 which
5 fields complaints of every size, shape and
6 variety, in the City of New York, you had no idea
7 any of those avenues were available to you over
8 the 15 years that this concert, 19 years that this
9 concert series was going on. Is that your
10 testimony?

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IDA SANOFF: Sir, I'd like to
discuss that. Okay. Community boards have a
district cabinet, and that meets once a month.
And the officers of the board usually do not
attend. But the district manager does attend.
And he does bring these issues to the attention of
the various city agencies that are present. And I
do know that the Police Department was made aware
of this. When 311 was first developed, many
community boards were reluctant to become involved
with 311 because they felt they had an excellent
system in place to address the complaints of the
community, and that was the district cabinet. So
I do know that these issues were brought to the
attention of the Police Department. Whether or

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2 not anything was ever done is another story. But
3 I do know that they were brought to the attention
4 of the Police Department. But I do not know if
5 permits were ever issued by the Police Department
6 for these events. I never saw, personally, I
7 never saw any permits for amplified sound that
8 were issued for these events.

9 NORMAN SIEGEL: Let me, for the
10 record, add that I sent a FOIL, a Freedom of
11 Information earlier this year to the Police
12 Department, asking the question I think that some
13 of you especially, and Councilman Garodnick and
14 Mr. Halloran are raising, with regard to when in
15 the past, I forgot whether I said five or ten
16 years, has the Police Department issued permits
17 for amplified sound within 500 feet of this
18 provision. And once again, the Police Department
19 never responded to the FOIL request. I think that
20 if they had responded to the FOIL request, we
21 would've had some data to answer some of your
22 questions, as well as, Dan, what you're trying to
23 achieve, and what I would suggest if you're going
24 down this road, the Police Department has to be
25 questioned, including were there ever any permits

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issued during the 19 years? And if so, I think they're illegal; and if they weren't issued, then the concerts were illegal. And I think those are questions that have to be asked, and whether or not there are other places, including in the way your bill is worded, there are other places that fall within this amendment that you're proposing. And if you don't know that, and we don't know that, I surely don't know that, I've been trying the last 24 hours to get that information. How do you pass a bill that you don't know what the ramifications and the result of the bill is going to be?

COUNCIL MEMBER HALLORAN: I

appreciate your answers. Mr. Chair, I'm going to yield back, I just, I would just note that it is clear from even the testimony of Mr. Siegel that this law needs to be relooked at anyway. I don't see how a pilot program testing a potential variation would cause a problem. And, and I think any other issue is, is a, this is being used as a red herring for, and it's disappointing to see that. So.

IDA SANOFF: If I can just add--

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2 CHAIRPERSON VALLONE: No, no, I
3 need to keep moving. Council Member Greenfield.
4 Thank you. I mean, we're just repeating the same
5 thing, so I need to move to get to everyone else
6 who's here. And everyone else who's going to be
7 testifying, please you're going to have two-three
8 minutes max, so tailor your testimony. We've got
9 seven, eight, nine people more than that that
10 we've got to finish by 1:00. Thanks.

11 COUNCIL MEMBER GREENFIELD: Good
12 afternoon, counselor and plaintiff, thanks for
13 coming out to day. You know, I, I just want you
14 to know that, in terms of your concern, I actually
15 represent more synagogues than any legislator in
16 the City of New York. And so, when this
17 legislation came on my desk, and I reached out to
18 staff and had conversations with them. And I have
19 definitely come in here with an open mind. And to
20 that end, I'm just a little bit confused about
21 some things. I'd like to ask the plaintiff, it
22 seems like your concern in general, especially you
23 gave us a compelling story about how you have to
24 go through several different rooms and corridors
25 and chambers in a synagogue to get to the

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2 bathroom, and that you hear very, very significant
3 amount of, of sound, or I think you said something
4 to the effect of it's almost like you're sitting
5 there, right. And so, is that fair to say that
6 your major concern appears to be the sound levels,
7 or one of the major concerns that comes out of
8 this concert? Because this is particularly
9 relevant to this bill.

10 IDA SANOFF: I think that there is
11 someone here from one of the synagogues who can
12 address that, that there's services that are being
13 interrupted, that there are services held several
14 times a day, that there are people go to a
15 synagogue for religious contemplation. You go
16 there after somebody's passed away to seek solace.

17 NORMAN SIEGEL: He knows.

18 IDA SANOFF: Okay, you go there
19 for, to be with your thoughts, to, to practice
20 your religion. And it's very, very difficult to
21 do that when there is this throbbing bass that
22 permeates the ground and goes through your body,
23 when there is music blasting, as you're trying to
24 sit there and, and contemplate. It's very, very
25 difficult when you hear from one end of the

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2 building to the other. And when it's not only at
3 night, but when there are rehearsals all afternoon
4 long.

5 COUNCIL MEMBER GREENFIELD: I, I
6 could not agree with you more, in terms of the
7 importance of protecting the sanctity of all of
8 our religious places of worships, and our
9 synagogues that I visit regularly. And so my
10 question is, then, why don't you support this
11 bill? This bill effectively would improve the
12 situation by instituting a ten decibel rule, which
13 essentially would pretty much guarantee that your
14 situation, when you got back to the bathroom, all
15 the way in back of the building, you're not really
16 going to hear all that much anymore from this
17 particular concert series. So, why, why wouldn't
18 you support this bill?

