



Testimony
of
Angela Licata
Deputy Commissioner, Sustainability
New York City Department of Environmental Protection
before the
New York City Council Committee on
Environmental Protection, Resiliency, and Waterfronts
on
DEP Enforcement of the City's Noise Code and Related Legislation

October 16, 2023

Good afternoon, Chairman Gennaro and members of the Environmental Protection Committee. I am Angela Licata, Deputy Commissioner of Sustainability at the New York City Department of Environmental Protection (DEP). Thank you for the opportunity to testify today.

To begin, I will provide a quick overview of DEP's noise enforcement work, including the citizen complaint program, and then speak to each of the bills being considered today.

Noise Enforcement

DEP is proud of its work to improve the quality of life for all New Yorkers by enforcing the City's noise code. The noise code ensures that the city that never sleeps remains vibrant and active while meeting the needs of those who live in, work in, and visit the city by reducing noise pollution and protecting public health.

DEP and the New York City Police Department (NYPD) share the responsibility of enforcing the noise code. DEP's responsibility focuses on commercial music, construction noise, and noise from buildings' heating and air conditioning equipment. DEP noise inspectors pro-actively approve and inspect noise mitigation systems and respond to approximately 50,000 noise complaints annually.

The noise code has been updated twice in recent years: first with Local Law 113 of 2005 and then with Local Law 53 of 2018. The 2005 overhaul was first major update to the noise code since the 1970s. These critical updates standardized commercial music regulations, required noise mitigation measures for construction activities, and created a section that prohibits excessive noise from motor vehicles. Since the 2018 changes, DEP has been required to respond to after-hours noise complaints in specific time frames and required that all noise mitigation plans be filed electronically. These changes have strengthened DEP's enforcement.

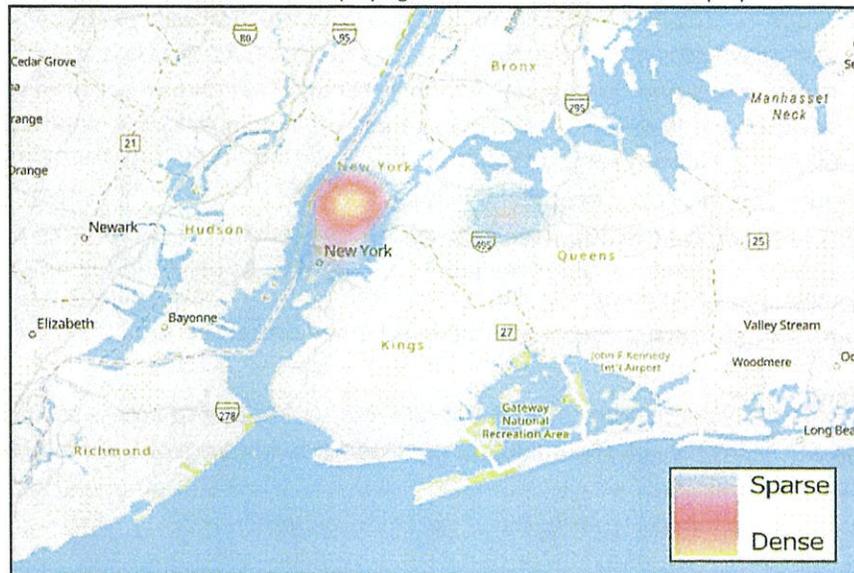
In addition to our proactive enforcement, DEP inspectors focus enforcement in areas where complaints are received. They have specific training and can use discretion to determine whether there is a violation or not. If an inspector determines a complaint is justified under the noise code, the inspector informs the business of the alleged violation and what can be done to correct it. Depending on the severity of the alleged violation, inspectors can give the business a warning and time to correct the

money more easily. A small number of people abused this enforcement option and have been targeting – harassing – several businesses.

In fact, about 90% of the approximately 6,000 noise complaints filed in 2023 by citizens were filed by only two people.

As you can see in this map, these citizens have been targeting specific areas of Queens and Manhattan. These are mostly commercial areas, where they can walk down the street and record sound from multiple businesses in a few minutes.

Locations of Citizen Enforcement of Section 24-244(b),
which relates to businesses playing music outside for commercial purposes.



The enforcement being done through citizen enforcement is hurting businesses and is not helping communities. Citizen enforcement is happening in areas where we do not receive 311 noise complaints. No one is complaining about noise from Times Square in the middle of the day, but more than 1,000 citizen complaint reports have been focused there. The participants are not using enforcement to achieve compliance and reduce noise pollution; they are using it for personal profit.

Legislation

Overall, the legislation being considered today complements DEP's work and we generally support these bills. We do want to recommend a few specific changes to the introduced legislation and would like to postpone consideration of Intro. 1194.

Intro. 1194

Currently, if a business pays a fine from a noise summons by a citizen enforcer, the citizen enforcer can receive as much as \$660. Subsequent violations have heavier fines than first ones, so enforcers are incentivized to stack a series of complaints against one business and deliver many at once. Before a business has received one summons, they have already racked up several more.



Further, we would like to update the type of violations that can be reported by citizens. Noise complaints through 311 about ice cream trucks playing music is one of the top five 311 noise complaint categories. Ice cream trucks are not supposed to play music continuously while they are parked. DEP inspectors cannot regularly respond to these calls immediately, so we want to expand citizen enforcement to include this noise.

These changes are designed to benefit small business owners, protect City employees, and strengthen the program. We have been working closely with partner agencies, including Small Business Services, to create this reform package. We do not want to eliminate the citizen complaint program, but we need to fix it.

We would like to postpone considering any citizen complaint program bill until we present the members with a holistic reform package to consider. We look forward to continuing to work with the Chair on this issue.

Intro. 160

Intro. 160 would amend the noise code relating to interior noise at commercial establishments, so that noise that is generated inside but can be heard from the sidewalk is no longer treated the same as noise that is generated outside. This would include removing interior noise from citizen enforcement eligibility. We think this clear delineation to the Citizen Enforcement Program makes sense and makes the code more understandable for businesses, so we support this bill.

Intro. 774

Intro. 774 would require DEP to measure construction-related sound levels inside homes whenever asked to. DEP follows this practice currently, so we support this requirement since it is already codified in 24-223(d) for after-hours work. DEP recommends amending sections 228 and 229 to allow for readings to be taken from a dwelling during the day with limits warranting a summons set to an increment of 10 dBA above the ambient during the day instead of a limit of 85 dBA and retain the 7 dBA standard for after-hours work.

Intro. 775

Intro. 775 would require DEP to post the results of all noise inspections online within 24 hours of the inspection being completed. We request that this bill be amended to extend the time window. Each inspection report must be reviewed and approved by a supervisor, and there are extra considerations when we expect a summons to be issued. We prefer to delay posting information to ensure that the information is accurate, so we would like to work with the sponsor to determine a more workable timeline.

Intro. 776

Intro. 776 would require DEP to provide any noise inspection report that was generated in response to a 311 call to be provided to anyone who requests the report and has the 311 tracking number. Currently, FOIL requests are required to obtain these reports. We support the goal of this bill, but would like to discuss it in more detail with the sponsor and our colleagues at the police department.



**Statement by
Deputy Commissioner John Castelli
of the NYC Office of Administrative Trials and Hearings to the City Council Committee on
Environmental Protection, Resiliency & Waterfronts**

October 16, 2023

Good afternoon. My name is John Castelli and I am the Deputy Commissioner for Legislative Affairs at the NYC Office of Administrative Trials and Hearings (OATH). I would like to start by thanking Chair Gennaro and the members of the Committee on Environmental Protection, Resiliency & Waterfronts for the opportunity to testify today. I am joined by my colleague Amy Slifka, Deputy Commissioner of our Hearings Division.

By way of background, OATH is New York City's central, independent administrative law tribunal, and our mission is to ensure that everyone who appears before us receives a fair opportunity to be heard and a timely resolution of their case. We are a high-volume court; in Fiscal 2023 alone, in our Hearings Division we processed almost 765,000 summonses, held over 238,000 hearings and issued close to 2,000 appeals decisions. We also closed after trial or by settlement conference approximately 4,200 cases at our Trials Division. In each of these cases, we take great care to ensure that every party who appears before us is treated impartially and is accorded due process.

In order to fulfill our mission, ensure impartiality, and protect due process, OATH must remain independent from the many city agencies that appear before us. New Yorkers, including

individuals, homeowners, and small businesses, need to know that when they come before OATH, they are coming to a place that is unaffiliated with the agency that issued them a summons or notice of violation, and that they will be given a fair hearing. I have had the opportunity to do outreach events in a number of Council districts, including some of your own. Through that work, I've come to learn that your constituents rely on OATH being independent, and for these reasons we take our independence very seriously.

One way that OATH maintains its independence is by not getting involved in enforcement matters. OATH does not opine on potential enforcement legislation, enforcement policy, or enforcement penalties. Those decisions are for the policymakers. We are the tribunal. Once a law is passed, we apply that law to the facts of each case brought before us. Consistent with this, OATH takes no position on the package of proposed legislation that is under consideration at today's hearing.

We are here today because we understand that the Committee has questions about OATH's processes and data. We are happy to assist the Committee in understanding how OATH works and we will do our best to respond to your questions.



In support of Intros 160 and 1194

Good afternoon. My name is Kathleen Reilly Irwin, and I am the NYC Government Affairs Manager for the New York State Restaurant Association. We are a trade association representing food and beverage establishments in New York City and State. We are the largest hospitality trade association in the State, and we have advocated on behalf of our members for over 80 years.

We are here today to express our support for two pieces of legislation meant to put an end to the abuse of civilian-issued noise ordinance violations, which became notorious over the summer. Thank you to Council Members Gennaro and Holden, and the co-sponsors, for spearheading this effort and prioritizing a fair commercial environment for New York City businesses.

Under the current law, civilians are empowered and incentivized to issue complaints regarding the noise ordinance. With no limits in place, career complainants have abused this system by reporting the same establishments, over and over in quick succession, resulting in what has sometimes amounted to thousands of dollars of fines for restaurant operators. We have received frantic and frustrated calls throughout the summer and into the fall, coming from restaurant operators and staff baffled by receiving multiple civilian-issued violations for standard, ambience-setting music. This abuse of the system has been incentivized by offering civilian complainants up to 50% of the fines collected, with no limits in place for total dollar amounts or number of complaints that can be compensated, creating a situation where several now-notorious noise enforcers have bragged of making a living off of these frivolous complaints.

Suffice it to say, the current system for enforcing the noise ordinance is flawed, and these repeat complainants have been allowed to use a dubiously applicable statute of the law, Section 24-244 of the administrative code, which regulates amplified sounds for advertising purposes, rather than the applicable noise statute for bars and restaurants. In a recent step in the right direction, the Office of Administrative Trials and Hearings (OATH) Appeals Board determined that:

“where music contributes to the atmosphere of a dining establishment or of a store and is directed to the patrons or shoppers therein, even though it may also be incidentally heard by passersby, **an advertising purpose may not be established** [emphasis added]...and consequently an advertising purpose has not been shown where music is provided to be heard by customers using an outdoor dining area, and is only incidentally audible by passersby... The Board further finds that whether there are patrons or shoppers currently in a dining establishment or store is not a material fact as such dining establishment or store is not expected to turn on and off music being provided for ambience as customers enter and leave” (Appeal No. 2300403, Dietmar Detering v. Jackson Hole).

Of course, these findings are encouraging, and to see the OATH Appeals Board even reverse several past decisions based on this precedent is also welcome. That said, restaurants should

not be dragged before OATH and forced to adjudicate their ambiance-setting however often serial complainants would like. For this reason, New York City must reengineer the incentive system and parameters for these civilian noise complaints, and that is why the New York State Restaurant Association is in wholehearted support of Intros 160 and 1194.

Intro 160 would add concrete decibel levels into the definition of unreasonable noise for commercial establishments, and importantly, the language specifies that Section 24-244 of the administrative code – the section cited by serial complainants in their frivolous complaints – “shall not apply to music originating from an interior space in connection with the operation of any commercial establishment or enterprise.” If this legislation is enacted, it should strongly curtail the complaint activity that has been so burdensome for restaurants.

Intro 1194 would work to revamp the incentives in place for civilians looking to profit off of small businesses in our city. This legislation would cap the dollar amount a civilian can receive for reporting a noise ordinance violation at either five dollars, if they report their complaint to the Department of Environmental Protection (DEP), or ten dollars if the civilian brings a proceeding directly. This is a much-needed reform that will put an end to the current system, where frivolously harassing businesses is a lucrative endeavor. The abuse of the civilian complaint system is surely never what the city intended, and Intro 1194 would correct and limit that abuse.

Thank you for taking the time to consider our testimony today, and we urge this Committee to act quickly to reform noise ordinance enforcement. The New York State Restaurant Association looks forward to being a continued partner on this issue moving forward.

Respectfully Submitted,

Kathleen Reilly Irwin

NYC Government Affairs Manager

New York State Restaurant Association

401 New Karner Road

Albany, New York 12205

Monday, October 16th

Testimony of the NYC Hospitality Alliance before NYC Council Committee on Environmental Protection, Resiliency, and Waterfronts on:

- [Int. No. 160](#) - in relation to noise standards for commercial establishments
- [Int. No. 1194](#) – in relation to citizen noise complaints
- DEP’s Management of Noise Complaints

My name is Andrew Rigie, and I am the Executive Director of the New York City Hospitality Alliance (“The Alliance”), a not-for-profit trade association representing thousands of bars and restaurants across the five boroughs.

I want to thank Councilmembers Gennaro and Holden for introducing legislation that would put an end to the unacceptable abuse that far too many bar and restaurant owners have been subject to by a tiny group of private bounty hunters.

These bounty hunters are not average citizens. They have turned profiting off the backs of small businesses into an entrepreneurial opportunity. They wake up and go out into neighborhoods across the city, targeting small businesses. Worse, they are relying on an incorrect reading of the law to do it - as was recently recognized by OATH's Appeals Unit. They repeat this process over and over again, enriching themselves in significant sums.

This is not how we do sound enforcement in New York City. In a moment, The Alliance's counsel Robert Bookman will speak to the history of sound enforcement and the correct law that governs here. The two bills being considered would make that very clear.

First, Councilmember Holden's bill would clarify that the correct statute for policing commercial sound violations is the one that has been on the books for nearly two decades -- the one that provides objective criteria based on decibel readings. It would send a stark message to the bounty hunters victimizing bars and restaurants that the section of the law that they have been using is off limits.

Second, for those who do not get that message, Councilmember Gennaro's bill would cap the amount of money that a bounty hunter could collect from initiating summonses based on this section of the law to a nominal amount. This entire episode has shown us what a four-figure per summons financial incentive does to some people. We need to put a stop to it.

Finally, we would like to see a requirement that any citizen using this section of the law must reside within 200 feet of the premises being complained of. This would add an additional safeguard against the citywide bounty hunters we are now seeing. Additionally, these proposals should include provisions applying them not only prospectively but also to all the bounty hunter summonses that have been issued and are still pending. Notwithstanding the aforementioned comments, after listening to the Department of Environmental Protection's testimony further establishing the extent of the abuse of this law by private bounty hunters, we urge the City Council to eliminate the section of the law that allows them to issue these bogus violations at all.

For these reasons, The Alliance strongly supports Intro No. 160 and Intro No. 1194 -- two commonsense bills that will bring needed relief to law abiding bars and restaurants. We urge the City Council to pass this legislation ASAP and for Mayor Adams to sign them into law.

Thank you for your consideration of our comments. I am reachable at arigie@thenycalliance.org for questions and comments.

Respectfully submitted,

Andrew Rigie
Executive Director
NYC Hospitality Alliance

Committee on Environmental Protection, Resiliency and Waterfronts
Monday, October 16, 2023



Good morning, Chairperson Gennaro and members of the Committee on Environmental Protection, Resiliency and Waterfronts. My name is Tom Harris, and I am the President of the Times Square Alliance, the business improvement district that exists to make Times Square clean, safe, and desirable for all.



The Alliance wishes to express our strong support for Intro 160 and for Intro T2023-4002 regarding citizen noise complaints against commercial businesses. These bills are critical to helping our restaurants, which have been victimized by professional bounty hunters taking advantage of loopholes in what are otherwise objective, rational commercial noise regulations. This is particularly upsetting now, as our restaurants, particularly our smaller, independently owned businesses, continue to struggle to rebound from deep losses during the pandemic.

The City's administrative code in section 24-231 outlines an objective standard – specified in decibels and verified with handheld decibel meters – to determine unlawful commercial noise. That section provides precise objective and verifiable criteria for determining noise violations, which everyone now agrees is the only fair way to police commercial noise. It has been the law of this city ever since.

Opportunistic bounty hunters are now taking advantage of a separate, citizen-initiated summons process to allege violations and enrich themselves. These summonses rely on a separate section of the administrative code – intended for entirely different commercial activity generally categorized as advertising – that does not rely on the objective noise standard and does not therefore require any measurement of the actual noise level. These bounty hunters register their complaints and are entitled to 25-50% of any fine levied. Most restaurant owners have neither the time nor the resources to hire a lawyer to fight these frivolous summonses, so they end up settling with the bounty hunter. It is standard practice for these bounty hunters to return to the same business day after day for weeks on end, unannounced, initiating a new summons with enhanced “recidivist” penalties after every single visit, all before the first summons is even adjudicated.

In Times Square, we have heard from eleven separate restaurants, most small, independently owned establishments on historic Restaurant Row, who have received multiple citations and summonses for noise violations that were obviously falsified. Most of those restaurants received between 10 – 20 tickets with confusing and ridiculous timelines. They all reported that managing the response to the tickets is time consuming, frustrating, and greatly impacting the flow of their business. The expense to these restaurants is significant. The repeated violations are costing restaurants anywhere between \$5,250 to \$35,000. These are huge amounts for these kinds of businesses, the majority of which operate with minimal profit margins.

Restaurants have reached out to the Alliance for support to fight the outrageous citations and end the loopholes in city government, but there is little we can do as long as DEP allows this abusive and exploitive practice to continue. In the absence of action by the agency, we greatly appreciate the Council's efforts here today to highlight and hopefully solve this problem.

Tom Harris
President
Times Square Alliance



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October 18, 2023

Honorable James F. Gennaro, Chairperson
Committee on Environmental Protection, Resiliency and Waterfronts

Re: **INTRO 0777-2022**

Dear Chairperson Gennaro and Members of the Committee on Environmental Protection, Resiliency and Waterfronts:

I am the Managing Director of Building Contractors Association, Inc. ("BCA") (see enclosed "Who Are We" document). The BCA and its 200 union contractor members have reviewed Intro 0777-2022 and offer the following comments.

INTRO 0777-2022: Requiring an after hours variance for the removal of construction debris

This proposal will make construction in the City of New York much less affordable. For many projects, especially core and shell work and/or commercial property interior renovations, construction debris removal may occur at night or over a weekend. The reasons why debris removal might be done after hours are numerous, but include elevator or hoist access, street access and congestion, tenant protection and property or project owner contract mandates. If an after hours variance is not granted for the removal of debris for any reason, including, but not limited to, not satisfying the Department of Buildings' requirements for a work variance, this new mandate could add 1 week per month to the duration of construction projects and \$100,000 per week in additional general conditions costs.

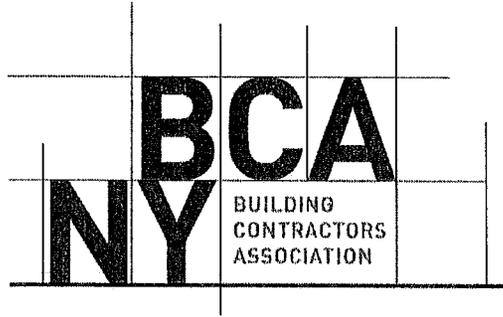
For example, for an 800,000 square foot project with a 36 month duration schedule above foundations, the after hours variance mandate could add an additional 36 weeks to the project. This is primarily due to the fact that contractors are restricted by how much vertical transportation can be located on a project. Contractors estimate that the additional 36 weeks would increase general conditions cost by \$3.6 million, or \$0.45/sf. This will obviously increase financing cost to the developers. It will also hamper efforts to build affordable housing and to reduce carbon footprint.

The BCA appreciates your anticipated consideration of our opposition to this proposal. We are always willing to meet with you and your committees to discuss any and all issues related to New York City's construction industry. If you have any questions, please feel free to call.

Yours truly,

A handwritten signature in black ink, appearing to read "John O'Hare". The signature is written in a cursive style with a large, looping initial "J".

John O'Hare
Managing Director



BUILDING CONTRACTORS ASSOCIATION, INC.

Who Are We?

The Building Contractors Association, Inc. (“BCA”) is Metropolitan New York’s leading membership association of unionized construction contractors. Since its formation in 1933, the BCA has represented and promoted the general welfare and interests of its construction industry employer members. The BCA provides the unified contractor voice needed to address and enter equitable long-term labor-management relationships. We are dedicated to establishing public confidence that a BCA member is a contractor of the highest integrity and responsibility. The BCA’s purposes also extend to the workers themselves. Long before it was required by law, BCA contractors have “encourage[d] the use of such means as will tend to reduce injury and death to building construction workers.”

The 200 plus members of the BCA represent the finest of New York’s builders. Forty percent of the Metropolitan areas largest construction firms are BCA members.¹ Many more are small family owned businesses. One multi-generational company has been in business for over 125 years. Other members represent the continuing growth of minority and women owned construction firms. Almost twenty five percent of BCA members are certified MWBE contractors. BCA member projects line the streets and skyline of the City of New York. They have employed generations of unionized construction workers providing solid, well-paying jobs to thousands of New Yorkers. They represent the proud tradition of New York’s quintessential construction industry.

The projects BCA contractors perform encompass every aspect of the construction process including high-rise office buildings, residential structures, hospitals and schools. In addition, BCA members have extensive experience in the fields of restoration, renovation, alteration and tenant changes. Our members perform work in both the public and private sectors of the construction industry.

¹ Crain’s, 2020 List of NY Area’s Largest Construction Firms, July 27, 2020, pages 1-12.

Studies show that even during the current pandemic and resulting economic downturn, New York City's construction industry will generate approximately \$55.5 billion in total spending with expectations that spending will reach \$168.5 between 2020 and 2022.² New York City's construction industry is an essential economic engine.

BCA members are actively interested in promoting and protecting the varied interests and issues related to New York's building and construction industry. The BCA is committed to the strength of the City of New York.

What we believe:

- Continued commercial and residential development is critical to maintaining the City of New York as the world's greatest city
- City and State support for public works projects is essential
- Stable labor-management relationships are essential to the well-being of the construction industry
- Construction industry is fully committed to safety first
- Developers, contractors and labor must work together to address high costs of construction work
- Opportunity is the gateway to success

² New York Building Congress October 2020 report.

**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON ENVIRONMENTAL PROTECTION,
RESILIENCY AND WATERFRONTS
SEPTEMBER 27, 2023**

Good afternoon Chair Gennaro and members of the Committee on Environmental Protection, Resiliency and Waterfronts. I am Patrick A. Wehle, Executive Vice President of the Building Trades Employers' Association ("BTEA"). The BTEA represents twenty-four contractor associations and over 1,200 union construction managers, general contractors and specialty trades subcontractors doing business throughout New York. BTEA members employ 130,000 workers and are responsible for more than \$65 billion in construction revenue. The BTEA appreciates the opportunity to offer testimony on Introductory Number 777, a bill that if enacted would require After-Hours Variances ("AHV") for construction debris removal outside of the hours reserved for construction work subject to a permit from the New York City Department of Buildings ("Department").

When performing construction work it is inevitable that there will be material in need of disposal, and when possible, recycling. BTEA contractors who perform this essential work to help build and rebuild our City aim to do so as safely as possible with minimal disruption to the surrounding community. Often times, this work must occur outside of typical construction work hours for a number of reasons.

First is safety. Carting debris from a construction site to a truck to haul away the material often requires traversing areas where the public has access to, including hallways and sidewalks.

Public safety is better served when contractors can remove construction debris from a building in the evening or weekend, when there are fewer people in the building or on the sidewalk. In fact, in many instances, building owners prohibit this work from occurring during normal business hours so as not to inconvenience tenants and invite risk of harm.

Second is cost. Whether the construction work is occurring in an occupied building, or a building being constructed or renovated without occupants, the removal of debris during typical construction work hours would interfere with tenancy or the work of other construction operations. This would result in the slowing of construction work, thereby lengthening the duration of the project and the amount of time that neighboring tenants may be inconvenienced, along with increasing its cost.

An additional reason is traffic congestion and emissions. Performing debris removal work during typical construction work hours means more trucks on the road during those hours, exacerbating an already challenging problem the City has with traffic and emissions. Given the greater congestion on the City's streets during these hours, these vehicles will be stuck in traffic and idling for a longer period of time than they otherwise would if this work occurred during the evening or weekends. We would also see an increase in the issuance of idling violations, many of them issued incorrectly to vehicles exempt under the law as processing devices. Furthermore, next year congestion pricing is expected to take effect, including a proposal to charge higher fees during normal work hours, and therefore adding additional costs to contractors. Simply put, performing this work outside of typical construction work hours is in keeping with our climate goals and is more efficient and cost-effective.

Introductory Number 777 would not prohibit this work from occurring outside of typical construction work hours but would require contractors to obtain an AHV from the Department to perform it. The Administrative Code details the conditions under which the Department can issue an AHV. Among them are public safety and minimal noise impact. Depending on the circumstances, the removal of construction debris satisfies either one or both of these conditions, as evidenced by the Department routinely issuing AHVs for work subject to a building permit that includes debris removal among its scope of work. Given the benefits associated with performing debris removal outside of typical construction work hours, and that the law allows AHVs to be issued under scopes of work in keeping with debris removal, the BTEA sees no reason to require AHVs to be issued for debris removal outside of typical construction work hours as the increased cost and time it takes to complete projects will serve as an unnecessary deterrent for owners/developers to undertake the work. Fewer projects getting built means fewer jobs and fewer people being housed at a time when we need to be creating, not reducing, jobs and housing.

Thank you for the opportunity to testify and we welcome the opportunity to discuss further.



MEMORANDUM IN OPPOSITION TO INTRO 0777-2022

Re: **Intro 0777-2022** ó A local law to amend the administrative code of the city of New York, in relation to requiring an after-hours variance for the removal of construction debris.

Committee: Committee on Environmental Protection, Resiliency and Waterfronts

Chair: James F. Gennaro

Bill Sponsors: Keith Powers , Lincoln Restler, Julie Menin, Robert F. Holden, Lynn C. Schulman, Gale A. Brewer, Crystal Hudson, Erik D. Bottcher, Kamillah Hanks, Kevin C. Riley, Shaun Abreu, Christopher Marte

Bill Summary:

This bill would require any person engaging in a construction project to obtain an after-hours variance when removing construction debris from a construction site before 7:00 a.m. on a weekday, after 6:00 p.m. on a weekday, or during the weekend.

The Empire State Chapter of Associated Builders and Contractors (ABC), which represents hundreds of merit-shop contractors and subcontractors, employing hundreds of thousands of workers throughout the State of New York, opposes this legislation for the following reasons:

1. Intro 0777 of 2022 is an amendment to the DEP noise control regulations (see below). The amendment seeks to limit the removal of construction debris to regular construction working hours. Without the issuance of an after-hours variance (AHV) by DEP *and* DOB, no construction debris removal can take place outside of the normal working hours and days (M-F, 7 AM to 6 PM). The issuance of a variance is at the *sole discretion* of the agencies authorized to issue variances (i.e., DEP and DOB).

This amendment to the noise control regulations will have a major impact on the construction industry, as much of the removal of debris takes place after hours, when the material hoisting devices (guided material hoists, cranes, telehandlers, etc.,) are available. During normal working hours, these devices are being used for construction purposes: erection of the structure, booming of concrete, delivery of materials, transport of workers, etc.

Requiring that all removal of debris take place during normal working hours will impact the industry as follows.

- Increase the time it takes to construct a building, as construction and debris removal must both be accommodated during normal working hours and both activities are dependent on the use of the same equipment. This will certainly impact the availability of affordable housing.
- Increase the cost of construction by increasing the schedule.
- Increasing costs by requiring contractors to increase their capacity to transport materials, debris, and workers in the limited time available [for example, by installing (at great cost) additional personnel/material hoists].
- Reduce safety by forcing contractors to work faster to make up for the adverse impact to their schedules.

Intro 777 of 2022

Be it enacted by the Council as follows:

1 Section 1. Section 24-222 of the administrative code of the city of New York, as added by
2 local law number 113 for the year 2005, is amended to read as follows:
3 § 24-222 After hours and weekend limits on construction work. Except as otherwise
4 provided in this subchapter, it shall be unlawful to engage in or to cause or permit any person to
5 engage in construction work other than on weekdays between the hours of 7 a.m. and 6 p.m. A
6 person may however perform construction work in connection with the alteration or repair of an
7 existing [one] 1- or [two family] 2-family owner-occupied dwelling classified in occupancy group
8 J-3 or a convent or rectory on Saturdays and Sundays between the hours of 10 a.m. and 4 p.m.
9 provided that such dwelling is located more than 300 feet from a house of worship. For the
10 purposes of this section, the term construction work includes the removal of construction debris
11 including rubbish, waste, discarded material, or the remains of something broken down,
12 demolished, or destroyed.

2. Though the law allows for the granting of after-hour variances (AHVs), the granting of those variances is at the **sole discretion** of the authorized agencies, in this case DEP and DOB. There is no guarantee that the agencies will be liberal in the granting of these variances. At best, it introduces a degree of uncertainty in the industry that is counterproductive. Aside from that, the administrative process for obtaining a variance is onerous. The DEP regulations provide justifications for granting a variance (see 24-223). In the case of after-hours debris removal, the only valid justification would be "undue hardship". This category is the strictest with which to comply. It requires that the contractor create an "alternate noise mitigation plan" and submit it to DEP for review and approval. After DEP's approval, the contractor must then submit the request to DOB for review and approval. Due to recent budget and personnel cuts (with more to come), the agencies' capacity to review and approve these submissions will no doubt be adversely affected.

§24-223 After hours work authorization. (a) Notwithstanding section 24-222 of this subchapter, an agency authorized to issue permits for construction work may, along with such permit, issue an after hours work authorization for the work site. Such after hours authorization may permit construction work to be performed at the site before 7 a.m. or after 6 p.m. on weekdays and/or on Saturdays and/or Sundays subject to the conditions and restrictions set forth in this section.

(e) Authorization for after hours construction work may only be issued in the following circumstances:

(1) Emergency work. Agencies shall authorize such after hours construction work for emergency conditions, inside or outside the property line, involving a threat to public safety or causing or likely to cause the imminent interruption of service required by law, contract or franchise. An emergency authorization issued pursuant to this paragraph shall expire as determined by the agency but no later than the ninetieth day after its issuance and shall be renewable in accordance with agency procedures while the emergency continues.

(2) Public safety. Agencies may authorize such after hours work, inside or outside of the property line, where the agency determines that the work cannot reasonably or practicably be performed on weekdays between the hours of 7 a.m. and 6 p.m. because of traffic congestion and/or concern for worker and/or public safety. An authorization issued pursuant to this paragraph shall expire as determined by the agency but no later than the ninetieth day after its issuance and shall be renewable in accordance with agency procedures.

(3) City construction projects. Agencies may authorize after hours work by or on behalf of city agencies for projects that are judicially mandated or the subject of consent orders and/or where a project is necessary in the public interest including but not limited to facilities, equipment, and infrastructure for the provision of water, sewerage, sanitation, transportation and other services necessary for the health or safety of the public. An authorization issued pursuant to this paragraph for a city construction project shall remain in effect for the duration of the project.

(4) Construction activities with minimal noise impact. The commissioner shall promulgate rules setting forth a list of construction activities with minimal noise impact and specific noise mitigation measures applicable to such activities. Agencies may authorize the performance of such construction activities after hours in accordance with such rules.

(5) Undue hardship. Agencies may authorize after hours work if the commissioner certifies that the permit holder has substantiated a claim of undue hardship resulting from unique site characteristics, unforeseen conditions, scheduling commitments and/or financial considerations outside the control of the permit holder and that the applicant has received approval from the department of an alternative noise mitigation plan pursuant to section 24-221 of this subchapter, specifying the activities and devices that will be used for such after hours construction and setting forth the additional mitigation measures, above and beyond those measures otherwise required for such devices and activities pursuant to the department's rules, that the applicant will use to significantly limit noise emissions from the site of such after hours work. Applications for such certification shall be submitted to the department in a form and manner to be set forth in the rules of the department. The applicant for an after hours authorization under this paragraph shall submit such certification to the issuing agency.

§24-224 Construction work without noise mitigation plan unlawful. It shall be unlawful to perform work at any construction site in the city that is not in compliance

3. This new legislation is not necessary, as the DEP noise control code already regulates carting and debris removal, including from construction work, and places strict limits on both noise output [dB (A)] of the source device, as well as the times that carting/removal can take place if noise output exceeds the established noise limits (see 24-225 and 24-229 below).

§24-225 Refuse collection vehicles. (a) No person shall sell, offer for sale, operate or permit to be operated a refuse collection vehicle, equipped with a compacter, that produces a maximum sound level when the compacting mechanism is in the compacting cycle but not engaged in compacting a load that exceeds 80 dB(A), when measured by a sound level meter set for slow response at a distance of 35 feet or more from the compacting unit.

(b) It shall be unlawful to operate or cause to be operated a refuse collection vehicle, including such a vehicle equipped with a compacter, within 50 feet of any residential receiving property at or after 11:00 p.m. and before 7:00 a.m. if the aggregate sound, not including impulsive sound, generated by the collection and compacting activities exceeds 85 dB(A) when measured by a sound level meter set to slow response at a distance of 35 feet or more from the vehicle. On and after July 1, 2012 such aggregate sound shall not exceed 80 dB(A). The provisions of this subdivision shall not apply to the operation of refuse collection vehicles during an emergency such as a storm or other event that causes delays in refuse collection.

§24-229 Containers and construction material. (a) No person shall handle or transport or cause to be handled or transported on any public right-of-way any container or any construction material in such a way as to create an unreasonable noise. For the purposes of this section unreasonable noise shall include but shall not be limited to the following prohibited noise levels:

(1) Sound, other than impulsive sound, attributable to the source measured at a level of 10 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(2) Impulsive sound, attributable to the source, measured at a level of 15 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public

right-of-way. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response. The ambient sound level shall be taken in the A-weighting network with the sound level meter set to slow response.



For the reasons outlined herein, we oppose Intro 0777-2022.

We hope you will consider the concerns raised and would be happy to discuss this matter and answer any questions you may have.

Respectfully submitted,

Brian Sampson, President

Associated Builders and Contractors (ABC) - Empire State Chapter

Email: sampson@abcnys.org

Phone: (585) 967-2133

Committee on Environmental Protection, Resiliency and Waterfronts

Statement of The Broadway League

October 16, 2023

The Broadway League has been the principal trade association for the commercial theatre industry in New York State and across North America for over 90 years. It represents more than 750 theatre owners, producers and road presenters nationwide – with over 400 of its members maintaining offices in New York City. Our events are a principal driver of domestic and foreign tourism, a prime economic motivator. Broadway spurs approximately \$14.7 billion in fiscal activity for the local economy and directly employs nearly 100,000 workers in New York City. Due to the industry's major importance to the City, not only as an economic engine, but as one of its most recognized cultural attractions, The League has always been closely engaged with local officials and an important stakeholder in legislation and economic policy impacting Times Square. We have participated in legislation on a myriad of subjects, including governing the flow of vehicular and pedestrian traffic, establishing guidelines for the pedicab industry and managing street vendors and performers. **We would like to voice our support for Intros 1194 and 0160 relating to local noise ordinance.**

Under current law, businesses in New York City can be fined for using a "sound reproduction device" for "commercial or business advertising purposes or for the purpose of attracting attention to any performance, show, sale or display of merchandise, in connection with any commercial or business enterprise" and heard "outside or in front of any building, place or premises." This law was originally intended to curb excessively loud advertising regularly booming from clothing and electronic stores to attract public attention and not, we believe, to prohibit theatrical productions from offering samples of current show soundtracks at such restricted volumes that the sound is inaudible to anyone not immediately under the venue awning. And, unlike similar laws also in place for bars and restaurants, no specific decibel levels are set for other types of businesses, such as theatres.

In a unique environment like Times Square, which sees significant vehicular and pedestrian congestion (including all manners of vending and street performing) nearly 24 hours per day, we believe a law that prohibits local establishments from producing a modicum of outdoor sound, with no quantifiable volume level, is of no public benefit. Further, there seems to be little interest from the public on this matter as, pursuant to a report by the New York Post, just two individuals have been responsible for 95% of all the civilian noise complaints issued citywide since January 2022.