19 IDA SANOFF: First of all, we're
20 talking about this park. And number two, I'm a
21 scientist, okay, I'm a clinical microbiologist
22 with an excellent background in biochemistry. And
23 I think that you need far more data than a nine
24 month, a 90 day pilot project, to determine if
25 this will be satisfactory. And furthermore,

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2 there's also an issue of monitoring. You could
3 set up your monitors and your decibel levels look
4 great, and then the next act comes along and, and
5 they turn up the volume. And then you're left
6 there trying to hold services or trying to have
7 religious contemplation, and you got to drop
8 everything, try to find out who's responsible, try
9 to get them to turn it down, have an argument.
10 "Is it within the decibel level? If I put the
11 decibel meter here is it different from the
12 decibel meter that's over here?" I think that a
13 pilot project in this context is really not
14 suitable.

15 COUNCIL MEMBER GREENFIELD: But
16 Plaintiff--

17 NORMAN SIEGEL: If I can just add,
18 it's suspect--

19 COUNCIL MEMBER GREENFIELD: No, you
20 can't, counselor, the question was directed, we,
21 these are our--

22 NORMAN SIEGEL: I asked for
23 permission.

24 COUNCIL MEMBER GREENFIELD: --these
25 are our hearings, we direct the questions, you

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2 respond. That's the way it works, I'm sure you
3 know that. The question, this particular
4 question, I just want to follow up on that, on
5 that particular, on that particular issues,
6 though. It seems, however, that, let's just think
7 about this logically for a second, right? Imagine
8 there's a synagogue like 600 feet away. All
9 right? And there is a heavy metal concert. But
10 it's 600 feet away. And now it's blasting loud.
11 Right? Would you be happy with that? Is that
12 okay, because it's 600 feet away?

13 IDA SANOFF: Then perhaps you need
14 a caveat to the existing law, that if sound
15 travels even further than 500 feet--

16 COUNCIL MEMBER GREENFIELD:
17 Exactly, and that's why we have the law here
18 today, which is making an improvement, which
19 effectively says it doesn't matter how far or
20 close you are, because in 1935 they weren't able
21 to measure, right, they weren't able to measure,
22 they didn't have the ability to measure that. But
23 today, with our technology and sophistication, we
24 have the ability to measure. But I do have a
25 specific question for you, Counselor, and that is,

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2 I'm also a little bit surprised, like many of my
3 colleagues, you're the biggest advocate of free
4 speech in town, and effectively this law would
5 promote free speech. Right? Because instead of
6 having an arbitrary rule, that sets up 500 feet,
7 we would have a rule that has, deals with actual
8 decibel levels. I don't understand why you're
9 opposing this law if we're just focusing on the
10 merits of this actual law, Counselor.

11 NORMAN SIEGEL: Because this bill
12 is suspect, legally; because of the context that
13 it's being created in and the way you're going
14 about it; and also, because of some of the
15 comments that your colleagues have already made on
16 the record.

17 COUNCIL MEMBER GREENFIELD: Well, I
18 just want to, I just want to state for the record,
19 I don't speak for other colleagues, I only speak
20 for myself, but you know, you, you, I think
21 expressed a concern that this is not good
22 government. I would actually submit this is
23 outstanding government. And I'll explain to you
24 why. Because effectively, we have a problem,
25 right, and where so many other governments, and

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2 you can go up to Albany, and you can see they do
3 this every day. They shun their problems, and
4 they put it aside. We have a problem, we have a
5 Mayor who initially deal with, dealt with the
6 problem, we have a Speaker who scheduled the
7 problem, we have a Chairman--and we're moving
8 expeditiously to resolve that problem. If there's
9 any cynicism, quite frankly, as a, an attorney as
10 well, I would say that the cynicism is the same,
11 this is actually the reason why people hate
12 attorneys, not elected officials, right. People
13 hate elected officials because they don't get
14 anything done. Right. Elected officials tend to
15 punt the issue. The reason people hate attorneys,
16 and I have the unusual distinction of being an
17 attorney and elected officials, which is pretty
18 harsh, right, because people hate them both.

19 NORMAN SIEGEL: Double whammy.

20 COUNCIL MEMBER GREENFIELD: But,
21 but the reason, the reasons people hate attorneys
22 is because they find technicalities in the law to
23 hold up processes. And so, I want to thank you
24 because you did us a favor. We didn't know that
25 this law existed, you brought it to our attention,

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2 and what you're seeing here, it's not good
3 government, it's outstanding government, dealing
4 with an issue that exists. And I can tell you
5 that I've kept an open mind, and based on your
6 testimony, and your plaintiff's testimony, I'm
7 absolutely convinced that this is an improvement
8 to the law, and this will actually benefit
9 synagogues and benefit free speech. And yet, we
10 are so concerned because it's important that we
11 don't make mistakes, we're setting up a 90 day
12 sunset so that we can come and revisit this down
13 the road. So, counselor, I think you should be
14 applauding us rather than criticizing us.

15 NORMAN SIEGEL: Well, with due
16 respect, I think you've become a spin master. And
17 your statement just now is exactly spinning.

18 COUNCIL MEMBER GREENFIELD: All
19 right, I appreciate, I appreciate your opinion,
20 counselor, but once again, I want to thank you,
21 seriously, I want to thank you because this is an
22 issue that I wasn't aware of, you brought it to
23 our attention, and thanks to your efforts we're
24 going to actually fix a broken law and make it
25 better for everybody. So thank you, Counselor.