Intro 0160 would address this matter by amending the definition of unreasonable noise as applied to commercial establishments and set specific prohibited volumes (by decibel level). Intro 1194 would further remedy our concerns by limiting the compensation citizen complainants may receive, and therefore disincentivizing bounty hunting. We would also recommend that any laws governing sound amplification for commercial purposes should provide business owners with a reasonable period to cure alleged infractions.

In conclusion, The Broadway League strongly endorses Intros 1194 and 0160. We oppose programs that incentivize citizens to enforce noise ordinances, particularly when no objective criteria have been established for determining whether such sound might qualify as a public nuisance. We support legislation that takes the character of Times Square into consideration and sets a reasonable decibel level for outdoor sound reproduction.

Thank you.



September 28, 2023

Letter re Intros 0160-2022 and 1194-2023
increasing commercial noise

Dear Council members,

CHEKPEDS is a non-profit organization that has been advocating for pedestrian safety and rights for residents of New York City for the past 15 years. Commuters and pedestrians should not have to experience commercial music blasting from every illegal weed shop or restaurant just 5 ft from their ears.

No matter what the hospitality industry will tell you, such music is overwhelming to neighbors, customers and passers-by. On West 46th street, it is nearly impossible to enjoy outdoor dining because other establishments on the street blast their speakers, causing all of Restaurant Row to lose revenue. And it is not just outside: can you imagine living upstairs or next door to such bad operators?

These two bills of Councilmembers Holden and Gennaro combined will remove any chance of enforcement by citizens, who are filling a vacuum left by DEP and its inadequate resources and NYPD which has shown zero interest in quality of life issues.

By making the violations described in section 24-244 inapplicable to commercial music that “originates” indoors but is directed through an open door or window to the public sidewalk, Intro 0160-2022 removes such music from citizen enforcement, a process included in the law since 1972.

By vastly reducing the rewards granted to Citizens enforcers, Intro 1194-2023 makes it not worth their considerable expenditure of time and money to pursue scofflaws.

In the last nine months, twice as many noise complaints were lodged in Manhattan as were in Queens. There are three times more complaints per 1,000 residents in Manhattan as there are in Queens. And the problem is much more acute in districts with many restaurants. Anyone living in Queens probably does not grasp the impact of these bills on Manhattan residents.



Passing these two bills will make life even more miserable for five million of pedestrians in the city. It will also show laxity towards unlicensed weed stores and restaurants who are bad operators, purposely directing their music to public space to steal attention from pedestrians and from their law-abiding competition.

Please contact us if you have any additional questions.

Very truly yours,

C. Berthet, co-founder, M. Treat, co-founder,



Caldwell Wingate Company, LLC • Hunter Roberts Construction Group, LLC
Lendlease (US) Construction LMB Inc. • LHT Services, LLC • Pavarini McGovern
Plaza Construction LLC • Turner Construction Company

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Chairman Emeritus

October 18, 2023

Dear Chair Gennaro and members of the Committee on Environmental Protection, Resiliency and Waterfronts:

I am General Counsel to the Contractors' Association of Greater New York, Inc., also known as CAGNY. CAGNY is a multi-employer association of some of the leading construction managers and general contractors operating in the metropolitan New York area, including Caldwell Wingate Company, LLC, Hunter Roberts Construction Group, LLC, Lendlease (US) Construction LMB Inc., Pavarini McGovern, Plaza Construction LLC, and Turner Construction Company.

CAGNY members are responsible for constructing some of the largest and most complex projects in NYC including 220 Central Park South, the Javits Center renovation, 66 Hudson Yards, and TSX Broadway, and Coney Island Hospital, and strive to build safely, efficiently, and with as little impact on adjacent properties and tenants/residents as possible. We thank you for holding this hearing and providing interested parties with the opportunity to be heard.

Construction is critical to the revitalization of New York City and to delivering much-needed housing. CAGNY members are interested in engaging with all interested parties – legislators, labor, developers, and the public - to ensure that construction can continue to generate billions of dollars for the NYC economy without compromising safety or creating a nuisance for residents and the public in places where construction is taking place.

Intro 777 would require that any permit holder performing construction work obtain an after-hours variance (AHV) from the NYC Department of Buildings (DOB) to remove construction debris from a job site after normal work hours. CAGNY and its members oppose this bill for the reasons set forth below.

Construction debris is often removed outside of the normal working hours for myriad reasons:

4853-9571-1873.3

CONTRACTORS' ASSOCIATION OF GREATER NEW YORK, INC.

950 Third Avenue, 15th Floor, New York, New York 10022 Tel (212) 838-9025 Fax (212) 230-4980 www.cagnyonline.com

October 18, 2023

Page 2

-Removal of debris can be disruptive to people entering, leaving, and working in a building. When work is being performed in occupied buildings, building owners typically will not permit the removal of construction debris until after hours so that elevators are not tied up, tenants are not disturbed, and the safety of the public is not compromised by the moving of large carts of construction debris across busy sidewalks and along busy streets.

-If work is being done in a busy area of NYC, moving carts out of buildings, across sidewalks, and into streets, and having carting trucks lined up during the day creates more congestion and traffic problems. At a time when NYC is trying to reduce carbon emissions and congestion, requiring a permit to remove construction debris will force many contractors to remove debris during working hours which will result in increased traffic, congestion, and emissions.

-Building new construction projects on time and on budget while maintaining the highest safety standards requires the coordination of a multitude of construction trades and subcontractors. Hoists deliver all of the construction material and personnel to the floors of a building under construction. Tying up the hoists to remove debris during the normal construction hours would not only result in a significant delay in completing projects, but would create safety risks by moving heavy carts with lots of debris along floors crowded with workers and into hoists that are trying to also move other material and personnel.

-Adding an unnecessary administrative burden to both DOB and contractors will add a level of cost and delay that is not warranted which will deter owners and developers from building in NYC.

-Requiring AHVs will not provide greater protections for the public as complaints about noise can already be filed through 311 or DOB.

In addition to constructing much-needed housing and institutional buildings, construction jobs provide employment for New Yorkers, tax revenue for NYC and New York, and business for the transportation agencies, restaurants, delis, and stores in neighborhoods where construction takes place. This bill will only hamper an industry already impacted by high interest rates, uncertainty from COVID, and increased cost of materials, resulting in fewer jobs and less housing, while not providing safer or better

October 18, 2023
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working conditions for workers or meaningful protections for tenants and residents of neighboring buildings.

Thank you for your consideration.

Sincerely,

/s/ Aislinn S. McGuire
Aislinn S. McGuire

General Counsel to CAGNY
Email: amcguire@kmm.com
Kauff McGuire & Margolis LLP
950 Third Avenue, 14th Floor
New York, NY 10022
Phone: 212.909.0739

Cc: Kevin Barrett, CAGNY Chairman



September 27, 2023

Re: Public Hearing Testimony for Clarifications to Laws T2023-4002 and Int 0160-2022

Members of the New York City Council Committee on Environmental Protection, Resiliency, and Waterfronts;

The following is my testimony in support of revisions to the New York City Bill Numbers T2023-4002 and Int 0160-2022. My name is Lesa Rozmarek, and I represent the Nederlander Organization, a well-established and respected business in Broadway theatre and the entertainment industry. I am here to share our experiences and concerns regarding the enforcement of the ordinances under review and the impact they have had on our organization.

Since 1965, the family owned and operated, Nederlander Organization has been a proud contributor to the vibrant cultural landscape of New York City. We offer premier Broadway entertainment experiences to our audiences and are strong supporters of the local economy. Recently, our business has been negatively impacted by a series of sound related violations that we believe require a more balanced and equitable approach to enforcement.

To date, our organization has received a total of 27 violations, the majority of which were issued during the summer and fall of 2022. What is particularly troubling is that these violations were issued without any prior warnings or notifications. It is our belief that a fair and just system should provide businesses with the opportunity to rectify violations through education and corrective actions rather than resorting to punitive measures immediately.

In our 58 years of business in the Times Square Theatre District, we have never received a citizen's complaint regarding noise from our theatres until a bounty was placed upon businesses with no restrictions. There is zero evidence to back up that low-level sound coming from theatre marquees is disruptive to Times Square. Moreover, in commercial areas, such as Times Square, there is no expectation of quietness and these citizens have chosen to target the theatres as a source of revenue by traveling to this area to issue violations.

Additionally, to the clarifications proposed, accompanying the violations, citizens should be required to also submit noise level readings. This has been common practice by the DEP to confirm if there really is a violation. The fact that these citizens have found a loophole where they only must show there was just any *audible noise* is against public policy and the spirit of the law. The videos submitted are often in areas of midtown where the ambient noise levels are higher than other areas of the city, this is not considered when reviewed at hearing.

NEDERLANDER PRODUCING COMPANY OF AMERICA, INC.

1501 BROADWAY, 14TH FLOOR NEW YORK, NY 10036

T: (212) 840-5577 F: (212) 840-3326

Furthermore, there should be measures taken to give establishments a chance to correct their actions before receiving a stack of tickets. In our experience, the citizen complainer has held onto a stack of tickets for a significant amount of time before mailing them via first class mail. Several tickets were lost in the mail and never received. We were made aware of the violations after they went into default. The method of delivery and timeliness of delivery needs to be clarified and the responsibility of the establishment receiving the tickets needs to be on the person issuing the ticket, not the business receiving the ticket.

In conclusion, we urge you to support these bills with additional clarifications with reflection of the impact they will have on businesses. We believe that by working together to reform the enforcement process, we can ensure that New York City remains a welcoming and supportive environment for businesses while maintaining the integrity of its ordinances. Thank you for your time and consideration.

Sincerely,



Lesla Rozmarek
Director of Facilities
Nederlander Organization

October 20, 2023

Dear Council Members Holden and Gennaro,

At the hearing on Monday October 16, 2023, you asked my assistant Greg Guarino if I could submit objective information on the issues so that “we don’t solve one problem and create another”.

On June 29, 2016, I wrote a letter to Council Member Daniel Dromm about Intro. 186, the same thing as proposed in Intro. 160 now, 7 years later. I testified about it at the Council hearing at that time. Fortunately, it wasn’t adopted then.

But the Code can be strengthened to protect both businesses and residences while protecting music-making establishments from unfair fines. I will give you information about that.

This is a little technical so I am suggesting the following: I can easily give you a demonstration that will show the problems with Intro. 160, ideally in my office in SoHo or in a location of your choice.

If you don’t have time to do that, here is the bottom line on Intro. 160:

Intro. 160 would weaken Section §24-218 so that loud bass, especially sub-bass, would no longer be a violation, hurting both businesses and residences that are being disrupted.

dB stands for decibels. dB(A), commonly known as dBA, means decibels with special “A weighting” applied, which means it ignores **the low-frequency bass**. Most people do not understand this and use “dB” and “dB(A)” interchangeably, a major problem.

Why do the 3 paragraphs of §24-218 (b) all use the term dBA? Unlike what the DEP told you at the hearing, dBA is **NOT** “how the human ear hears”.

This is a myth. That only holds at extremely low levels of sound, like when you get your hearing checked by an audiologist who puts you into a soundproof booth and you raise your hand when you hear the faintest beep. That is when middle and high frequencies are more easily heard than the bass, at the faintest levels. But as everyone knows, when there is a loud stereo next door, you hear the bass the most, not the middle and high frequencies.

The reason DEP uses dBA so much is that it is the easiest and most simplistic way to measure with a basic sound meter, so little training is required. dBA is a single number. however, dB, without the A weighting, measures the sound at different musical pitches, called frequencies. So you have many different frequencies, each with its own dB level.

HERE IS HOW INTRO. 160 WOULD HURT BUSINESSES THAT ARE NEAR OTHER NOISY ESTABLISHMENTS

Believe it or not, right now the only way an office can complain about the noisy business next door is with Section §24-218. There is no law specifically prohibiting loud music leakage into a business, like an office or store. But since §24-218 has the phrase "shall include but shall not be limited to", that phrase protects businesses from loud neighbors. An inspector can give a violation for loud music coming from the gym or bar next to, above or below

the complainant. Here we are mostly talking about noise traveling **INSIDE** a building, but it could also be about a business next door or across the street.

So that phrase "shall include but shall not be limited to", *or something that includes bass*, must remain. Why? Because Intro. 160 would limit violations to dBA, and we all know that bass is the main problem, coming through floors, walls, ceilings, doors and windows.

I'll tell you how to fix this in a minute.

HERE IS HOW INTRO. 160 WOULD HURT RESIDENCES THAT ARE NEAR NOISY ESTABLISHMENTS

Residences are currently protected by Section §24-231, Commercial Music, which sets limits on *certain* bass music frequencies. But much of modern club music includes very low "subwoofer" frequencies that the Code presently overlooks. The current §24-218 supplements §24-231, in a weak, general way, allowing for violations based on unreasonable levels of sub-bass, but not if Intro. 160 is adopted as it is presently written.

Even loud levels of sub-bass barely register in a dBA measurement.

Specifics: §24-231 only limits the levels of low frequencies down to "63 Hertz". Subwoofers put out 50, 40 and 31.5 Hertz frequencies. These sub-bass frequencies should be regulated the same way. But since they are not (right now), the phrase "shall include but shall not be limited to" is the only (weak) protection.

With Intro. 160, if you live next to a bar, nightclub or gym, you will not be able to complain about sub-bass. Lawsuits and even fights have occurred, and will continue to.

HERE IS HOW TO FIX THIS AND MAKE THE CODE MORE OBJECTIVE

Change §24-218 so that it explicitly does not apply to music.

Change §24-218 (b) to include the non-music bass sounds, rather than just dBA.

Change the music Section, §24-231 to include limits for all of the sub-bass frequency bands.

Change the music Section, §24-231 so that it protects businesses as well, instead of only residences.

Change the Sound Reproduction Devices Section §24-244 so that it has objective standards to prevent businesses from getting unfair violations.

Leave the wording of the first part of §24-218 (b) alone. Leave out the wording about music, because that Section wasn't meant for music. Only the examples need to change, because they don't cover the many low-frequency bass sounds that are not music. It is only because of the deficiencies of §24-231 (the Music Section) that §24-218 has had to be used for sub-bass music.

Section §24-218 should not apply to music because there is another Section that deals with music heard indoors, §24-231, and a Section that deals with music heard outdoors, §24-244, which should- as you have suggested - become more objective. However, Section §24-218 is still necessary because there are all kinds of unexpected and unpredictable *non-music* noises that can be unreasonable.

Modify §24-218 (b), as follows:

(b) Unreasonable noise shall include but shall not be limited to sound, attributable to any device, that exceeds the following prohibited noise levels:

(1) Sound, other than impulsive sound, attributable to the source, measured at a level of 7 dB(A) or more, **or 7 dB or more in any one-octave or one-third octave band between 31.5 and 16,000 Hertz**, above the ambient sound level at or after 10:00 p.m. and before 7:00 a.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(2) Sound, other than impulsive sound, attributable to the source, measured at a level of 10 dB(A) or more, **or 10 dB or more in any one-octave or one-third octave band between 31.5 and 16,000 Hertz**, above the ambient sound level at or after 7:00 a.m. and before 10:00 p.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(3) Impulsive sound, attributable to the source, measured at a level of 15 dB(A) or more, **or 15 dB or more in any one-octave or one-third octave band between 31.5 and 16,000 Hertz**, above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels shall be measured with the sound level meter set to fast response. The ambient sound level shall be taken with the sound level meter set to slow response.

(c) Notwithstanding the provisions of subdivision b of this section, where a particular sound source or device is subject to decibel level limits and requirements specifically prescribed for such source or device elsewhere in this code, the decibel level limits set forth in this section shall not apply to such sound source or device.

(d) The decibel level limits set forth in this section shall not apply to **music or** sound attributable to construction devices and activities.

Modify Section §24-231 by adding the sub-bass frequencies, and also by adding a protection for businesses, as follows:

The commercial music section should also protect businesses. The Noise Code already recognizes that businesses can tolerate more sound than residences. Section §24-232 (a) has decibel limits for non-music noise which are three to five decibels higher for businesses than for residents which receive the noise. Therefore, Section 231 (a) should be modified by including limits for businesses. This can be done simply by changing 63 to 31.5 Hertz and adding a Section (4) below:

§24-231 Commercial music.

(a) No person shall make or cause or permit to be made or caused any music originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound attributable to such music, as measured inside any receiving property dwelling unit:

(1) is in excess of 42 dB(A) as measured with a sound level meter; or

(2) is in excess of 45 dB in any one-third octave band having a center frequency between **31.5** [63] Hertz and 500 Hertz (ANSI bands numbers

15 [18] through 27, Inclusive), in accordance with American National Standards Institute standard S1.6-1984; or

(3) causes a 6 dBC or more increase in the total sound level above the ambient sound level as measured in decibels in the “C” weighting network provided that the ambient sound level is in excess of 62 dBC.

(4) The level limits for sound attributable to such music, as measured inside any commercial receiving property shall be 5 (five) decibels higher than those for dwelling units.

HERE IS HOW INTRO. 160 WOULD HURT PEOPLE THAT ARE OUTDOORS

The proposed change to §24-218 (b) would allow an establishment to send loud bass sound outside. The other glaring problem with Intro. 160 is that it only regulates noise from *inside* a business. Some businesses put speakers outside, which is usually worse.

The obvious goal is to prevent unreasonable noise from a business, whether it is created indoors or outdoors, from going anywhere else, whether indoors or outdoors.

SECTION §24-244 SHOULD BE MADE OBJECTIVE

Who is being hurt by music traveling outdoors? People who are walking by, working in nearby buildings, or sitting on a bench trying to talk, eat, relax or work.

The whole purpose of the Noise Code, as stated in the Declaration of Policy, §24-202, is:

*It is hereby declared to be the public policy of the city to **reduce the ambient sound level in the city**, so as to preserve, protect and promote the public health, safety and welfare, and the **peace and quiet of the inhabitants** of the city, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants, and **facilitate the enjoyment of the natural attractions** of the city.*

Recommended wording:

(v) from any boat on the waters within the jurisdiction of the city; or (vi) anywhere on the public streets, public sidewalks, parks or places where sound from such sound reproduction device **exceeds the limits shown below** [may be heard upon any public street, sidewalk, park or place]. Nothing in this Section is intended to prohibit incidental sounds emanating from a sporting or an entertainment or a public event for which a permit under Section 10-108 of the code has been issued.

(1) Music, attributable to the source, measured at a level of 7 dB(A) or more, or 7 dB or more in any one-octave or one-third octave band between 31.5 and 16,000 Hertz above the ambient sound level at or after 10:00 p.m. and before 7:00 a.m.,

(2) Music, attributable to the source, measured at a level of 10 dB(A) or more, or 10 dB or more in any one-octave or one-third

octave band between 31.5 and 16,000 Hertz above the ambient sound level at or after 7:00 a.m. and before 10:00 p.m.

§24-261 CITIZEN'S COMPLAINT

60 inspectors in a city of 8 million means that there is one inspector for more than 100,000 people. So, just as the MTA tells us "if you see something say something", Citizen's Complaint should not be eliminated. However, it should be objective.

It should be necessary to prove that the music:

1. Is too loud. The objective test for the sound level should be the Sections outlined in §24-218 (b) (1), (2) and (3), with the wording I listed above.
2. Is tested using a Type 1 sound level meter.
3. The meter must be field-calibrated with a calibrator that was lab-certified within the previous 12 months.
4. Is attributable to the respondent.

These requirements will of course automatically favor DEP inspectors, who have such meters. But where the affected citizens or businesses cannot get the already overworked inspectors to show up in a reasonable time or at the right time, there are other sound professionals that are capable of doing this work.

A first violation should have a minimal fine like a sanitation ticket. The "vigilantes" would get very little money. The business **must** be given **30 days to receive the** ticket in the mail before additional tickets could be issued.

This would address the issues that were raised by businesses that testified.

THE RECENT EXEMPTION TO SECTION §24-218 (A)

Section §24-218 (a) has another big problem, created a few years ago. The following wording was added:

(2) through the use of a device, other than a device used within the interior living space of an individual residential unit, installed within or upon a multiple dwelling or a building used in part or in whole for non-residential purposes.

This section specifically prevents any device installed within a residential unit from being classified as an unreasonable noise producer. This is unfair to other nearby residents. A noisy washing machine, extremely loud stereo system, an unbalanced ceiling fan, or even a basketball, all qualify as a device "used within the interior living space of an individual residential unit". It is unreasonable for their neighbors to be subjected to these noises.

I found it incredible when this language was added into the Noise Code at the request of Legal Aid, without any input from acousticians, because they claimed some landlords were using noise complaints to evict problem tenants. If someone is proven to be making unreasonable noise, they should not be exempt from the law. This phrase should be removed.

LOUD MUSIC FROM CARS

Here is an example of a problem and a proposed solution:

When one person turns up the sound in their car and drives through the city, it can easily disturb 5,000 people in a single hour.

21 years ago I sent this idea to DEP Director Gerry Kelpin. Nothing happened. The idea was to make a couple of camcorder/sound level meter kits that showed the sound level going up as you got closer to the sound source- in this case a car sound system. In stuck traffic, the police officer simply starts the camera, walks up to the car and as the sound level goes up and peaks at the vehicle, the officer issues the ticket.

No one would bother fighting ironclad evidence like this. I suggest a \$250 ticket. I know Diana Williams at Eyewitness News as well as reporters at the NY Times; they would report about the first crackdown on Canal Street and in one week the City would immediately get quieter.

CONCLUSION

There are many other problems with the present Noise Code and its lack of protections for everyone in New York City, which I would be glad to provide you with examples of.

Yours truly,

Alan Fierstein

A handwritten signature in black ink, appearing to read 'Alan Fierstein', written over a horizontal line.

President
Acoustilog, Inc.

FOR THE RECORD

October 16, 2023

Testimony to the City Council of New York City in Support of Int No 160 and Int No 1194

Michael Jacobs, Partner, Corner Table Restaurants

270 Lafayette Street, New York, NY 10012

Good afternoon. My name is Michael Jacobs and I am a Partner at Corner Table Restaurants, the management company for The Smith restaurants. We currently have 6 locations with 4 in New York City. My partner Jeff Lefcourt and I have been a part of the New York City restaurant business for over 20 years and currently employ nearly 1,000 New Yorkers at our restaurants.

From November 2022 through May 2023, we have been issued 5 summonses from “bounty hunters” misusing a well-intentioned citizen complaint law. 4 of 5 of our summonses were issued by the same complainant who is apparently one of two people who have issued 95% of these summonses. All the summonses accuse us of directing sound out to the sidewalk in order to attract attention to the business. Nothing could be further from the truth, and it is a shame such mis-use of the law could allow someone to profit from continued false accusations.

The Smith has always been a neighborhood restaurant and has developed its reputation on this premise for the past 16 years. As a business we could not be more cognizant of what it means to be a “good neighbor”. We have built our business on the benefit of being an important part of the communities we serve and have relied only on word of mouth “advertising” to grow. We have never utilized any other means to attract attention to our business, and certainly not by directing sound outdoors. Allowing a citizen of New York to abuse the spirit of the citizen complaint law for profit is not only wrong but it is not in the best interests of attracting continued investment by restaurateurs in New York City.

If this activity is allowed to continue it will have a negative effect on our business as well as New York City itself. Now that the impact of the pandemic is behind us, Corner Table Restaurants is committed to growing our business. We are opening a new restaurant on the Upper West Side next month and are in the process of hiring another 50 employees. If a citizen continues to be allowed to twist the law and issue summonses with penalties reaching up to \$5,250 for their own benefit and profit, many restaurants, including ours, will give serious consideration as to where we want to expand in the future. It is our hope that we will create hundreds of new jobs in New York City over the next few years and certainly do not want to have to reconsider this plan because of the threat of this issue. We want to put our resources to use by growing our business, adding to our employment base and continuing to provide market leading pay and employee benefits. We do not want those resources to be diverted by being saddled with the threat of expensive, repeat fines.

I want to thank you for the opportunity to testify today in support of these two proposed bills intended address this issue. I express my strong support on behalf of Corner Table Restaurants urging the City Council to pass these common-sense proposed bills that would stop so called “bounty hunters” from exploiting our businesses with the unfair violations. Thanks very much.



The First Street Block Association

East First Street & East Houston Street between First & Second Avenue

16 October 2023
Robert Graf
49 East First Street
NY, NY 10003

Committee on Environmental Protection,
Resiliency and Waterfronts

Re: Written testimony against bills Int 0160-2022, Int 1194-2023
I filed a request to speak on Zoom, but I was not sent a link so below is my testimony.

Dear Chairperson,

My name is Robert Graf, and I'm President of the First Street Block Association. We're located on First Street between First and Second Ave in Manhattan. East Houston Street fronts the south side of our block, so it is also our incredibly noisy backyard.

With 15 full liquor licenses in operation within 500 feet of our block the night-time noise from bars and restaurants has become intolerable.

Every Thursday, Friday, and Saturday night our area is turned into Bourbon Street by crowds of drunken, screaming young adults wandering about looking for their next drink. A reasonable night's sleep for residents and their children has become impossible.

For years our block association has been working with Community Board 3 with some success to rein in the nightly noise eruptions caused by these bars and restaurants, and the crowds they attract. And now your bills Int 0160-2022 and Int 1194-2023 threaten to effectively remove all restraints on bar and restaurant noise coming from sidewalk cafes, roadway sheds, or from within a bar/restaurant space.

We find that the consequences of these bills will be brutal and unacceptable to our neighborhood and, therefore, ask you not to pass them.

Sincerely

Robert Graf

Moving Forward Unidos Comments- Intro 160
Hearing September 27, 2023

Dear Council Members,

Please note our comments describing why we object to Intro 160.

Excessive Noise has been deemed a Public Health Hazard by both the CDC and WHO. There are numerous global studies documenting the many negative health implications of noise to diverse populations and disproportionately effecting the varied vulnerable communities (low- income, people of color, people on the spectrum, people with disabilities and health conditions, people with PTSD, people with mental health conditions, impeding ability of children to study and learn, etc.).

NYC has lead the nation in establishing a comprehensive Noise Code. It must be enforced. **People must be put ahead of business!**

Here are our comments on Intro 160:

"Section 1. Subdivision b of section 24-218 of the administrative code of the city of New York, as amended by local law 72 for the year 2016, is amended to read as follows:

(b) [Unreasonable] For music originating from an interior space in connection with the operation of any commercial establishment or enterprise, unreasonable noise shall be defined as ..."

Reference: Subchapter 3: Prohibited Noise; General Prohibition § 24-218 General prohibitions.

<https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYAdmin/0-0-0-44210>

Comment: This bill makes an exception to the historical standard of "unreasonable noise" for businesses that play music inside their premises. The key revision is in the phrase "unreasonable noise shall include but not be limited to...etc "

This revised, narrower definition would make it impossible for citizen reporters to satisfy evidence requirements for filing noise complaints via the DEP's Citizen Complaint program, as measuring sound levels can only be done by DEP inspectors using authorized professional sound level meters.

(c) This section shall not apply to music originating from an interior space in connection with the operation of any commercial establishment or enterprise.

Reference: § 24-244 Sound reproduction devices.

<https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-209196>

Comment: A mind-boggling addition to the existing law - this provision would nullify the clause immediately preceding it, § 24-244(b).

Please heed our concerns!

Nancy Preston
Moving Forward Unidos

Opposition to Int 0160-2022 and Int 1194-2023
October 16, 2023

Dear Members of the NY City Council,

I am writing to urge you to oppose the legislation strongly and the rules proposed in Int 0160-2022 and Int 1194-2023.

My name is Susi Schropp, and I'm the 8 Saint Marks Place Tenants Association President. We are also members of the block association.

Our building is located at 8 Saint Marks Place between 2+3 Avenues.

We have experienced significant issues with noise from bars and restaurants. The alcohol licenses on the block violate the 300 and 500 ft. rules, and the city government has ignored the zoning laws on the block for decades. Owners can convert use groups willy-nilly.

This development, along with the neighborhood being an extended campus for NYU and other students, the block has experienced a significant increase in noise. Most of the rental tenants are transient and only reside for 1-2 years before moving to other dwellings.

The number of more permanent and voting citizens suffer from noise pollution and the effects on health and well-being. We have been completely ignored, and our elected representatives have focused more on the business lobby by making outdoor dining sheds permanent.

In St. Marks, these sheds reduce the three-lane street to one lane. The M8 bus frequently has difficulty getting through, and in addition to noise from neighboring bars already blasting loud music, we have traffic noise from congestion.

You will not find many complaints because the transient population does not file complaints because they know they will move within the next 1-2 years.

I urge you all to vote against these two terrible intros and stop favoring the hospitality industry. If we have loud music blasting out of every establishment, mimicking the strip in Las Vegas.

Thank you for your time and for listening.

Susi Schropp
8 Saints Marks Place Tenants Association

SAVE GANSEVOORT

92 Horatio St. #5i, New York NY 10014 • 212 633-2040 • info2@statesofcontrol.com

Testimony before New York City Council Committee on Environmental Protection,
Resiliency and Waterfronts on revisions to the NYC noise code.
October 16, 2023

Dear Chair Gennaro and members of the Committee,

Noise is a huge problem city-wide; surveys and analyses of 311 calls repeatedly show that noise is the most frequently reported concern of New York City residents. I am therefore stunned that the City Council is using the bad-faith actions of 2 citizen enforcers who intentionally misinterpret the law as an excuse to significantly weaken the entire noise code. The solution to the problem cited by proponents of the proposed changes isn't to change the noise code; the solution is to correctly enforce the existing code.

There are multiple issues with the proposed changes. The most serious is that removing the "unreasonable noise" standard from Subdivision B of Section 24-218 leaves only the decibel levels specified in that section as an enforceable standard. But there is a big problem with the prescribed decibel levels: they are "a-weighted" aka dB(a).

A-weighted decibel readings do NOT mimic human hearing at normal music levels - such readings reflect human hearing only at very low volumes. At normal music levels, A-weighted readings just filter out the low bass frequencies. It's these bass frequencies that cause most of the noise problems from clubs, bars and restaurants; it's the bass frequencies that pass easily through walls and windows, and travel for great distances in the open air. Since A-weighted decibel measurements don't capture the effects of deep bass, using them as a standard means that there would be effectively no limit on the volume of sound pumped out by large woofers and sub-woofers. This would be a disaster for the many communities already dealing with a surfeit of music-related noise.

The only proper way to measure the full spectrum of sound emanating from clubs, bars, and restaurant is to use "c-weighted" decibel measurements, aka dB(c). I urge you to consider carefully the testimony submitted by Al Fierstein, the president of Acoustilog and one of the most respected sound consultants in New York City, who describes the inadequacies of "A-weighted" measurement and need for "C-weighted" measurement in greater detail. I should stress that Mr. Fierstein is in no way an opponent of the hospitality industry. Quite the contrary; he is frequently hired by clubs and restaurants to design their sound proofing and sound systems, and frequently testifies against us when we raise concerns about music-related noise at community board and SLA hearings!

In addition, the Department of Environmental Protection simply does not have the resources to adequately respond to the huge volume of noise complaints they receive. DEP is also unable to respond effectively to noise that occurs intermittently at random intervals - say, a bar that hosts occasional loud dance parties on different nights every few weeks - since it takes DEP inspectors a minimum of a week or two to respond to a complaint at which time the event in question will have long been finished. A robust and efficient mechanism for citizen enforcement of noise violations is essential if the noise code is to have any meaning.

Save Gansevoort is a community organization that works on quality of life, land use, and historic preservation issues in the Meat Market and far West Village areas.

Sincerely,

A handwritten signature in black ink that reads "Zack Winestine". The signature is written in a cursive style with a prominent flourish at the end of the last name.

Zack Winestine

Co-founder, Save Gansevoort

Re: Intros 160, 1194

Honorable Members of the New York City Council-

My name is David Sheldon. I offer this testimony on behalf of the South Street Seaport Coalition.

I hope we have all had the experience of walking down one of our city streets early on a summer evening and being surprised to hear music coming from some nearby business. It comes to us as we walk like a soundtrack to a dream. Perhaps we follow it, we can choose to enter the business, pay the fare, and enjoy the performance in person. It is one of the great pleasures of the city we live in.

If this were the sole concern of Intros 160 and 1194, we would not be testifying in opposition.

What we see these amendments legitimizing is the growing practice of opening the street wall of a business to expand and advertise it to the city streets with the sound system inside. We also see these Intros as legitimizing the speakers mounted outside these businesses to the same ends, rain or shine, day and night.

Yes, some of these establishments are modest and occasional. But many more are sounding off from open to close. Walk by even one of the quieter ones and ask yourself how you cope as a neighbor. The louder ones are heard through the better part of a city block. Where there are no adjacent residences, license has been taken to blast park, plaza, esplanade, and pier.

Applying the statutory noise limitations here would seem to address the issue, but only if enforcement could be certain. In our experience, enforcement is anything but. We understand that our city has more pressing concerns, but we have dialed three-one-one till our fingers are sore. That's at least supposed to establish a record. We ask please that you check that record before voting on these Intros.

We have already given to street-side businesses their street sheds. Why now give them our ears?

Intro 1194 only serves to discourage the New Yorker who takes the time and makes the effort to help bring enforcement to bear. This service to themselves and their neighbors now entitles them to a percentage of the fine the city collects. Intro 1194 would replace this percentage with 5 or 10 dollars. In the Historic South Street Seaport, we are familiar with the noise sources in question here. This reduction would apply specifically to the outdoor use of recorded music in promotion of a business, and to violations of noise mitigation plans on construction sites. We ask what reasonable public purpose could this amendment achieve?

We ask that you vote down Intros 160 and 1194.

Thank you.

David Sheldon,

For the South Street Seaport Coalition

Written testimony about NYC Council bill (Int 0160-2022) that will amend Administrative Code § 24-218 to change the standard used to measure noise from "c-weighted" db levels to "a-weighted" db levels.

My name is Amy Brenna and I live at ## # 10th Street, 10003. I live in the area of Manhattan which has the largest number of eating and drinking establishments in the entire five boroughs. I also live near Union Square Park, Washington Square Park, Astor Place open space and other locations where innumerable events with live and amplified music occur.

I'm very concerned that the New York City Council is seriously considering changing the standard used to measure noise. The proposed change to use **a-weighted db levels in place of c-weighted db levels** would have **tangible, negative effects** on **noise pollution and quality of life** in the greater neighborhood where I live.

We welcome the large number of people who live in and visit our neighborhoods – residents, visitors passing through, and tourists. I, personally, love living in this area because of its energy, variety, and lifestyle. However, all those people and activities mean that we have a lot, and I mean tons, of live and amplified music playing indoors (with doors and windows open) and outside pretty much 24 hours a day, somewhere or other.

What we don't need is a weakening of the city's noise measurements. I'm aware that louder noise may attract greater numbers of people passing by. And that the vibe inside some establishments encourages very loud music.

However, lessening the measurement of driving bass sounds would not contribute to improving quality of life or lessening noise pollution, and that must be just as important, if not a more important consideration, when deciding how to vote on this amendment.

I strongly urge the City Council to vote "NO" on this amendment. NYC Council bill (Int 0160-2022) to amend Administrative Code § 24-218

Thank you for your consideration.

Amy R. Brenna
10th Street, ### 10003

I support maintaining the present setup for the noise complaint reporting. Incentivizing and deputizing citizens makes sense in a world where every person carries the tools needed to fully document these violations.

That fact is, as long as there is validation that these violations are legitimate then there should be no reason to curtail them. If the violators want to stop any fines/complaints they should know what regulations they are under and ensure they are operating in compliance with them. Ignorance of the law is no excuse.

If you really want to avoid the problem of violators continuing to violate without knowing they have any complaints around them, implement a good faith period for the first and only the first violation where any reports within that immediate period after, maybe 2-3 months, isn't valid. This should only happen one time though in the lifetime of a business.

Nois pollution has documented health and quality of life risks and should be taken seriously and continually enforced. Continuing to empower and incentivize community level enforcement is the right call. Don't acquiesce to violators making our neighborhoods louder than necessary who are simply too lazy to properly ensure they are running a business respectfully and lawfully.

Andrew Gallin

Turn it Down!

Testimony of Andrew Văn Brisker OPPOSING Introductions 1194 and 160 that let Noise Polluters make our City LOUDER, Sicker, and more Dangerous

Ask any New Yorker grappling with noise as I have, and they'll variously describe the assault in similar, bleak terms: "painful," "torture," "unbearable," "nerve-racking," or "hell on Earth."