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2 CHAIRPERSON VALLONE: Thank you,
3 Council Member Greenfield. That's a, yet another
4 example why it's, I'm so happy to have you on this
5 Committee, for you incisive questioning, and
6 really getting right to the point there, about how
7 this is a helpful law for those, all of those who
8 treasure free speech and all of our religious
9 institutions who treasure their, their quiet.
10 This will help. Apparently, it's a law that needs
11 to be revised and changed, but not now, because
12 depending on who counsel--who counsel is working
13 for, I guess. So, I am--oh, by the way, if we're
14 building a record for your lawsuit, I think we
15 have to make sure that when Council Member
16 Greenfield asked the question about why not
17 supporting this law, your Plaintiff said, "First
18 of all, this is about the park." So, clearly it's
19 not about the synagogue, it's not about noise,
20 it's about the park. Right on the record, first
21 thing she said. Council Member, who's next,
22 actually Recchia had one quick question, and
23 Council Members Gennaro and - - did join us, and
24 are still here.

25 COUNCIL MEMBER RECCHIA: Yes. My

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2 question is that you said that, I mean, you would
3 love to try to work this out, to see what we could
4 do. You know, of course, the law--and going on
5 that basis, Ms. Sanoff said, about why we're doing
6 this all now and so forth, about the 90 days, and
7 about the sound, and she brought something that we
8 should agree to right now. That we should amend
9 this bill to include, to be, for the pilot
10 project, to go for one year and 90 days, so we
11 could go and get the proper data, like Ms. Sanoff
12 expressed that we should. So, since she brought
13 this up, and made this recommendation, I think we
14 should amend this bill to, a pilot program--

15 IDA SANOFF: That's how science
16 works.

17 COUNCIL MEMBER RECCHIA: --at the
18 request of Ms. Sanoff, since she made that
19 recommendation, for one year and 90 days. Do you
20 agree with that?

21 IDA SANOFF: No, sir--

22 COUNCIL MEMBER RECCHIA: Yes, you,
23 you don't.

24 IDA SANOFF: --I do not, because in
25 science--

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2 COUNCIL MEMBER RECCHIA: You said
3 that, you just--didn't you just say, "We need more
4 data"? Yes or no.

5 IDA SANOFF: Sir--

6 COUNCIL MEMBER RECCHIA: Yes or no,
7 did you say we need more data.

8 NORMAN SIEGEL: You know, don't,
9 don't badger her.

10 IDA SANOFF: May I speak?

11 NORMAN SIEGEL: Don't badger her.

12 COUNCIL MEMBER RECCHIA: I'm not
13 talking to you, Mr. Siegel. I'm not talking to
14 you. Answer the question.

15 NORMAN SIEGEL: But I'm telling
16 you, I ask the Chair to tell him not to badger
17 her.

18 CHAIRPERSON VALLONE: He's right,
19 let's all calm down, and please ask the question
20 and respond to the question.

21 COUNCIL MEMBER RECCHIA: Answer the
22 question, did you--

23 NORMAN SIEGEL: No, don't--Mr.
24 Chair.

25 COUNCIL MEMBER RECCHIA: Don't be

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telling me how to ask questions.

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CHAIRPERSON VALLONE: I said you were right, you want me to say something else?

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NORMAN SIEGEL: No.

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CHAIRPERSON VALLONE: Or do you-- 'cause I think you're going on.

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COUNCIL MEMBER RECCHIA: Answer the--

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CHAIRPERSON VALLONE: Everybody calm down. You answer the question you were asked, and everyone else please keep their voices down.

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IDA SANOFF: In science, you need reams of data. You cannot just look at one situation for a short period of time, you need to look at situations throughout the City. Sound, you have to look at the technical aspects, you have to look at the surround--there's a myriad of factors that have to be included in order for data to be significant and to be reliable and to be accepted. And it has to be in standard science, data has to be peer reviewed. So in answer to your question, you would have to collect data, of course since this is a law that would apply

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2 throughout the City, and in many situations, it
3 would not be significant to have data just from
4 one locale, under a short time period. You would
5 need a significant amount of data under a variety
6 of circumstances, with many factors controlled,
7 and many variables analyzed, before it--

8 COUNCIL MEMBER RECCHIA: So, we
9 never said we're just taking this from one locale,
10 but what you're saying is that we need more data.
11 And since we can't get it, so maybe we need to
12 extend this law for one year and 90 days, at the
13 request of the Plaintiff.

14 IDA SANOFF: Sir, sir--

15 COUNCIL MEMBER RECCHIA: Thank you
16 very much, you answered my question.

17 IDA SANOFF: You don't have--you--

18 COUNCIL MEMBER RECCHIA: You
19 answered my question, you just said we need more
20 data. You said that, very clear. So we need to
21 get this for one year and 90 days, thank you. No
22 more, no further questions.

23 CHAIRPERSON VALLONE: Okay, thank
24 you.

25 IDA SANOFF: You should have the

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data before you change anything.

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CHAIRPERSON VALLONE: Well, that's what pilot programs are for, but we need to move on, we've got some more panels to come. Thank you both for coming down, Norman, it wasn't a pleasure but it's always interesting and always fun to debate with, debate with you depending on what-- half the time you're on our side, and it's always, that's, this time--

NORMAN SIEGEL: Is that good or bad?