On West 46th Street, for example, where some notorious noise-polluting establishments have cranked up their speakers with abandon for decades, the din is nearly constant. Make no mistake: There's no public benefit that derives from this commercial noise. These weed shops, bars, restaurants, and storefronts that blast advertisements onto our streets don't put more money into the pockets of hardworking New Yorkers. Rather, they steal business from law-abiding quieter competition nearby.

And so it continues, for hours on end. Day in and day out. Week after week. Month after month. Year after year. Just imagine living next door to one of these bad operators and the lost sleep, panicked pets, and jangled nerves that flow directly from their nonstop, predatory onslaught.

New Yorkers have recognized since the early 1970s that City agencies such as the Department of Environmental Protection and the NYPD have failed to enforce our Noise Code even though that law declares

It is hereby the public policy of the city to reduce the ambient sound level in the city, so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the city, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants, and facilitate the enjoyment of the natural attractions of the city. It is the public policy of the city that every person is entitled to ambient sound levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive and unreasonable noises within the city affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the city.

Sadly, the promise of this legislation remains unfulfilled 50 years later. Local police and certain City Council Members don't seem to care, even though neighbors raise noise concerns with unsympathetic, unresponsive, or ineffective City officials night and day. Incredibly, a 311 complaint option for advertising noise in public spaces doesn't even exist.

So in 2022, ordinary New Yorkers fed up with the City's non-enforcement carefully scrutinized the City's Noise Code and decided they had to step in. These Citizens realized when the Council enacted the Noise Code it wisely empowered *and incentivized* ordinary New Yorkers to enforce our noise laws against predatory businesses that purposely direct advertising noise to public sidewalks.

Right now, the law lets Citizens gather videographic evidence of an alleged commercial noise violation that must be reviewed and approved by DEP before it can be adjudicated at OATH. Only if a judge finds a business in violation will Citizens receive a cut of any collected penalties to help compensate them for their substantial expenditures of time and money to pursue scofflaws while filing complaints and trying cases in court. This rigorous process belies industry lobbying claims that "these noise summonses are frivolous" or that the law was "designed to stem boisterous advertising" of "Canal Street type businesses that hawk patrons." (See Exhibit 1 and Exhibit 2.)

Businesses have little to fear for legitimate noise. Notorious violators, however, have a lot to be worried about. OATH has little trouble distinguishing between legitimate noise that is accidentally audible outside and noise that is intentionally audible to the general public.

What's more, Citizen enforcement is working! Noise complaints are down 13% this year alone after Citizens used the Program to hold the most notorious commercial noise polluters to account. (See Exhibit 3 and Exhibit 4 available at <https://data.cityofnewyork.us/Social-Services/311-Noise-Complaints/p5f6-bkga/data>)

Despite this success, Chair Gennaro and Councilmember Holden have introduced bills that seek to gut the 50-year-old law protecting New Yorkers from commercial noise pollution. Taken together, Introductions 1194 and 160 will destroy any possibility of enforcement by Citizens who fill the vacuum left by DEP's inadequate resources and the NYPD which has shown scant interest in this important quality of life issue.

[Intro 0160-2022](#) brazenly strikes commercial music that "originat[es]" inside a commercial establishment—but is directed through an open door or window to the public sidewalk—from violations under Section 24–244 in order to completely eliminate such noise from Citizen enforcement. In so doing, it rolls back 50 years of environmental progress by killing a vital provision that's been on the books since 1972.

[Intro 1194-2023](#) slashes monetary awards commensurate with Citizens' significant outlays of effort, time, and money while pursuing scofflaws to a paltry \$5.00 or \$10.00 in order to destroy their incentives to take part.

In short these two bills would take a law that is working and break its backbone: Citizen enforcement. They are only supported by a small, but wealthy, set of business owners who

profit by pointing loud speakers onto our sidewalks— not by the regular New Yorkers they hurt. They would subsidize predatory noise polluters using our health and the health of our loved ones. Don't let them.

Why would the Council make New York LOUDER and more dangerous? Rigorous scientific research makes clear that noise pollution imposes massive health and safety costs, especially with respect to violent crime.

Noise Pollution is a Serious Public Health Hazard

The American Public Health Association in 2021 declared noise to be a public health hazard. Decades of research links noise pollution not only with sleep disruption but also chronic conditions such as heart and cerebrovascular disease, metabolic disturbances, cognitive impairment, depression, anxiety, and early death. The health of millions of New Yorkers is at risk, with children among the most vulnerable: Noise elevates blood pressure in kids, interferes with cognitive development, disrupts learning, contributes to behavioral problems, and reduces achievement. (See <https://apha.org/Policies-and-Advocacy/Public-Health-Policy-Statements/Policy-Database/2022/01/07/Noise-as-a-Public-Health-Hazard>)

The European Environment Agency confirms these findings and blames 12,000 premature deaths and 48,000 cases of heart disease each year in Western Europe on noise. (See <https://op.europa.eu/en/publication-detail/-/publication/ed51a8c9-6d7e-11ea-b735-01aa75ed71a1/language-en>)

And the World Health Organization has calculated that at least 1 million healthy life-years are lost each year in western European nations because of noise pollution. (See https://www.who.int/europe/health-topics/environmental-health#tab=tab_1)

Closer to home, an analysis highlighted by the American College of Cardiology has said 1 in 20 heart attacks in New Jersey can be attributed to noise pollution. (See <https://www.acc.org/About-ACC/Press-Releases/2022/03/22/19/59/Living-Near-Noise-Pollution-Tied-to-Greater-Risk-of-Heart-Attack>)

Is it any wonder then, in the extreme, noise is a weapon? Since at least the 1960s, scientists have investigated noise's potential to subdue hostage-takers and enemy troops. The U.S. military, keenly aware of noise's power to confuse and annoy, has wielded soundtracks as punishment: It tried to hurry along the Panamanian dictator Manuel Noriega's surrender by blasting his hideout with rock music (Kiss and Rick Astley made the playlist); attacked Fallujah, Iraq while pounding heavy metal on the battlefield (AC/DC); and tortured Guantánamo detainees with a nonstop barrage of rap and theme songs (Eminem, the Meow Mix jingle). (<https://www.theatlantic.com/magazine/archive/2019/11/the-end-of-silence/598366/>)

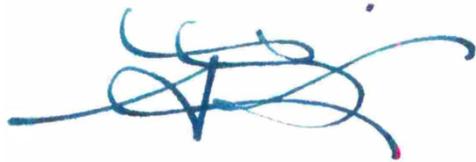
Noise Pollution Increases the Rate of Violent Crime

Timo Hener at the Department of Economics and Business Economics at Aarhus BSS has examined the impact of noise pollution on crime, and the results are striking. According to the study, if an area experiences an increase in background noise of 4.1 decibels, the rate of violent crime in that same area will increase by 6.6%. In human terms, this amounts to 246 more people becoming victims of violence every year in the areas of Frankfurt, Germany under analysis. (See <https://www.sciencedirect.com/science/article/pii/S0047272722001505>)

* * *

To be sure, New Yorkers are loud and proud! But that attitude must not infringe on someone else's health and safety in a public space. What's required, and long overdue—*in addition* to Citizen enforcement—is better education, outreach, and action on our noise laws and noise pollution as a public health hazard. The solutions are here. We know what to do. Some Council Members just lack the will to do it. Throwing up barriers to frustrate Citizen participation only serves to harm our health, harm our City, and harm our environment. New York is making real progress and simply cannot afford to backslide. These moneyed interests must not prevail. I urge you to side with ordinary New Yorkers who are fed up with noise pollution and stand up to industry-backed efforts to weaken our environmental laws. Please vote NO on Intro 1194 and NO on Intro 160.

Thank you for your time and attention.



Andrew Vän Brisker
Brooklyn, NY

Exhibit 1



The NYC Hospitality Alliance team (Andrew Rigie, Executive Director, and Counsel Robert and Max Bookman), along with bar and restaurant members testified at a City Council hearing we advocated for on legislation to stop self-interested bounty hunters from getting rich on the backs on small businesses by exploiting the law, clogging the courts, and making a mockery of our legal system.

These bounty hunters are misusing a 50-year-old well-intentioned citizen complaint law to tag small businesses with several millions of dollars in fines based on bogus noise complaints. According to **recent reporting** by the New York Post, roughly 95% of these summonses have been issued by just *two* people who are making a business of this. The total value of these summonses exceeds \$2.4 million, coming straight from the pockets of local bars and restaurants.

Make no mistake, these noise summonses are frivolous. A business can only be found guilty if it is found to be using a "sound reproduction device" for "commercial" or "business **advertising purposes** or for the purpose of attracting attention to any performance, show, sale or display of merchandise, in connection with any commercial or business enterprise" and is heard "outside or in front of any building, place or premises." This old law is designed to stem boisterous advertising outside of clothing and electronic stores - not open the door to the bad old days of enforcement against bars and restaurants based on subjective notions of sound volume. When the current noise code was adopted 20 years ago a new section creating objective criteria for bar and restaurant noise violations based on decibel levels was placed in the law for a reason. Nothing can be more frivolous than issuing a summons under an incorrect section of the law.

This is why the NYC Hospitality Alliance has led the charge to clarify the law in a way that would put an end to the unacceptable abuse that far too many law-abiding bar and restaurant owners have been subject to by a tiny group of self-interested bounty hunters. You may [CLICK HERE](#) to read the NYC Hospitality Alliance's testimony from today's hearing.

We commend Councilmembers Gennaro and Holden for introducing this common-sense legislation, and we urge the City Council to pass it ASAP and for Mayor Adams to sign it into law. Councilmember Gennaro made it clear he wanted this abuse to stop now and we were pleased the Department of Environmental Protection agreed that the law is being abused by a couple of bounty hunters and must be stopped.

Exhibit 2

From: Jim Gennaro [REDACTED]
Sent: Tuesday, June 27, 2023 5:43:31 PM
To: Robert Bookman <rbookman@pb.law>
Cc: Yam, Henry <hyam@council.nyc.gov>; Andrew Rigie <arigie@thenycalliance.org>
Subject: Re: Bounty hunters issue nonsense noise violations

Hi Rob,

Who went to Menin on this? Come to ME for this. I've been doing noise stuff for 20 years and bars would be dealing with the "unreasonable noise" standard if not for me. I put in the LS request on this today. Not sure if Menin scooped us on this by being first in, but it would stink if she did. This is my wheelhouse. But whatever, let me not make this about me. It's my committee, and I'll get this done.

Best,
Jim

On Tue, Jun 27, 2023 at 10:57 AM Robert Bookman <rbookman@pb.law> wrote:

See this ? <https://www.nbcnewyork.com/news/local/nyc-business-owners-protest-summonses-written-by-civilians/4446092/>

We need to talk about a legislative solution. As Jim well knows, when the noise code was amended under his guidance a new section was added that required specific decibel readings for music escaping a restaurant or bar or being audible on the street. In fact, it was a major hold up of the legislation as DEP wanted a "plainly audible" standard. Jim said no and Mayor Bloomberg eventually agreed with him and us to put in a specific decibel level to be a violation.

Now, We are in a crazy and increasingly horrible situation where some bounty hunters have found a 50-year-old section of the law no one knew about where they can issue certain noise violations. And they are issuing it under an old section of the law that should no longer apply based on the above. The section they are issuing it under has to do with Canal Street type businesses that hawk patrons or purposely place loud speakers outdoors. No decibel reading required, just audible. These bounty hunters are issuing multiple violations before the first one is even received let alone adjudicated. Thousands of dollars in fines are being racked up and they get 50%. Nowhere would we permit an inspector to get a percentage of a violation issued. We should not permit this either, especially under this old section of the law.

We would like this old section that they're issuing it under to be removed from this 50-year-old law which allows violations to be issued by citizen bounty hunters. Councilmember Meninis interested as well

Exhibit 3

311 Noise Complaints COMMUNITY CREATED

Based on 311 Noise Complaints

All 311 Service Requests from 2010 to present. This information is automatically updated daily.

More Views **Filter** Visualize Export Discuss Embed

Unique Key	Created Date	Closed Date	Agency	Agency Name	Complaint Type	Descriptor	Location Type	Incident Zip	Incident
52927183	2021 Dec 30 11:57:57 PM	2021 Dec 31 12:38:23 AM	NYPD	New York City Police Department	Noise - Residential	Loud Talking	Residential Building/House	11299	334 MAR
52931362	2021 Dec 30 11:57:27 PM	2021 Dec 31 12:15:36 AM	NYPD	New York City Police Department	Noise - Vehicle	Car/Truck Music	Street/Sidewalk	10034	20 SEAM
52926000	2021 Dec 30 11:57:12 PM	2021 Dec 31 02:31:23 AM	NYPD	New York City Police Department	Noise - Residential	Banging/Pounding	Residential Building/House	10453	2200 GRA
52924996	2021 Dec 30 11:56:54 PM	2021 Dec 31 12:38:46 AM	NYPD	New York City Police Department	Noise - Residential	Loud Music/Party	Residential Building/House	10024	170 WEST
52928185	2021 Dec 30 11:55:31 PM	2021 Dec 31 12:42:43 AM	NYPD	New York City Police Department	Noise - Residential	Banging/Pounding	Residential Building/House	10455	443 SAIN
52927083	2021 Dec 30 11:55:09 PM	2021 Dec 31 12:36:07 AM	NYPD	New York City Police Department	Noise - Commercial	Loud Music/Party	Club/Bar/Restaurant	10394	372 VAN I
52928076	2021 Dec 30 11:54:31 PM	2021 Dec 31 12:24:06 AM	NYPD	New York City Police Department	Noise - Residential	Banging/Pounding	Residential Building/House	10462	2075 SAIN
52924973	2021 Dec 30 11:53:18 PM	2021 Dec 31 12:53:15 AM	NYPD	New York City Police Department	Noise - Residential	Loud Music/Party	Residential Building/House	10035	158 EAST
52930211	2021 Dec 30 11:52:52 PM	2021 Dec 31 12:14:29 AM	NYPD	New York City Police Department	Noise - Residential	Loud Talking	Residential Building/House	10033	615 WEST
52927995	2021 Dec 30 11:52:39 PM	2021 Dec 31 12:28:11 AM	NYPD	New York City Police Department	Noise - Commercial	Loud Music/Party	Club/Bar/Restaurant	11103	37-06 30
52925024	2021 Dec 30 11:52:29 PM	2021 Dec 31 12:11:26 AM	NYPD	New York City Police Department	Noise - Residential	Banging/Pounding	Residential Building/House	10128	337 EAST
52930249	2021 Dec 30 11:50:55 PM	2021 Dec 31 12:39:18 AM	NYPD	New York City Police Department	Noise - Residential	Loud Music/Party	Residential Building/House	10463	2834 HEA
52925300	2021 Dec 30 11:50:00 PM	2022 Jan 03 03:32:00 PM	DEP	Department of Environmental Prote...	Noise	Noise, Barking Dog (NRS)		10010	305 EAST
52925477	2021 Dec 30 11:49:25 PM	2021 Dec 30 11:59:51 PM	NYPD	New York City Police Department	Noise - Residential	Loud Television	Residential Building/House	11229	1862 EAS
52925019	2021 Dec 30 11:49:17 PM	2021 Dec 31 12:12:17 AM	NYPD	New York City Police Department	Noise - Commercial	Loud Music/Party	Store/Commercial	11361	213-10 41
52927090	2021 Dec 30 11:49:15 PM	2021 Dec 31 01:38:38 AM	NYPD	New York City Police Department	Noise - Commercial	Loud Music/Party	Store/Commercial	10453	2095 GRA
52926075	2021 Dec 30 11:49:12 PM	2021 Dec 31 12:29:57 AM	NYPD	New York City Police Department	Noise - Residential	Banging/Pounding	Residential Building/House	11369	88-01 32
52929142	2021 Dec 30 11:48:55 PM	2021 Dec 31 12:48:09 AM	NYPD	New York City Police Department	Noise - Residential	Banging/Pounding	Residential Building/House	10029	2235 1 AV
52923535	2021 Dec 30 11:48:30 PM	2021 Dec 31 12:22:54 AM	NYPD	New York City Police Department	Noise - Residential	Loud Music/Party	Residential Building/House	11421	89-01 87
52929137	2021 Dec 30 11:48:06 PM	2021 Dec 31 12:51:59 AM	NYPD	New York City Police Department	Noise - Commercial	Loud Music/Party	Store/Commercial	10454	332 ST AT
52928136	2021 Dec 30 11:47:53 PM	2021 Dec 31 12:27:57 AM	NYPD	New York City Police Department	Noise - Commercial	Loud Music/Party	Club/Bar/Restaurant	11103	37-06 30
52930043	2021 Dec 30 11:47:48 PM	2021 Dec 31 12:18:53 AM	NYPD	New York City Police Department	Noise - Residential	Loud Music/Party	Residential Building/House	11421	91-31 90
52923163	2021 Dec 30 11:47:26 PM	2021 Dec 31 12:11:23 AM	NYPD	New York City Police Department	Noise - Vehicle	Engine Idling	Street/Sidewalk	11365	48-43 192
52926426	2021 Dec 30 11:47:00 PM	2022 Jan 03 10:25:00 AM	DEP	Department of Environmental Prote...	Noise	Noise, Barking Dog (NRS)		11102	24-14 21
52927132	2021 Dec 30 11:45:26 PM	2021 Dec 31 01:36:21 AM	NYPD	New York City Police Department	Noise - Residential	Loud Music/Party	Residential Building/House	11374	62-09 WO

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Filter this dataset based on contents.

Created Date = is between +

1/1/2021 and 12/31/2021

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With the following base filters

Complaint Type contains Noise

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Exhibit 4

311 Noise Complaints COMMUNITY CREATED

Based on [311 Noise Complaints](#)

All 311 Service Requests from 2010 to present. This information is automatically updated daily.