CHAIRPERSON VALLONE: --not so much.

NORMAN SIEGEL: [laughs]

CHAIRPERSON VALLONE: It's always good when you're on our side. So, thank you both for coming down, and we're going to move next to Eddie Mark, is it, Mark, it's hard to read the handwriting from Community Board 13, which is, and I'm asking everyone to keep their testimony for, from between two to three minutes. Is, while he's taking the stand, I want to mention that Temple Beth Abraham did fax us a message in opposition to this; also, they're one of the temples involved in

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2 this, in this area. Mr., is it Mark, that okay?

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EDDIE MARK: Yes, it is, Eddie Mark. I just been elected as the new Chair of CB13, Community Board 13. It encompass Coney Island, Brighton Beach, Seagate and everything. We do not consider West Brighton as a separate neighborhood. They are considered Coney Island. As anyone knows, it goes up to Ocean Parkway, and they are Coney Island. As you know, we enjoy the concert for the last 19 years. We do want them to continue. People in the neighborhood, they realize that it's in their backyard. Yes, the sound is there, we are in a, an amusement area. We have amusement rides, we have noise from, that carries a distance. That is throughout the whole summertime. So, the concert that you have here is six times, seven times, during July and August. Community Board 13, in the past two months, we had the Parks Committee, we did vote for the amphitheater. It did pass, and that was it. The big picture is Coney Island's coming back, and this is just the beginning, a part of it. Ocean Parkway is the entrance, as Marty mentioned, to Coney Island, and this would be a great place to

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2 start. And for something like this, we, the bill
3 should definitely be passed, so that it can
4 accommodate future concerts. Thank you.

5 CHAIRPERSON VALLONE: Thank you.
6 I'm, I'm sure we have a lot of questions.

7 EDDIE MARK: Yes.

8 CHAIRPERSON VALLONE: But I do want
9 to get to everyone who's in our position on the
10 other side.

11 EDDIE MARK: Not a problem.

12 CHAIRPERSON VALLONE: So thank you.

13 EDDIE MARK: You got it, thank you
14 very much.

15 CHAIRPERSON VALLONE: And we look
16 forward to working with you. We were joined by
17 Council Member Ignizio for, for moments, and we're
18 going to go now to some people in opposition to
19 this. Again, please limit your testimony, like
20 Mr. Mark did. Geoffrey Croft from the New York
21 Park Associates, Esfer Sacat [phonetic], Tenants
22 of Sea Bridge Plaza Condo, and Mendy Sontag from,
23 also from Sea Breeze Jewish, Jewish Center. Yeah,
24 we've got another panel to come. If you haven't
25 heard your name, and you filled out a card, you'll

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2 be on the next panel. As long as everybody stays
3 within two and three minutes. Thanks. So, are we
4 missing two people, they're not here anymore, and
5 then we'll put new people up there. There's no
6 Ms. Sacar. And there's no Ms.--[background noise]
7 Okay, they, I, I called your name. [laughs] You
8 have to, did you, do you wish to testify?
9 [background noise] How about Ms., Ms. Sontag?
10 Ms., I'm sorry Mendy, okay. Do you, if you wish
11 to testify, now would be the time. Okay, thanks.
12 Mr. Kroft, since you've been there, why don't you
13 start.

14 GEOFFREY CROFT: Sure, absolutely,
15 thank you.

16 CHAIRPERSON VALLONE: And, thank
17 you.

18 GEOFFREY CROFT: Good afternoon, my
19 name is Geoffrey Croft, I'm President of New York
20 City Park Advocates, a nonprofit, nonpartisan
21 watchdog group. We strongly oppose this amendment
22 to the Administrative Code of the City of New York
23 in relation to sound permits as it pertains to
24 band shells, amphitheaters, stadiums and similar
25 permanent structures used for performances or

1 events. The proposed legislation is nothing but
2 an end run around an existing law. Rather than
3 comply with a law, the City is trying to amend it
4 in order to facilitate the commercial interests of
5 a few elected officials. This is not, this is a
6 terrible precedent. It says that when elected
7 officials do not feel like complying with the law,
8 they can simply change it with no regard for the
9 consequences. The existing law is meant to
10 protect religious services, schools, courthouses
11 and hospitals. Make no mistake, this amendment is
12 simply meant to allow the concerts in Asser Levy
13 Park to go forward. Ahead of the community's
14 lawsuit, I may add. We strongly oppose this
15 backdoor deal that is before us now. At a meeting
16 almost a year ago, at the Brooklyn Borough
17 President's Office, his own lawyer repeatedly
18 admitted the 500 foot rule was a problem for the
19 concerts, and that they "Didn't know how they were
20 going to get around it." Well, now we know.
21 Unfortunately, the City Council is now being
22 dragged into this fight. This is disgraceful. As
23 many people are now beginning to make, be made
24 aware, the people behind this amendment are
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2 planning a highly controversial project for Asser
3 Levy Seaside Park. Marty Markowitz, Mayor Michael
4 Bloomberg, with the help of Council Member Domenic
5 Recchia, are planning to build a massive, \$64
6 million commercial concert facility in a public
7 park located in the middle of a quiet, residential
8 community. The building, with 8,000 seats, more
9 than Radio City Music Hall, would encompass nearly
10 half the park. This project does not belong in
11 the middle of a residential neighborhood. If
12 anything, this belongs in Coney, in the Coney
13 Island commercial area, which is, which they have
14 been repeatedly advised by city officials and
15 community members for many, many years, but they
16 have refused to listen. Make no mistake, this
17 irresponsible plan, if built, would destroy a much
18 beloved park and the quality of life of tens of
19 thousands of residents. The park is the only open
20 green space that is densely populated, in a
21 densely populated urban community. The nearest
22 green space is more than a mile-and-a-half away.
23 This, despite this being the community's only
24 green space, the City refuses to properly maintain
25 it. They allow at least 45 events in the park