More Views **Filter** Visualize Export Discuss Embed A

Unique Key	Created Date	Closed Date	Agency	Agency Name	Complaint Type	Descriptor	Location Type	Incident Zip	Incident
59081256	2023 Oct 11 11:59:00 PM	2023 Oct 12 08:41:00 PM	DEP	Department of Environmental Prote...	Noise	Noise: Construction Before/After ...		10005	67 WALL
59085613	2023 Oct 11 11:58:44 PM	2023 Oct 11 11:59:22 PM	NYPD	New York City Police Department	Noise - Residential	Banging/Pounding	Residential Building/House	11201	177 SANC
59085726	2023 Oct 11 11:58:28 PM	2023 Oct 12 01:20:41 AM	NYPD	New York City Police Department	Noise - Vehicle	Car/Truck Music	Street/Sidewalk	10301	78 VICTO
59085734	2023 Oct 11 11:58:28 PM	2023 Oct 12 12:13:55 AM	NYPD	New York City Police Department	Noise - Vehicle	Car/Truck Music	Street/Sidewalk	10035	3 AVENUE
59085679	2023 Oct 11 11:57:37 PM	2023 Oct 12 12:17:19 AM	NYPD	New York City Police Department	Noise - Street/Sidewalk	Load Music/Party	Street/Sidewalk	10025	18 WEST
59086886	2023 Oct 11 11:57:04 PM	2023 Oct 12 12:27:23 AM	NYPD	New York City Police Department	Noise - Commercial	Load Music/Party	Store/Commercial	11249	48 SOUTH
59081691	2023 Oct 11 11:56:53 PM	2023 Oct 12 01:08:42 AM	NYPD	New York City Police Department	Noise - Vehicle	Car/Truck Music	Street/Sidewalk	11419	129-25 10
59084246	2023 Oct 11 11:56:50 PM	2023 Oct 11 11:59:34 PM	NYPD	New York City Police Department	Noise - Residential	Banging/Pounding	Residential Building/House	11201	177 SANC
59083056	2023 Oct 11 11:56:10 PM	2023 Oct 12 12:23:44 AM	NYPD	New York City Police Department	Noise - Vehicle	Car/Truck Music	Street/Sidewalk	10027	141 WEST
59079938	2023 Oct 11 11:56:00 PM	2023 Oct 12 08:28:00 PM	DEP	Department of Environmental Prote...	Noise	Noise: Construction Before/After ...		10017	
59079945	2023 Oct 11 11:56:00 PM	2023 Oct 12 08:27:00 PM	DEP	Department of Environmental Prote...	Noise	Noise: Construction Equipment (N...		10017	
59081257	2023 Oct 11 11:56:00 PM		DEP	Department of Environmental Prote...	Noise	Noise: Construction Before/After ...		10017	1 AVENUE
59082732	2023 Oct 11 11:55:59 PM	2023 Oct 12 12:12:16 AM	NYPD	New York City Police Department	Noise - Vehicle	Car/Truck Horn	Street/Sidewalk	11204	5709 19 #
59085729	2023 Oct 11 11:55:30 PM	2023 Oct 12 01:34:50 AM	NYPD	New York City Police Department	Noise - Vehicle	Car/Truck Music	Street/Sidewalk	10452	1675 GRA
59085676	2023 Oct 11 11:55:18 PM	2023 Oct 12 12:11:16 AM	NYPD	New York City Police Department	Noise - Street/Sidewalk	Load Music/Party	Street/Sidewalk	11373	45-10 94
59082968	2023 Oct 11 11:55:09 PM	2023 Oct 12 12:42:52 AM	NYPD	New York City Police Department	Noise - Residential	Load Music/Party	Residential Building/House	10039	159-38 H
59085719	2023 Oct 11 11:54:47 PM	2023 Oct 12 12:31:39 AM	NYPD	New York City Police Department	Noise - Street/Sidewalk	Load Talking	Street/Sidewalk	11233	311 HOW
59083568	2023 Oct 11 11:53:52 PM	2023 Oct 12 02:22:43 AM	NYPD	New York City Police Department	Noise - Street/Sidewalk	Load Talking	Street/Sidewalk	10458	2381 VAL
59083007	2023 Oct 11 11:53:50 PM	2023 Oct 12 01:51:39 AM	NYPD	New York City Police Department	Noise - Street/Sidewalk	Load Music/Party	Street/Sidewalk	10456	210 EAST
59084318	2023 Oct 11 11:53:46 PM	2023 Oct 12 12:33:55 AM	NYPD	New York City Police Department	Noise - Street/Sidewalk	Load Music/Party	Street/Sidewalk	10035	3 AVENUE
59086887	2023 Oct 11 11:53:32 PM	2023 Oct 12 12:48:52 AM	NYPD	New York City Police Department	Noise - Commercial	Load Music/Party	Store/Commercial	11378	70-10 GR
59079109	2023 Oct 11 11:53:01 PM	2023 Oct 12 01:08:27 AM	NYPD	New York City Police Department	Noise - Street/Sidewalk	Load Music/Party	Street/Sidewalk	11419	130-02 10
59083890	2023 Oct 11 11:53:00 PM	2023 Oct 12 08:47:00 PM	DEP	Department of Environmental Prote...	Noise	Noise: Construction Before/After ...		10032	1051 RIVE
59080365	2023 Oct 11 11:52:51 PM	2023 Oct 12 12:46:35 AM	NYPD	New York City Police Department	Noise - Residential	Load Music/Party	Residential Building/House	11421	85-78 75
59085609	2023 Oct 11 11:52:36 PM	2023 Oct 12 12:31:08 AM	NYPD	New York City Police Department	Noise - Residential	Banging/Pounding	Residential Building/House	11373	40-35 HAI

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Created Date - is between -

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With the following base filters

Complaint Type contains Noise

Regarding Int. 0160

Please do not change or modify the NYC noise code with these amendments. Noise is a public health problem causing damage to all sentient beings. Please see the June 9th 2023 New York Times landmark report, "Noise Could Take Years Off Your Life, Here's How."

How many legislators live on a block with 13 restaurants – eight of them with liquor licenses. Do legislators truly understand how intrusive this noise can be? We've had to fight for every shred of quiet on our block because operators who are not neighborhood residents do not respect the NYC Noise Code or their neighbors. These amendments will not make the noise code better, but will only give indifferent operators greater license to place the noise burden on their residential neighbors who have already borne so much degradation to their quality of life -especially from - the now unnecessary - outdoor dining program. Why is the restaurant industry a favored business over residential neighborhoods? Haven't they been given enough at public expense?

The noise code policy exists to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the city. This public policy must not be weakened by these amendments.

Anne Marie Riccitelli

###-###-####

E. 17th St.

Board President

New York, NY 10003

Thank you Chair James F Gennaro and esteemed council members for the opportunity to submit testimony before the Committee on Environmental Protection, Resiliency and Waterfronts regarding [Intro 0160-2022](#) and [Intro 1194-2023](#).

Manhattan Community District One is a very densely built and populated district where noise is a major concern and reason for complaints. Commercial establishments representing the food and entertainment industries are well represented in my district and are important stakeholders, but it is important that their activities be balanced with residential quality-of-life concerns. Noise is a largely unrecognized health threat that reduces the sense of wellbeing and increases the risk of [hypertension, stroke and heart attacks](#).¹

[Intro 0160-2022](#), would amend the NYC Administrative Code and make the noise violations described in section [§ 24-244](#) “not apply to music originating from an interior space in connection with the operation of any commercial establishment or enterprise.” Exempting commercial music that “originates” indoors but is directed through an open door or window to the surrounding area would increase noise pollution in the surrounding area and directly contradict NYC’s Noise Code, which attempts to reduce noise within the city that affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people.

CB1’s Licensing and Permits Committee routinely asks all applicants seeking support for a liquor license to limit music to indoors only and that all doors and windows remain closed. Applicants overwhelmingly agree to and comply with this stipulation, which demonstrates that businesses do not need a noise exemption to be successful.

The Open Restaurant Program has never allowed [amplified sound](#), including audio speakers, TVs and live music, in either sidewalk or roadway dining setups. Despite this restriction, restaurant owners thrived, and customers enjoyed outdoor dining. When establishments broke this rule, nearby residents complained to 311 and community boards about disturbances to their work, sleep and the general enjoyment of their homes. Any legislation, like Intro 0160-2022 that would exempt commercial establishments from noise restrictions would be a serious mistake.

[Intro 1194-2023](#) would cap the compensation citizen complainants can receive when their complaint prompts proceedings under subdivision (b) of section 24-244 of the noise code. Capping compensation for proceedings brought by the Department of Environmental Protection at \$5, versus the current 25%, and compensation for proceedings brought by a complainant at \$10, would greatly reduce the incentive for citizen reporting, an important enforcement process that has been in the law since 1972 and supplements the inadequate enforcement by the NYPD and the underfunded DEP.

Passing these two bills will make noise pollution and quality of life worse for the millions of residents and visitors that live, work, walk or want to enjoy our public spaces. It will also show

¹ Baumgartner E, Kao J, Lutz E, et al; “Noise Could Take Years Off Your Life. Here’s How” *The New York Times*, June 9, 2023 <https://www.nytimes.com/interactive/2023/06/09/health/noise-exposure-health-impacts.html>

laxity toward businesses that use sound to draw attention and restaurants that purposely direct their music to public space. Noise pollution is a public health hazard and a source of disturbance that businesses should not be allowed to inflict on others.

Betty Kay

10/16/2023

To the city council:

I am strongly opposed to the two proposed bills (Int 0160-2022 and Int 1194-2023) and cannot comprehend why these bills would ever get proposed unless the individual proposing them are getting compensated by the Hospitality industry.

If the city council is looking for a way to push even more New Yorkers out of NYC, this is an incredible way to do it.

I am originally from NY and have made the, often questioned, decision to raise my family here in NYC. Besides being besieged by marijuana smells on a 24-hour basis while walking around the city, the thought of not having some sense of peace and quiet when home is unfathomable. The idea of being assaulted by noise from restaurants/clubs through the entire day and into the night will quickly drive out families such as mine to other locations and states. The families that have the ability to move will likely be the ones who pay the larger share of the tax base pushing NYC into a death spiral. Quality of life goes down, even more tax payers leave, city raises taxes higher, more people leave... so on and so on until there is no one left but homeless people.

Take these two new bills being presented along with one adopted in Resolution 53 (Lu-0012-2022) passed in 2022 means restaurants can keep their facades open at all times they are in operation. Local Law 121 passed by the City Council in August mandates that restaurants mandates that restaurants and bars must be allowed to operate from 10 to 12 midnight – indoors and outdoors, even in residential neighborhoods.

Put all together, under these combined four laws, restaurants/bars can keep their windows and doors open 14 hours a day, blasting music into the streets and homes of nearby residents with no fear of a fine bigger than the cost of a sandwich. Moreover, the people who will be most affected will be the ones who may not be able to afford air-conditioning or apartments with proper heating that need to leave their windows open for proper cooling/ventilation. This will not only negatively affect children trying to get all important sleep for school but adults who need proper sleep to function. Lack of proper sleep could easily lead to higher crime rates as people become more irritable and/or take action against said restaurants/bars due to lack of care from local politicians.

I urge the city council to oppose these proposed bills as they will destroy the quality of life for New Yorkers even further. Furthermore, there is very little upside, if any at all, to allow such bills to pass and a large amount of downside for NYC.

Regards,
Brian Cushman
Concerned Homeowner

Dear Members of the Committee on Environmental Protection,

I hope this letter finds you well. I am writing to express my concerns and provide insights regarding the proposed changes outlined in Intro 160 and related issues concerning noise pollution in our city.

First and foremost, I want to commend the Committee for addressing this matter publicly. It is crucial that the citizens of New York City are aware of the discussions surrounding noise regulations. Noise pollution is a significant concern for residents, and it is vital that the Council considers the impact of any changes on the quality of life for all New Yorkers.

As it stands, New York City has existing noise codes in place that severely restrict noise emissions from bars. However, it is apparent that these regulations are not being effectively enforced. This leads to a frustrating situation for residents who are dealing with excessive noise from bars and restaurants. The current hearing is in response to concerns raised by noise pollution lobbyists, specifically the NYC Hospitality Alliance, against citizen enforcement of 24-244(b), which prohibits speaker use for advertising purposes.

The proposed Intro 160 would allow bars to use speakers for advertising and other purposes if they are placed inside, with the sound facing outward. While this might eliminate some citizen complaints, it raises concerns about the potential increase in noise levels as businesses respond by utilizing speakers more liberally. This could lead to a considerable disturbance for residents in the vicinity.

One issue that has long been a concern is the use of outdoor speakers, which is generally illegal unless there is a police permit. Despite this regulation, it seems that enforcement has been lax. While some citizen complaints have helped curb the excesses of illegal outdoor speaker use, there have been challenges in defining what constitutes advertising versus entertainment use, making it difficult to enforce these rules effectively.

The questions that arise from these issues are of great significance. Why has there been a lack of enforcement of existing administrative codes against outdoor speaker use? Additionally, there are questions regarding the transparency of the citizen complaint program for the air code, which has been in place since 1972. It is essential that these matters are addressed comprehensively to ensure that our city remains a place where residents can enjoy a peaceful living environment.

Furthermore, I want to emphasize the importance of considering the impact on residents and neighborhoods. While it is essential to support local businesses, bars and restaurants that generate excessive noise may deter law-abiding neighbors and harm the community's overall quality of life. These businesses should not come at the expense of the peace and well-being of the residents they serve.

In conclusion, I applaud the Committee for discussing these matters openly, and I hope that the Council will carefully weigh the consequences of any changes to noise regulations. It is vital that we strike a balance between supporting local businesses and preserving the tranquility of our neighborhoods. The interests of all New Yorkers should be taken into account when considering these proposals.

Thank you for your attention to this matter, and I look forward to a thoughtful and responsible approach to addressing noise pollution in our beloved city.

Sincerely,
Cara Thomas

Dear Committee:

As a New York City resident of a mixed use neighborhood, I feel strongly that our noise ordinances do NOT need weakening; they need strengthening.

At a time when the city's budgets are being cut and the number of official representatives who can enforce ordinances is shrinking, we need to continue to empower citizens to enforce them.

I understand that the current structure incorrectly incentivizes abuse of citizen enforcement. That should be fixed.

However, there should be no weakening of the impact (fines) for violation, nor should it become more difficult in any way for citizens, or official representatives, to enforce noise ordinances.

Sincerely,

Carl Pritzkat
East 17th Street
New York, NY 10003

###-###-####

To New York City Council,

I am a resident in New York City for the last 35 years. I live on a short residential block downtown. The quality of life has quickly and severely declined the last few years starting with the pandemic and bars/restaurants moving their businesses outside. On my very short block we now have 8 liquor licenses granted....More bars/restaurants are opening up and they are all requesting to stay open until 2-4am and to have DJ playing music as long as they are open.

For residents this means living in a noisy environment all hours every day/night of the week. For bar/restaurants owners and their patrons it is infrequent, and therefore less invasive as they don't live with the noise 14/7. We are the ones losing sleep and concentration, we are the ones with health issues due to lack of continuous sleep and rest. We are the ones having to work in the noise.... Noise is an air pollutant with well documented adverse health outcomes.

Why do residents have to accept noise for an extended time every day? What are our rights? Who cares about our quality of life? At a minimum we need to be able to sleep at night and not be woken up by loud bar/restaurant patrons smoking, arguing and loudly speaking outside as well as music being played inside the establishment, but being heard through open windows and doors.

I understand that New York City is a noisy place, but that is why the noise code was established. Businesses and residents need to co-exist in a healthy community and therefore respect laws that have been outlining a compromise.

I urge New York City Council to oppose the Int 0160-2022 and Int 1194-2023 bills (as well as Resolution 53 and Local Law 121) to support residential community life.

The New York Noise code must be enforced, not exempted. Violation fees should be high to deter anyone from violations and liquor licenses should not be considered for renewal for businesses that have violated the law.

Cecilia Deitzer

October 16, 2023

To the members of the NY City Council Committee on Environmental Protection, Resiliency, and Waterfronts:

I am writing to object to proposed changes to the NYC Noise Code that will make it harder to protect New Yorkers from noise pollution, particularly noise pollution from commercial establishments. These businesses often have powerful sound systems and play loud music, which can significantly disrupt the lives of nearby residents. The changes proposed in Int. No. 160 and Int. No.1194 would make it harder for residents and law-abiding businesses to hold such establishments accountable for their noise pollution.

Int.160

Int. 160 would replace the current standard of "unreasonable noise" with a decibel threshold standard for music originating from an interior commercial space. The current standard of "unreasonable noise" has proven effective in considering the context and impact of noise on people's health and well-being. Factors such as duration, intensity, and the specific environment in which the noise occurs are taken into account when evaluating whether a noise is deemed unreasonable. This standard provides flexibility in addressing noise issues that may vary depending on the circumstances, enabling protection against disruptive noise projected into the public right-of-way, even if it's within permissible decibel limits.

A decibel threshold standard makes the successful prosecution of a noise complaint nearly impossible in practice, since it relies upon a very limited staff of specially-trained DEP inspectors to respond to the complaint, calibrated sound level meter in hand, precisely at the time the violation occurs. Considering the time it takes for inspectors to respond to these complaints, there is great risk that the noise in question will have stopped or diminished prior to their arrival, and the complaint will be closed without any remedy to the violating behavior.

In addition, the law targeting businesses broadcasting loud sound into public sidewalks (§ 24-244) was designed to mitigate audio advertising from commercial establishments. Section § 24-244 should not be revised to exempt "music originating from an interior space in connection with the operation of any commercial establishment or enterprise," as proposed by Int.160. These are the very entities for which the law is intended.

Int.1194

The 1972 Noise Code empowered the public to enforce laws against businesses adversely affecting public sidewalks with excessive noise, via Section § 24-261, the Citizen's Complaint law. § 24-261 was included in the Noise Code to grant citizens the right to issue a summons in situations where the DEP deems a complaint valid, finds the accompanying evidence to be dispositive, and declines to take action to prosecute that complaint within 30 days. Granting citizens the right to take legal action against certain noise code violators serves two primary purposes: (a) it allows citizens to proactively address noise-related concerns, and (b) it ensures that city agencies respond promptly and effectively to noise complaints. The law also provides for complainants to receive appropriate compensation, emphasizing their valuable participation in the enforcement process.

The citizen's noise complaint law has led to noise summonses being issued to commercial locations that broadcast excessively loud music or other audio onto our streets and sidewalks. The Department of Environmental Protection (DEP) has the authority to dismiss these complaints as "duplicitous" or "frivolous," but has found the majority of them to be legitimate. Citizen enforcement has yielded significant results, with a higher "in violation" rate for citizen-based summonses compared to DEP / NYPD summonses. The Office of Administrative Trials and Hearings (OATH) has been fair in noise hearings, offering alternatives to fines if businesses cease noise pollution, thus motivating those businesses to take proactive steps to comply with the law and be better neighbors, too.

The Citizens Air Complaint program, introduced in 2018 to combat air pollution caused by idling vehicles, is a very successful, much-lauded and creatively-marketed municipal government initiative. The city encourages citizens to participate in the program by awarding them 25% of any penalty collected if their summons is upheld. Similarly, citizens should have an equally robust, equally compensated, DEP-supported program for filing and prosecuting complaints against businesses violating the noise code.