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2 annually, which destroys the grass and prevents
3 the public from utilizing it. These elected
4 officials are quite aware that this community is
5 vehemently opposed to the project as currently
6 envisioned. Over 13,000 people have signed a
7 petition against this irresponsible project in a
8 very short period of time. Yet they have refused
9 to address these concerns. Mr. Markowitz has
10 repeatedly said he would never support anything
11 that would not improve life in Brooklyn. We
12 repeat, for the people who live in this community,
13 as well as the City's taxpayers, this plan as
14 currently envisioned, will significantly impact
15 their quality of life--

16 CHAIRPERSON VALLONE: Finish up,
17 please.

18 GEOFFREY CROFT: --not improve it.
19 Sure. As to other than Asser Levy Park, has the
20 City provided a list of any locations, any other
21 locations, where this is a problem? Upon
22 questioning, the Chair admitted that he does not
23 know if Astoria Park, if that would be an issue.
24 This Council is, is promoting a bill that they
25 have absolutely no idea what the impacts are.

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This is clearly an end run around the concert's in Asser Levy Park. And I just want to say finally, what the City needs is for elected officials to work with communities, not against them. There are alternative locations, this is not about stopping those, those concerts, I please employ the Council to understand that. Mr. Markowitz has been told numerous times that there are alternative locations.

CHAIRPERSON VALLONE: Okay, again, this, this has nothing to do with the park, it has to do with the noise at the synagogue, that's what this bill is - -

GEOFFREY CROFT: I just said, alternative locations, for the, the concerts.

CHAIRPERSON VALLONE: Right, but--

GEOFFREY CROFT: And this has been brought up, but he refuses to--

CHAIRPERSON VALLONE: The majority of your testimony regarded, regarded the, the amphitheater, not the noise at the synagogue, which I don't even think you mentioned.

GEOFFREY CROFT: Of course there--

CHAIRPERSON VALLONE: Council

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Member--actually, we're going to, we're going to

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question you before we get to those two. Normally

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we go to the end of the panel, but you do

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represent a group, so we're going to give you a

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little bit more time. Council Member Garodnick.

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COUNCIL MEMBER GARODNICK: Thank

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you very much. And Mr. Croft, let me just follow

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up on one point you, you mentioned, when confused

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me. You, you noted commercial interests of

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elected officials. As far as, as far as I can

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tell, this is not a, this is not a commercial

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interest of elected officials. There may be

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commercial interests out there, but it's not for

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elected officials. Is that correct?

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GEOFFREY CROFT: Well, the

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amphitheater themselves, is a highly commercial

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building. What they want to build is a highly

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commercial--

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COUNCIL MEMBER GARODNICK: I

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understand, but it's not that there is a

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commercial interest of the elected officials, it's

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not that elected officials are invested in this

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project. You're not suggesting that, are you?

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GEOFFREY CROFT: No.

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COUNCIL MEMBER GARODNICK: Okay, I didn't think, I just wanted to make sure--

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GEOFFREY CROFT: Yeah.

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COUNCIL MEMBER GARODNICK: --that we had that clear. I didn't think you were, but I just wanted to make sure. And then on this amphitheater, the appropriate use of the park.

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Let me just focus you for a second on the question about sound. Because sound is one of the central points of the bill, and there is an underlying question here about what is the appropriate standard. Should we be looking at this from a 500 foot perspective, or should we be looking at this from a decibel perspective. Now, I understand that there are, you know, that some of the issues relating to summer concerts, Asser Levy, etc., etc., are, you know, swirling around our discussion here, but there is a bill before us which deals with changing, creating exemptions based on decibel level. Do you have any inherent issue with that?

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GEOFFREY CROFT: I think some interesting things have already been stated on

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2 that issue. As far as I understand, the law
3 pertains to those four categories of, of uses,
4 right, which is hospitals and courthouses and
5 schools, and religious services. It's an issue, I
6 mean, the sound/decibel level is an issue, as well
7 as having any sound. I mean, from what I
8 understand in working with this community for, for
9 as long, for over a year, year-and-a-half, they
10 want to be able to pray in peace, and to
11 contemplate in, in peace. I think that, you know,
12 because this is being rushed through, some things
13 have not been addressed, which I think have
14 already been stated.

15 COUNCIL MEMBER GARODNICK: Okay,
16 thank you very much.

17 CHAIRPERSON VALLONE: We've got
18 another at least four people to try to, to try to
19 hear from, and we haven't heard yet from our other
20 two panelists. So, Ms. Sicar, I'm not sure if I'm
21 pronouncing it correctly.

22 ESFER SICAR: Sicar, yes. I just
23 to tell sound is terrible, and it's will be no
24 place where children could play, because they want
25 to remove children's playground, what is very bad.