In conclusion, the changes to the noise code proposed in Int.160 and Int.1194 will weaken the safeguards against harmful noise pollution offered to New Yorkers by our current laws. I ask you to reject the proposed changes in these bills, thereby continuing to prioritize the protection of New Yorkers from harmful noise pollution.

Respectfully,

Cheri Leon

Dear Members of the Committee on Environmental Protection, Resiliency and Waterfronts:

As a citizen of NYC, I strongly oppose Intro 1194 and Intro 160. As a public health professor, I know that noise pollution is a profound public health issue in cities like New York City. Noise is an important yet oft-overlooked psychosocial and physiological stressor. Myriad health effects are associated with unwanted and chronic noise pollution: mental health conditions including anxiety, cardiovascular disease, and hearing loss, among others.*

I applaud NYC for providing citizens the opportunity to report and prosecute noise complaints. Citizen involvement is necessary because the City cannot reasonably and in a timely manner respond to all reported noise complaint calls to the 311 system.

Again, I strongly oppose Intro 1194 and Intro 160, and I strongly encourage you to do so, too. Please maintain in place the reporting mechanisms against unwanted noise so that all of us can live, work, and play in quieter and more enjoyable New York City.

Chris Hartmann, PhD
Associate Professor of Public Health

Declaration: I have not submitted any noise complaints, nor do I intend to.

*Source: Geravandi S, Takdastan A, Zallaghi E, Vousoghi Niri M, Mohammadi M J, et al. Noise Pollution and Health Effects. Jundishapur J Health Sci. 2015;7(1):e60312. <https://doi.org/10.5812/jjhs.25357>.

AGAINST: Int 0160-2022 and Int 1194-2023

MUSIC ORIGINATING FROM INTERIOR SPACE

My name is Dale Goodson. I am 71 years old and have lived on the corner of 12th St and Avenue A in the East Village since 1991. We have 8 bars and restaurants between 12th and 14th streets and noise from those establishments is already stressing my quality of life. Allowing doors, windows and facades to remain open for all hours of operation would be devastating to my health and well being.

The music, loud talking, singing and shouting from these businesses are already having a negative effect on my health even with all my windows closed. Longer hours with open doors, windows and facades will only add to that and do nothing to enhance the neighborhood.

Healthy neighborhoods need a mix of bars and restaurants, but increasing the amount of noise from them will only have a negative impact on residents.

Dale Goodson

E 12th St

NY, NY 10009

I am writing today to voice my upset that you are even considering the passage of bills 0160–2022 and 1194–2023.

Once again, I find myself pleading to the city council to protect a quality of life that I used to be able to take for granted. I of course refer to the continued noise violations in my neighborhood caused by the outdoor restaurant program, hospitality industry, and the city councils dismissal of city residents.

In 2022 you adopted LU–0012–2022, which was a violation of my rights, my ability to live in quiet enjoyment, and what I consider to be a hand out to the hospitality industry. I and my fellow representatives have sued the city to challenge what we consider to be a violation of our rights and our right to a full environmental study on this issue. And low and behold, I find myself forced to plead with you to have some concern for the quality of life of the residence of our city. To even consider granting restaurants continued immunity for their noise, and their extended hours is an offense. It makes me wonder if maybe a majority of you are morally compromised. It's not like that's never happened.

Every night outside my window, I hear the constant chatter from illegal sheds, yelling, happy birthday, and music, not to mention a greatly increased frequency of garbage trucks, smashing bottles and drunken outbursts. This is your fault, and by considering these two new bills mentioned above your exacerbating an already terrible problem .

I am pleading with you to please start thinking of the people of this city who live above the establishments and industry you seem so willing to jump into bed with. I urge you to vote no on bills 0160–2022 and 1194–02023.

Respectfully,

David Rosenberg
New York, New York.

To whom it may concern,

I will be respectful of your time and keep this short. I disagree with making changes to the noise pollution program. Why should residents of a community not be able to hold loud businesses accountable? Who benefits from this bill and what donations have been made to lead to

. The language by the DEP commissioner towards those who have submitted complaints has been saddening. You cannot call citizen who complain as greedy and opportunistic while the city continues to pocket fines from noisy businesses at the same rate. Be consistent. Either stop with your plan to curb the fee to those submitting complaints or the city should also lower the fee amount. Since the city will surely not lower the fine amounts it receives then instead of supporting hypocrisy these changes should be tossed out. Let us thank citizens for doing the job that is often not enforced and for bringing more funds to the city's coffers.

David Sucher

I am a resident of Inwood, Manhattan – a neighborhood that has long had a problem with alcohol-serving businesses who skirt zoning and noise laws in order to run nightlife establishments in residential areas.

I am stunned by the audacity of the two bills before the committee as they are obviously going to lead to more strife and conflict. Int 0160-2022 exempts from the noise code “music originating from an interior space” – which could mean a space like a restaurant, a bar, a club, or a weed shop. These are the principal violators and problem-makers in areas where residential uses are above or nearby (i.e. virtually all of Inwood).

Int 1194-2023 would cap the fines on a “noise-violator” to \$5 if the offense was reported by the City Department of Environmental Protection and \$10 if reported by a citizen who was sick-and-tired of being assaulted by noise-for-profit coming from a neighboring business. Enforcement is rare enough – why make it entirely toothless?

When combined with LU-0012-2022 (Resolution 53) from 2022 and Local Law 121 from August 2023 and other recent changes, restaurants can completely transform from Use Group 6 into effectively Use Group 12 and cause great harm to the residential neighborhoods where they are located – with no recourse.

There is no logic to these bills. Please reject them. If anything, the city should be looking to strengthen the noise code to see it more consistently and more often enforced.



David Thom

Inwood, Manhattan

My name is Debbie Farley, and I've resided in Sunnyside Gardens for 72 years. My apartment building is adjacent to two restaurants with dining sheds, curbside dining; one restaurant also has backyard seating. All my windows face the street or avenue sides of these dining establishments. Because of the proximity of the two restaurants to my building, I cannot escape the raucous noise outdoors. As a result, my apartment windows have remained permanently shut for the last three years.

My windows must remain closed to watch television, hold a simple conversation, or get a restful sleep. My stress and anxiety levels have risen sharply due to interrupted sleep patterns. The excessive noise levels make falling and staying asleep impossible. Living with windows permanently sealed, and no fresh air leads to a feeling of entrapment inside my apartment.

Both restaurants' dining sheds and curbside dining areas are packed with large, noisy crowds every night of the week. Live entertainment is offered on weekends, and performances are amplified with outdoor speakers and microphones.

Even during the days and nights when there are no customers outside, music is blasting through speakers mounted onto the sheds. Sunnyside is a residential, family-oriented community. Exposure to hours of continuous loud noise contributes to sleep deprivation and sleep disturbances, high blood pressure, heart disease, anxiety, and stress. These noise-induced health problems affect all age groups, from our youngest to our most senior residents.

Two prior bills have allowed all restaurants to keep their facades open during all the hours they operate, and bars must be allowed to operate indoors and outdoors from 10 a.m. to 12 midnight, even in residential neighborhoods!

I ask that you oppose [Int 0160-2022](#) and [Int 1194-2023](#); these bills will effectively remove all restraints on restaurant and bar noise, whether from sidewalk cafes, roadway sheds, or within the restaurant's indoor space. Weakening the already lax noise laws will only worsen an unbearable situation.

Deborah Farley
46th Street
Sunnyside, NY 11104

Justdeb51@yahoo.com

This is in regards to the proposed changes to the noise laws. I have been a homeowner (townhouse) in the East Village for 44 years. Never has the volume of noise been so bad. My street has a crosstown bus route so I am familiar with a constant degree of noise. But there are many reasons for the current unbearable volume of noise, chief among them are the restaurant sheds. I live directly across the street from a restaurant shed. Since the pandemic the noise emanating from it has been unbearable 6 nights a week. And this is all year long, not only in warm months. There is no such thing as a nice pleasant spring or fall evening with windows wide open enjoying the fresh air. The noise is simply unbearable. Even with my windows closed, the noise is still unavoidable! Watching television at high volume is a must. And the thought of reading a book in peace and quiet is long forgotten. Add to this the fact that on both sides of this restaurant are illegal weed shops blasting music with doors open to attract business(hey, ;let's party!). I've filed 311 complaints numerous times, with the police arriving to put an end to this. I don't live on an Avenue. It is a residential street, but old New York with many storefronts. And to this the fact that in the summer there is music blasting from rooftop and backyard parties all night long on weekends. There is no reprieve. I'm literally sounded by blasting noise! Quiet during the day? Forget it! There are now 2 skateboard shops on this street with the sounds of skateboarders every afternoon. Between the constant noise, rats taking over the street due to the many restaurant sheds , illegal marijuana shops (4 on my street alone), unregistered motor scooters riding the wrong way on the street and on the sidewalks(not caring about pedestrians) the restaurant sheds and buildings covered in out-of-control graffiti, a homeless encampment recently set up on the corner, I could go on and on, the quality of life is almost an zero! Please prevent this from getting even worse. Please do not pass this proposed legislation. I beg, beg, beg of you!!

Diane O'Connell, Esq.
26th Street
Brooklyn, NY 11232

09/24/2023

To: Council Members Gennaro & Aviles

RE: 09/27/2023 @1:00pm meeting of the Committee on Environmental Protection, Resiliency and Waterfronts, File #: T2023-4002, Citizen Noise Complaints

Dear Council Member Gennaro & Aviles;

I am writing with regards to your proposed amendments to **Section 24-261 Citizen's Complaint** of the Administrative Code of the city of New York.

I understand the reasoning behind the proposed amendments and would like to suggest an additional amendment: **expand the scope of the types of noise and businesses that can be reported by citizens.**

Here is my reasoning:

BACKGROUND

I live on 26th Street, btwn 4th & 5th Aves in Brooklyn. The building on the NE corner had a legacy tax designation as a gas station (which it hasn't been since the 1940s). But there was a small repair shop located there until around 2008. It was a one man shop and he fixed cars one at a time with his doors closed so the operation caused no impact on the neighbors.

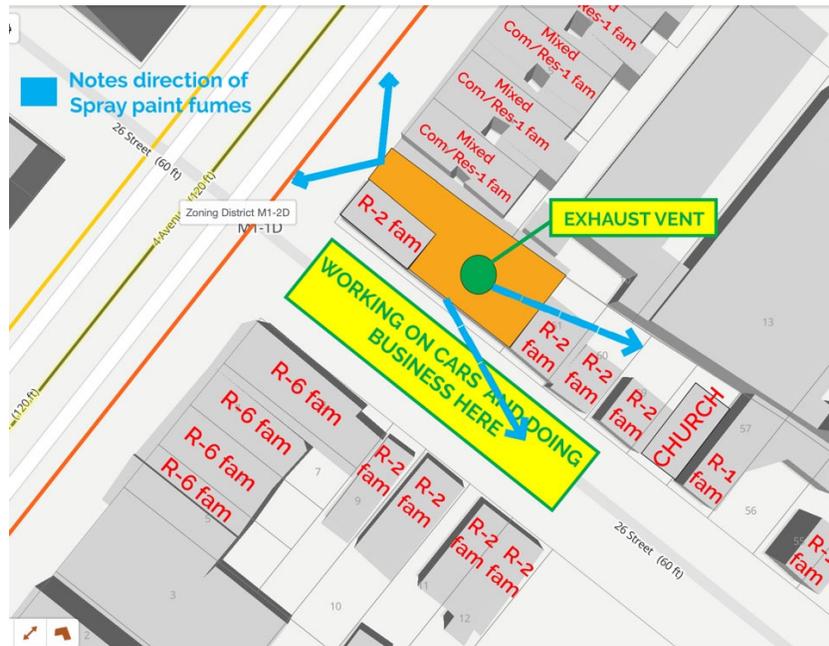
Since 2008, no auto shop has operated there, in fact it was an Episcopal "store-front" church for years until the building sold and the new owner vacated the church and rented to an auto body shop in December 2019.

PAINT FUMES

From day one, this shop, New Honeywell Auto, has been **emitting spray paint and other fumes** onto the street, into our backyards, and our homes. None of the surrounding residences can open their windows or use their backyards anymore.

NOISE

In addition, because the foot print of the building is so small, and their volume is so high (they currently have over 20 wrecked cars parked in street parking on our block) they **do all their work with the doors open and are additionally, working on cars on the sidewalk and in the street in front of our houses.** ([See map](#))



They use **hydraulic tools, hammers, saws-alls**, and other noisy tools to cut up car parts, bang out dents and change car parts, all in the street and on the sidewalk. They also regularly have a crowd of people in the street yelling across the street to each other, their customers use our stoops as waiting areas and are often standing in front of our houses having conversations on speaker phone because they have no waiting room. The noise is deafening regularly from 9:00am-7:00pm 6 days a week.

NO ENFORCEMENT

However, for all the noise complaints that have been put in since they opened (**there are over 650 311 complaints against the business to date**) nothing happens. DEP comes and closes the complaint stating there was no evidence of a violation, usually because their lag time to get someone on location is 3 days + and they come at the wrong times.



Hello,

This Service Request has been closed by the New York City Police Department, NYPD.

Your request details are:
 Service Request Number: 311-15979639
 Type: Noise - Residential - Banging/Pounding
 Location: 205 26 STREET, BROOKLYN, NY, 11232
 Date Submitted: 9/23/2023 10:43:01 AM

NYPD provided the following information:

The Police Department responded to the complaint and determined that police action was not necessary.

HEALTH IMPACTS

The stress of living next door to this environmental hazard has been seriously determination to our health and safety. We would like to open our windows and be able to hear each other speak.

My husband has congestive heart failure and the constant barrage of noise and fumes, as well as the lack of consideration from the shop owners, who are hostile to our pleas for less noise, increases his blood pressure and affects his overall health.

LOSS OF REVENUE

The owners of the multifamily building across the street from the shop, are facing **difficulties maintaining tenants** and the residents of the block are intimidated by the owners of the shop and their "posse" so no one wants to confront them anymore.

LIFE IS MISERABLE HERE!

SUGGESTED AMENDMENT

So, my suggestion to expand **Section 24-261 Citizen's Complaint** is a desperate plea to help us help the City enforce what they have been unable to do issue violations for unreasonable noise.

I've tried to come up with other solutions such as asking DEP if they can put up a noise meter 15 feet from the entrance of the shop, and have repeatedly asked the police how they are supposed to enforce the noise since most of the noise complaints do route to NYPD. But no one seems to have a solution.

So perhaps, amending **Section 24-261 Citizen's Complaint** to include all commercial noise in **R, C and M1 districts**, where residents live would be the solution. This way, we, as neighboring residents and affected parties, could use the **Civilian Complaint** process to submit violations to DEP for this shop in the hopes that the accumulation of fines might trigger the City agencies to look at this shop with more scrutiny (They currently have over \$20,000 in unpaid fines from the City alone).

My understanding from reading all the records on the Civilian Complaint process is that my situation is the heart of why the code was enacted to begin with: **UNREASONABLE NOISE NEGATIVELY IMPACTING RESIDENTIAL NEIGHBORS.**

I would very much like to have a conversation with you about this and have provided my contact details below. I do hope you consider this when making further amendments to the code.

I will be attending the meeting to take place on 9/27/2023 and plan to testify. I would also like to discuss this with you further if you have the time after the meeting.

Regards,

Diane O'Connell, Esq.

(###) ###-####

Diane.oconnell@mac.com

Dietmar Detering, PhD
47 ST
Sunnyside NY, 11104

October 11, 2023

Written testimony to the New York City Council, Committee on Environmental Protection, Resiliency and Waterfronts October 16, 2023 Hearing on Noise Code Enforcement

Thank you Chair Gennaro and members of the Committee for this opportunity to speak. You have a packed agenda today and I regret that I can only speak to citizen noise complaint matters.

NYC enacted its world-leading noise code in 1972. Knowing that the administration might lack resources and/or interest in enforcing certain sections, your predecessors added a strong and innovative citizen complaint component. Much debate went into determining a fair and reasonable compensation for citizen complainants.

This language is the same as what created the City's highly successful, and widely popular, clean air program: the citizen vehicle idling complaint system.

Puzzlingly, however, the city kept the noise complaint program a secret, for over 50 years. When I inquired with the DEP in April of last year about how to submit citizen noise complaints under section 24-261, the department had neither information, nor forms, nor processes for this. To this day, the DEP publishes no information about citizen noise complaints. It does not, and to my knowledge never did, publish any information about the City's rules against advertising noise pollution, either. Why is that? To fill the void, and to efficiently answer all the requests that I receive about how to participate in the program, I've created a "How To" document that has gone a little viral. But it really should be the DEP providing that information.

Please understand: Section 244(b) is not about noise coming from legitimate purposes. If a bar or restaurant is loud in the course of the business then that is not advertising, and the DEP deems such complaints frivolous already. Such complaints will not become a summons, will not reach a respondent, and will not get to OATH. However, if it can be shown that a business is purposefully placing or using a speaker to be heard by the general public then such businesses must be held accountable for such nuisance. Enough with the noise - the city is full of it and the noise code, not just protecting our hearing but also our attention, must be enforced!

Unlike noise from much of construction and traffic, advertising noise only benefits the polluter at the expense of its law-abiding competition in the neighborhood and all of us, New York's denizens. Making polluters stop has no effect on the industry as a whole and all of us win some peace and quiet.

In the past, the DEP had issued some violations against advertising noise, but clearly not enough. This allowed, no, it forced advertising noise to spread like cancer in several neighborhoods, and it created a sense of entitlement among violating businesses.

Fortunately, I have seen results since I've started my work: Roosevelt Avenue and Junction Blvd in my borough of Queens have gotten MUCH quieter. At this time, I also want to applaud Mayor Adams and the NYPD for recently cleaning up other problematic aspects in the same area, namely rampant and out-in-the-open prostitution. Thank you! Should the City Council support, instead of tearing down, the citizen noise complaint program, the future will hold a new equilibrium for our city: very few cases of advertising noise and very few advertising noise complaints.

While the citizen noise complaint program deserves more attention, the narrative appears controlled by pro-noise lobbyists and their noise polluting clients that resist changing their anti-social business models. It's not the number of tickets that irks them, it's the required response, to just turn it off, that they don't like. Suddenly, no more free advertising but instead competing on price and quality of service and products alone - that's not what they want!