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That's it.

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MENDY SONTAG: Hi, my name is Mendy Sontag. I'm the President of the Sea Breeze Jewish Center, and affiliated of the Young Israel. I want to make a statement and then you can ask me all the questions you'd like. It's amazing to me what great lengths elected officials will go through to push forward their pet projects. I don't want to go into naming names, but when the Mayor wondered if he could have a third term, they overturned a law. Mr. Markowitz wanted to have a third term, the law was overturned. When you guys want to stop the amphitheater or the sound thing, the Mayor's going to sign a proposal or whatever, you turn over the law. What a legacy to leave our children and grandchildren, that politicians are above the law. How sad. You know, you don't want to answer to the community, you don't want to answer to the synagogues, you don't want to answer to thousands of families and people that live in the area. You're going to destroy their precious quality of life: traffic, noise, loitering, garbage, drinking, you're all above us. But you know what, everybody has to answer to God. You

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2 talk about does it affect the sound, the prayers
3 in the synagogue. Now, I belong to an orthodox
4 synagogue. We have services 365 days a year.
5 They start at 7:00 o'clock in the morning, they go
6 till 9:00. Then the rabbi gives a shear
7 [phonetic], a Talmud class. Then we have a group
8 that rents in the synagogue called Ezra, where
9 they educate children to go and there are people
10 that fund them to go to Israel. Then we have a
11 Talmud Torah, a children's school, boys and girls.
12 We have, and then we have evening services that go
13 on from 7:30 in the evening till almost 10:00
14 o'clock in the evening. When you have a concert,
15 it's blasting the windows of the synagogue. I'm
16 not talking about going to the bathroom, I'm
17 talking about what goes on when we come into pray.
18 People come in there, they want to get a plaque,
19 they want to say tillim [phonetic], the Psalms of
20 David. This goes on all day long. Now let's
21 forget the 500 foot rule for a minute. The night
22 of a concert, the night of the concert, by the
23 way, Memorial Day, I call, I happen to like Marty
24 Markowitz. I've been in Borough Hall five, six
25 times meeting with him. When this whole thing

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started, I didn't know about an amphitheater. People in the neighborhood came to the Shul, they reached out to the synagogue. They said, "Mendy, what can you do to help us? They're going to build a monstrosity here." They reached out to the Shuls, the Shuls did not tackle the 500 foot law, they did not tackle Mr. Markowitz, they did not tackle the concerts. The people of the community reached out to us to help them. They came together, they came to town hall meetings.

CHAIRPERSON VALLONE: Finish up, please.

MENDY SONTAG: I'm sorry.

CHAIRPERSON VALLONE: Thank you.

MENDY SONTAG: I'm not finished.

CHAIRPERSON VALLONE: Well, yes you are, you got three minutes. So, unless anyone has any questions.

MENDY SONTAG: I--I just want to mention, too--

CHAIRPERSON VALLONE: If you actually want to get up there, you'll be quiet right now.

MENDY SONTAG: I just want to

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2 mention two more things.

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CHAIRPERSON VALLONE: I'm going to
4 give you ten seconds to finish up.

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MENDY SONTAG: I can't.

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CHAIRPERSON VALLONE: Well, then,
7 then you're done.

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MENDY SONTAG: The night of the
9 concert--

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CHAIRPERSON VALLONE: Let's call
11 the next panel then. Sergeant--

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MENDY SONTAG: Sir. The night of
13 the concert--

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CHAIRPERSON VALLONE: --we're going
15 to have this man--

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MENDY SONTAG: The night of the
17 concert--

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CHAIRPERSON VALLONE: --finish up
19 so we can have the next panel come on up there.

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MENDY SONTAG: You know, you guys
21 went on speaking for hours, for hours.

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CHAIRPERSON VALLONE: I gave you
23 enough notice that you have three minutes. We
24 have another panel of people.

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MENDY SONTAG: All right, give me

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2 one more minute, and I'll finish.

3 CHAIRPERSON VALLONE: You can have,
4 you can have 30 seconds.

5 MENDY SONTAG: The night of the
6 concert, Sea Breeze Avenue is closed down. There
7 are people that are 90 years old and over. It's
8 locked down. You cannot drive through. There are
9 people that were in Auschwitz, there are people in
10 my synagogue that were in Schindler's Camp, they
11 cannot go to services Thursday nights because the
12 street is locked down. What happens when an
13 ambulance has to get through. And you want to
14 take a live, vibrant body of a person to Lutheran
15 or Maimonides, what happens when they don't get
16 there? You're going to take a body to the morgue.
17 On Memorial Day, I called up Marty and I said,
18 "Marty, the traffic is backed up the Belt
19 Parkway." He had me meet with the Traffic
20 Commissioner, Joe Palmieri. "What can we do to
21 alleviate the traffic?" Mr. Markowitz said,
22 "We're working on it." Mr. Recchia, when I met
23 with him said, "We're working on it." Mr.
24 Bloomberg is going to solve--

25 CHAIRPERSON VALLONE: Okay.

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MENDY SONTAG: --the problem.

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CHAIRPERSON VALLONE: Now, you're
time is up.

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MENDY SONTAG: He's going to sign a
law and the traffic is going to disappear.

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CHAIRPERSON VALLONE: We had a, we
had a deal.

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MENDY SONTAG: Have a good day and
live with it, gentlemen.

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CHAIRPERSON VALLONE: Your time is
up. Next panel. Arlene Brenner, Paul Sternblitz,
Ralph Sternblitz, Alon Karpman.

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[pause]

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ARLENE BRENNER: Hi, everybody.

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CHAIRPERSON VALLONE: We'll start
with you.

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ARLENE BRENNER: What?

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CHAIRPERSON VALLONE: We'll start
with you.

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ARLENE BRENNER: Oh, okay.

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CHAIRPERSON VALLONE: You may--

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ARLENE BRENNER: Hi, everybody.

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Mr. Markowitz is trying to color this issue and

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defame the two synagogues saying that we are

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2 trying to halt concerts in Brooklyn this summer.
3 I very much resent using the words "hostage." We
4 love the concerts. We are not holding them
5 hostage. The language, the lawyer-ese, the
6 twisting turns everything around. The shuls are
7 not to fault here. The community and the shuls
8 just want some peace and quiet. Keep the concerts
9 somewhere else. What we want to do is keep the
10 concerts out, away from the two temples and
11 outside, away from my bedroom window. And the
12 thousands of other bedroom windows, where there,
13 when there are other venues. My windows shake
14 during concerts. What people don't understand is
15 that there are high rises, and the sound resounds,
16 it reverberates from one building to the other.
17 And it is enormously louder outside of the park
18 than in it. The sound is deafening. I'm cutting
19 this short. This isn't Jones Beach where there's
20 so much room. My house is outside, and the 13,000
21 signatures that we, we've collected, are right
22 outside the park. We have to close the windows,
23 put on the air conditioning, to not get the
24 vibration and the shaking. You don't understand.
25 And we love the concerts. But they're too loud,

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2 they're horrific. They belong somewhere else and
3 we have beautiful places. And this law has been,
4 being broken for almost 20 years, that doesn't
5 make it right! That's not okay. My whole family
6 suffers. The doctor next door to me has to be up
7 at 4:00 in the morning. It can't be done. This
8 is utterly disrespectful. Who would want to alter
9 this law? I can't. Don't we matter anymore?
10 We've suffered long enough. Asser, and this is in
11 terms of danger, Asser Levy Park is a small area.
12 Normally in the summer we've got the beachgoers,
13 the people going into Coney Island, which Asser
14 Levy isn't, Coney Island is a designated
15 entertainment area, zoned. We are not. And it is
16 so congested. We've stood there and watched
17 ambulances, it's too small. You're talking about
18 antiquated 500 foot law, the streets, Mr. Vallone,
19 please, the streets are antiquated. They are so
20 skinny, you cannot, the traffic cannot hold it.
21 The new Coney Island cannot uphold it. It's--

22 CHAIRPERSON VALLONE: Okay.

23 ARLENE BRENNER: --unconscionable
24 to bring danger, more danger, into our community.
25 It's overcrowded, over noisy, filthy--

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CHAIRPERSON VALLONE: Okay, you got to finish up.

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ARLENE BRENNER: Thank you, Mr. Vallone.

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CHAIRPERSON VALLONE: Thank you, thank you. Why don't we go with you next, and then we'll go down. And please introduce, state for, for the record who you are.

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PAUL STERNBLITZ: I'm Paul Sternblitz, I'm a resident of the community. And I sympathize with the community. Unfort--I think the law was an opportunity for the community to get protection from the noise. And saying that it's an archaic law, unfortunately the law just protects houses of worship, schools and hospitals; it should protect the residents who live around this densely populated area surrounding the park. And they are sorely affected by these concerts. And with the oncoming addition, there's going to be a \$64 million, huge amphitheater going to be put in that place, to increase the volume of concerts and noise that these people are going to be subjected to. In Manhattan, the tour buses, the Council was cognizant of the noise, and

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2 silencing the tour buses that circulate, that
3 don't even, they're not as intense as a concert,
4 in a residential populated area. Marty Markowitz
5 is, is conscience about residential noise. At a
6 Manhattan Beach, the other Manhattan, where the
7 Brahmins live in the Beach community, he said he
8 would not run a double-decker tour bus through
9 that bedroom community. High rise bedrooms don't
10 count, because Brahmins don't live there. It's an
11 elderly immigrant community, that is being
12 subjected to a high volume of noise, and the worst
13 fact is that we look forward to him increasing it
14 with this profligate amphitheater for \$64 million
15 during a fiscal crisis. And the social cost,
16 forget about the fiscal cost, there's no money for
17 vital services for people, and we're going to
18 build a \$64 million amphitheater in that
19 community. He's aware of community opposition for
20 these concerts. He could've found another
21 location. There are lots all over Coney Island
22 where you can put those concerts and not impact on
23 an elderly, immigrant community, that don't care
24 for these concerts. Thank you.

25 CHAIRPERSON VALLONE: Thank you.

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We were briefly joined by Council Member Peter Koo.

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RALPH STERNBLITZ: My name is Ralph Sternblitz. I'm a resident of Brighton Beach. And I say, Marty Markowitz was aware of all our complaints. He hasn't attended one community board meeting since I've been going there and speaking out against the amphitheater and the noise levels that these things create. He, he didn't even come to a town hall meeting that we held at the synagogue, and asked all our local representatives to come. None of 'em showed up. So, they're aware of our complaints and they totally ignore us. Now, the law, nobody should be above the law. Even though it's 500 feet, that's one of the things that we have, to fight, the court is our only recourse, because we have no other. And that's why we're using it. Because our legislative leaders won't respond to us. None of 'em. They've all been written, they've been emailed, and none of 'em respond. And as far as decibels go, the decibels are horrendous. He has heavy metal groups coming to that park playing, and if you want to go by there or hear it, you

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2 have to stuff your ears, because the noise is so
3 tremendous. Besides that, those who attend the
4 concerts, there are motorcycle clubs that go
5 around, roaring around the park. Also, deafening
6 during, during or after concerts. So, the noise
7 law should stay because nobody is above the law.
8 And that's our only reason that we're using it,
9 and it's wrong to dismiss it. Thank you.

10 CHAIRPERSON VALLONE: Thank you.

11 And just before we get to you, let me say, you
12 know, you may not believe this, but I completely
13 understand what you're saying. I fund these
14 concerts in Astoria Park, I live on 19th Street,
15 which is, borders Astoria Park, I know the
16 problems that these concerts bring to the local
17 community. I know how much work has to be done
18 with the local community to ensure that they're
19 done responsibly and the traffic problems and
20 noise problems and these things don't, don't exist
21 to a larger extent than they have to exist for
22 concerts that, that thousands of people come to.
23 So, if that's not, I have no idea what's happening
24 in Brooklyn, but if that's not happening, I wish
25 you luck to, to work with your elected officials

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2 to, to mitigate those problems. But again, our
3 belief here is that this law will help mitigate
4 noise for everyone and is, and in the long run
5 will be, will be a better thing for our
6 communities. We'll end up with you, sir.

7 ALON KARPMAN: Thank you. My
8 name's Alon Karpman. I am President of 3101 Ocean
9 Parkway Building that's right across, and also I'm
10 here just for myself. I'm not an activist, I'm
11 the kind of person that's uncomfortable to hold a
12 sign and to oppose something. I took a day off
13 work to come here today. What's going on is
14 either all of you on this stage, you're either a
15 stooge or a puppet. And I see that you're
16 smiling, you're making a face, let me, let me have
17 my time, don't speak. That obviously everybody
18 knows what's going on here. Is that Marty
19 Markowitz wants this law to be off the books, just
20 so he can erect this theater. If you don't know
21 that, then you should look at his plans, look and
22 see what he's doing. I have two small children, I
23 live in this neighborhood. They want to move the
24 park over to the edge where the buses are, where
25 the fumes are, and they want to basically make

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2 this park into an amphitheater. And that's why he
3 wants to get rid of--and that's why, that's why
4 you're here today. You don't want to talk about
5 it, everything is a Catch-22, and that's how
6 corruption happens in government, to where you--
7 yeah, you can chuckle, but that's what happens.
8 We're only allowed to talk today about the 500
9 foot rule. So then you pass it, then you get rid
10 of it, and then when there's a chance to actually
11 do something, then we can't talk about that
12 because we're just talking about park renovations.
13 So how do things actually get done? How do we
14 actually get protected? How do you actually
15 protect us? There's no way because, oh, you're
16 just a nice tunnel vision on what's going on
17 today. But open your eyes, don't be a puppet to
18 what he wants to do. Or, be a stooge, and we know
19 what you talk about in the backdoor, what you guys
20 do. That's what we all assume. That's what we
21 assume of you public officials, because that's
22 what goes on. What's going on here today.
23 Exactly that. I'm not finished, I got a minute, I
24 got a minute-and-a-half. Thank you. And I'm
25 sorry I got upset. If you take it to heart that

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2 you're a stooge, then that's what it is. Or,
3 take, don't, open your eyes, if it's not true, if
4 you're not, if you're not being used by Marty
5 Markowitz, or if you're, if there's something else
6 going on, then help us. Look at what's going on
7 and see that the overall, I mean, Daniel, you look
8 like a regular guy who's is asking questions, you
9 didn't seem to have your mind made up like the
10 three monkeys over there, no see, no hear--

11 CHAIRPERSON VALLONE: All right,
12 now you're done.

13 ALON KARPMAN: --no speak. I mean,
14 look, they guy was on his cell phone when

15 CHAIRPERSON VALLONE: Now you're
16 done, so--

17 ALON KARPMAN: --when opposition
18 was speaking. The other guy walked away. He
19 yells at people like a bully.

20 CHAIRPERSON VALLONE: Thank you all
21 for attending this meeting today, and I'm sure
22 your testimony is going to go a long way to
23 influencing how we vote on this. So thank you.
24 [laughter] Take care.

25 ARLENE BRENNER: Hello, is this off

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2 now?

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CHAIRPERSON VALLONE: No, but it
should be. Sergeant, please turn the mics off.

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ARLENE BRENNER: [off mic] Here's
my written copy.

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CHAIRPERSON VALLONE: We'll take
it, thank you. You have to give it, give it to
him.

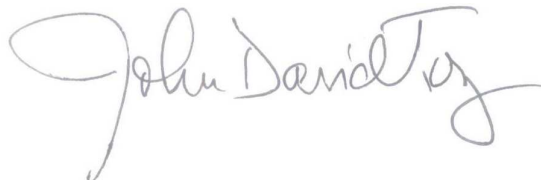
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C E R T I F I C A T E

I, JOHN DAVID TONG, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above a horizontal line.

Signature_____

Date July 12, 2010