Intro 160 is pro-noise because it would give a carte blanche to any business seeking free advertising with noise. All they need to do is place the speaker "inside" and play "music". Section 244(b) wisely is explicit that a speaker can be inside and still cause a violation. This should NOT be changed.

Chair Gennaro's 1194 is pro-noise because it would end the citizen noise complaint program a different way: With the DEP already refusing to pursue any citizen noise complaints, Gennaro's \$10 "fair and reasonable" compensation would condemn to poverty any citizen who wants their noise complaints taken seriously: It is complicated and labor-intensive precision work, and keeping yourself available for OATH hearings places you at a serious disadvantage in the job market.

Ladies and gentlemen: The big picture of noise enforcement is a disaster. New Yorkers submit about $\frac{3}{4}$ of a million noise complaints every year through the 311 system, yet very few violations are ticketed, and noise pollution is getting worse and worse. Finally, a single section of the noise code is being successfully enforced. My work is being welcomed by the communities that had suffered from too much advertising noise in the past, as shown in the attached files of comments (in the original, mostly in Spanish, and translated) on a related TikTok post. What message is this Committee sending by debating ways to end this program?

I urge you to reject intros 160 and 1194. Instead, consider expanding the program to include other sections of the code where citizen complaints can help reduce noise pollution in the city. Demand that the DEP explain to NYC businesses what constitutes advertising noise and that this law is now being enforced. The DEP and also the 311 system must finally inform the citizens about the citizen noise complaint program and not hide it anymore. The department should also pursue all citizen noise complaints itself, just like it pursues citizen air complaints, and not leave them all to the citizen complainants as it does now.

Additional Written testimony to the New York City Council, Committee on Environmental Protection, Resiliency and Waterfronts October 16, 2023 Hearing on Noise Code Enforcement

I feel compelled, in light of DEP's claims at the hearing, to make a few additional remarks in addition to my previously submitted testimony, in writing and via zoom. First, a few key facts:

- 1) Advertising noise reduces property values and is harmful to non-noisy businesses and the quality of life and health of New Yorkers.
- 2) Any noise that purposefully attracts our attention to some commercial activity while we are about going about our own business, like walking to work, school, or errands, is advertising noise.
- 3) Much of Monday's hearing focused on bars. Because they have a good lobby. Should this lobby succeed, our streets will be filled with more commercial noise than ever before. Not just from bars and restaurants, but stores of all kinds. Many weed shops and souvenir and electronics stores have been particularly blatant noise polluters.
- 4) The City Council made advertising noise illegal in the 1930 and added the citizen complaint system in 1972. This survived many reforms, but it was apparently never promoted by the City.¹
- 5) The DEP does not explain advertising noise laws anywhere, to my knowledge.
- 6) The DEP does not mention or explain the noise citizen complaint program anywhere, to my knowledge.
- 7) The only reason there are other citizen noise complainants is because the two who started this are trying to recruit others to help address illegal advertising noise. They

¹ See attached extract from the 1930 noise commission report, provided to me by Charles Sturcken in response to my email to him, also attached. My email to him was in response to his remark made to me during a meeting of the DEP's air complaint working group, of which I am a member.

prepared a how-to, and the complaint form is being made publicly available.² The DEP, on the other hand, hides the citizen noise complaint program, providing no publicly available information.

- 8) The City's 311 system does not have a category for an advertising noise complaint, despite this activity being illegal since about 1930 in New York City.
- 9) The DEP and the NYPD have failed to enforce the prohibition against advertising noise, leading to a cancer-like spreading of this nuisance in some neighborhoods, where it in some cases, like on Roosevelt Avenue in April of last year, reached ear-splitting levels, way beyond just inducing stress. DEP issued some tickets here and there, but did not change behavior. One cannot expect the DEP to pick up the work should the citizen noise complaint program be discontinued.
- 10) Testimony from DEP and pro-noise lobbyists and noise polluters created the impression that "thousands" of businesses are being "terrorized" with "dozens" of summonses each. This is an exaggeration that cannot be true - the math doesn't add up. Using my own data³, I see 1,381 businesses with at least one 244(b) violation since 2020. 120 businesses have received more than 10 violations. Only 8 businesses have received "dozens" (24 or more) violations. They are:
 - Celtic Pub Restaurant
 - Hard Rock Hotel New York
 - Merrion Row Hotel and Public House
 - Nature Republic Flushing Inc
 - NY Cell Spot Inc (3805 Junction Boulevard, Queens)
 - Quality Bistro
 - Romantic Depot (Sunnyside)

² Via a virally distributed google doc so far, but soon at <http://nycquiet.org>

³ Current as of 10/10/2023 and excluding dismissals

- Virgil's Real BBQ Times Square

These eight should be showcased as scofflaws that persistently terrorize(d) the public with their profit interest. They are not “victims” of citizen complaints. Merrion Row, for example, was recently found in violation by the Appeals Unit of OATH - yet even afterwards it continues to blast its music directly to the sidewalk from two speakers in its awning, for NO REASON other than to draw attention to its happy hour sign board and menu. CELTIC PUB, despite its many summonses, continues to host live music inside its establishment, and blast that same music at ear-splitting levels to the sidewalk in front of its establishment from an outdoor speaker. These businesses' own victims are the tens of thousands of law-abiding New Yorkers asked to suffer the physical and psychological consequences of their shameless noise pollution.

Citizens have been very active over the last 18 months or so in the fight against commercial noise, and there has been significant success. In a city rife with vehicle engine and horn noise, construction noise, emergency sirens, helicopters, ice cream truck jingles, screeching subway cars, and countless other sources of unhealthy noise, commercial noise complaints provide a small but crucial way for citizens to improve the environment they live in—and that law-abiding businesses operate in. But citizens cannot do this (well) without the DEP playing its part. Right when I started submitting complaints in April 2022 the DEP could have started thinking about how to handle this. In emails to them, I alerted them of some of the risks that we are seeing today as problems, but the DEP did nothing other than making my life miserable by forcing me to pursue all the complaints myself, knowing very well that I would not want to do so, and running the clock in order to make sure additional time would pass between my complaint and me serving the summonses. What for? Why didn't the DEP send some inspectors around the known hotspots with flyers, saying a) what is illegal advertising noise and b) there are now citizen complainants with a powerful and potentially expensive tool in hand. The DEP could also

have issued summonses directly, on the spot, and talked to the violating businesses. Violators are not hard to find—you can often hear them from a block away. Or at least call up businesses when the DEP receives a complaint? Why would DEP make the businesses wait (and carry on with the noise pollution) to be notified until after DEP approves the summons for citizen prosecution and ultimately prepares and makes a summons form available to the citizen?

In their testimony the DEP did not mince words judging me and other citizen complainants. I believe this gives me the right to ask in return: Where is the leadership at the DEP? What is the DEP's accomplishment in all this other than having hidden this part of the noise code for 50 years (both the rules against advertising noise AND the citizen complaint component) and having first-hand knowledge of what was going on yet not doing a single thing that would have made both noise enforcement more effective AND softened the blow to some businesses that were un- or misinformed about the law and the citizen complaint program? Instead, all we get is lazy grandstanding and name calling in the testimony presented by the DEP's Angela Licata.⁴

The DEP shows that the very department charged with enforcement of the law against advertising noise does not even understand what the problem is. At length, Ms. Licata laments about issues they have with some participant(s) in the citizen air complaint (idling) program. To my knowledge, these issues have NOTHING to do with noise complaints, and they have NOTHING to do with the "two individuals" responsible for spearheading the program. Yet, her testimony appears aimed to create the opposite impression and must be rejected as slanderous by this council.

⁴ Parts of DEP's testimony are outrageous. I reject the characterization of my motivations and the suggestions of improper, disrespectful, or illegal conduct in the strongest terms. DEP needs to provide proof for the accusations and their linking to my person, and DEP should have provided me with an opportunity to respond before going public with it. They claim to have been in conversation with business groups about citizen noise complaints, but they had not one single conversation about this with citizen noise complainants.

Licata further reads out loud: “To make money more easily, a small number of people abused this enforcement option and have been targeting, harassing several businesses.” The DEP has never met with any of us and asked us for our motivation. Rather, they have simply written to us and told us most of our documented noise complaints are “GOOD.” How dare the DEP accuse us publicly of mere greed? I have engaged with other members of the public and created a guide for the pursuit of noise complaints specifically because DEP has utterly failed in its own mandate to do so—the lack of diverse complaints is squarely on them. The real difference between the ease of recording noise violations and that of idling violations is not the length of the video. These businesses do not leave music on from their outdoor and outdoor-facing speakers for seconds, but rather for hours. The difference is that NO ONE has been enforcing section 24-244(b), while idling enforcement since 2019 has been showing real results due to the participation of many more citizens, and due to public resources being spent to educate and enable those idling complaints. At first, as has been the case with noise, very few people were pursuing idling complaints, then the numbers grew as citizens helped each other and the DEP followed its legislative mandate to create a submission system. The DEP’s “hiding the ball” on noise and failure to enforce the law is responsible for businesses blasting away, abusing and terrorizing passersby and their neighbors on the one hand, but being sitting ducks for citizen enforcers on the other hand. By keeping quiet about the relevant sections of the noise code, DEP is not helping *anyone*!

DEP’s representatives at this hearing of October 16, 2023, displayed a disquieting ignorance about advertising noise and how to effectively police it. Licata said (extracted from a transcript):

As you can see on the map that we provided in the testimony that these citizens have been targeting specific areas of Queens and Manhattan. They’re mostly commercial areas where they can walk down the street and record sound for multiple businesses in just a few minutes.

Where else would one expect commercial noise violations but in “commercial areas”? And does the DEP not realize that citizen enforcers may live in or near such “commercial areas”? Further, as explained elsewhere, advertising noise spreads like cancer through commercial and mixed-use neighborhoods. Those who refrain from polluting are not only being hurt by dropping property values and the general loss of appeal of the neighborhood but also by noisy businesses siphoning away walk-in customers—or in some cases dissuading them from visiting any business in the immediate vicinity. Without enforcement, similar businesses may find themselves compelled to put a speaker out in a “race to the noisiest,” or else simply suffer the effects of noisy neighbors. Who wants to operate—or patronize—a yoga studio or daycare next to a cell phone shop that pumps out early 2000s electronic dance music throughout the day? It is surprising that there are so many honest businesses resisting this pressure, sticking instead to competing by offering high quality products and services at fair prices. However, the DEP makes it sound like “all businesses” or “thousands” of businesses are being hurt by the tickets when it really is only a small number of bad apples among a largely law-abiding business community.⁵

The enforcement being done through citizen enforcement is hurting businesses and is not helping communities.

Here, the DEP shows their flawed view that law enforcement is hurting those that are being brought into compliance (because violators are forced to pay fines for their infractions). Focusing on this aspect of law enforcement turns violators into victims, and enforcers into violators, and ignores the positive contributions of the vast majority of law-abiding businesses and the positive benefit to all New Yorkers of quiet. This explains the total failure of DEP to enforce the City’s rules against advertising noise. DEP claims:

⁵ Naturally, only businesses that received noise violations showed up to testify in support of intros 160 and 1194. Their law-abiding and suffering neighbors were not invited by the “Hospitality Alliance” to testify. Only those who received tickets. This large majority of law-abiding and neighborhood-friendly businesses need to be praised and encouraged, but the City Council’s and the DEP’s focus on presenting noise polluters as victims instead adds insult to injury to the non-polluting neighbors.

Citizen enforcement is happening in areas where we do not receive 311 noise complaints. No one is complaining about noise from Times Square in the middle of the day, but more than 1000 citizen complaint reports have been focused there.

The City's own 311 system *doesn't even offer a category for advertising noise!* And the noise of Times Square has caused "real New Yorkers," who know about the 311 system and are invested in using it, to simply avoid Times Square like the plague. The DEP's lack of enforcement created a sense even among some violators that their noise pollution was tacitly condoned or totally legal, as shown in some hearing testimony at OATH. With the DEP's failure to even publish information about the illegality of advertising noise, let alone the citizen noise complaint option, how would the public even know there is anything they are allowed to complain about? After all, advertising noise shows up in neighborhoods with multiple violators doing this all in the open with NYPD officers doing nothing about it, even when explicitly asked by citizens. To top it off, the worst violations have taken and still are taking place in underserved immigrant and low-income communities. Holding the lack of engagement of these communities with the (rather useless) 311 system against them, in effect denying them even an interest in a protected quality of life, is beyond the pale. DEP continues:

Even if this bill weren't acted as it is currently drafted, businesses could still receive many summonses and many summonses at once, having to take the time to defend themselves at an adjudication hearing and having to pay a significant fine.

The administration therefore wants to enact holistic reform legislation that would establish a fixed monetary payment for citizen enforcers, as this bill does, but would also ensure the businesses receive a summons in a timely manner and do not receive too many at once.

The DEP could have been doing much about this phenomenon by itself, by quickly issuing summonses based on valid complaints, substantially reducing the overall processing time, or at least reaching out to affected businesses with a phone call or a generic "heads up" letter to the named respondent. Better yet: With a suspected or emerging "problem" in select commercial

areas, visit the neighborhood and inform likely subjects of citizen noise complaints. Issue some summonses right on the spot, while you are at it! But no: DEP did everything it could to have this program hit the wall of negative perception in the business community - and now blames citizens for it. It is the duty of the DEP to improve enforcement practices, yet they did not even seek a word with citizen complainants about emergent problems. Having failed at their job, DEP is now asking City Council to gut advertising noise enforcement altogether, saying:

Limit citizen noise enforcement to overnight hours when these noise violations have a greater or negative impact.

Again, the DEP is showing a total lack of understanding what advertising noise even is: Speakers are put out in order to reach the attention of passersby, typically in the daytime when sidewalks are packed with many people (that is, many advertising targets). The damage to New Yorkers is in the psychologically and physically unhealthy overstimulation of our senses, the theft of our attention and focus, and the damage to other businesses that have to coexist with noisy neighbors. This is NOT general loud noise that always prevents people from sleeping which the DEP is supposed to enforce under other laws and which is unfortunately outside of the scope of citizen complaints under section 24-261. DEP goes on:

Create a cure mechanism so that businesses can work with the DEP to resolve an issue, avoiding the need to appear at a hearing and eliminating any potential fine.

Content not only with cutting the award for citizen noise reports to an insulting amount, limiting their enforcement hours where enforcement would miss advertising noise altogether (are cell phone shops open at 1 AM?), and adding additional unspecified restrictions, the DEP further wants to protect violators by offering them a cure. However, speakers are not being used for advertising by accident and not knowing the law is not a defense! A cure means no deterrent; businesses will break the law until they are caught (and, as we have seen with mitigation by OATH policy, break it again after they lock in their \$0 penalty). Further, the City's sidewalk cafe

rules and Open Restaurant rules explicitly prohibit amplified sound. What good would such a cure option do other than turning advertising noise enforcement into more of a joke than it already would be in the absence of an effective citizen complaint system? The obvious goal of the DEP is to discourage citizen enforcement, and thus to make the advertising noise enforcement disappear altogether, without saying so:

- The department will not magically ramp up its so far almost non-existing enforcement
- Citizens will be deprived of incentives to participate
- Citizen enforcement will be limited to hours where the problem barely exists and where citizens are unlikely to even be awake
- By offering a protection against multiple summonses and a cure option, the DEP wants to deprive the law of both its punishment AND its deterrence power, rendering it neutered and meaningless, and contradicting the clear purpose and extensively documented deliberation behind City Council's original 1972 legislation.

The DEP's testimony is speaking in clear language: "Noise polluters, blast away! Your neighborhoods are there to serve the loudest of you, and your neighbors better keep up or put up! Citizen enforcers are morally corrupt individuals and add no value but cause a lot of harm to our dear noise polluters and must be fought to the fullest extent of the City Council's abilities, but please without damaging the appearance of NYC having a really good noise code." The apparent motto of the DEP? "Speak loudly and carry a short stick." Is this what NYC stands for?

Dietmar Detering, Queens, NY



Dietmar Detering <ddetering@gmail.com>

Sunnyside businesses

1 message

Dietmar Detering <ddetering@gmail.com>

Wed, Dec 21, 2022 at 9:22 AM

To: "Sturcken, Charles" <CharlesSt@dep.nyc.gov>

Dear Charles,

Thank you for mentioning that Sunnyside businesses reached out to you. I was surprised because Sunnyside is not the focus of my work. I file most noise complaints against businesses in Jackson Heights, Corona, and Midtown.

That being said, there is one business in Sunnyside that is a notorious violator of 24-244(b) and they have received, and will receive, several summonses from me, yet they keep violating: Romantic Depot at 4702 Queens Blvd. They are not the only ones where my tickets show no result and I wonder what is going on:

- In Manhattan, Park Central Hotel is unmoved by my summonses, now encouraged by a recent dismissal, which I consider appealing, but I haven't received the decision yet. (Took over 30 days to show up - hearing on 11/16.)
- In Queens, some businesses skip registration with the DCA, even store signage, and move from vacant store to vacant store and have avoided hearings by either rescheduling or defaulting. Violations ongoing.
- Also in Queens, some stores have been encouraged by OATH dismissals, all on appeal, after hearing.

Several businesses have reacted properly and removed the speakers and stopped violating, so I am not entirely discouraged. However, I am very curious as to what your office tells businesses that inquire about my summonses.

FYI: In Midtown, businesses had reached out to NYPD who told them that my summonses were bogus and deserve no attention. Eventually, the officers reached out to me and I think they have corrected their misinformation since then.

Communication is key, certainly out of fairness to business people, many of whom appear genuinely surprised about these summonses. Given that I expect to prevail with each summons, whether in hearing or appeal, it is important that DEP correctly reflects the law in your communication. I would also welcome DEP inspectors making on-site visits at a number of businesses that are the most blatant violators. Show your badge, talk to management, confiscate speakers, etc. - and make a lasting impression. I can provide a list with names and addresses - it should make for a very rewarding day in the field.

I expected this venture into noise complaints to be a very short program: Naturally, Roosevelt Ave and Junction Blvd would turn quiet once word of the first summonses gets around! But that is not the case. Perhaps deploying speakers is so rewarding, in particular now with half the competition being quiet, that paying fines (if ever) is simply the cost of doing great business.

I do not want to keep making noise complaints all by myself for the rest of my working life. If DEP can do something to help put an end to 244(b) violations I certainly welcome it.

Kind regards,
Dietmar Detering

The Noise of Radios

It is one of the curious reactions of the human system that sounds which may be pleasurable at some time are mere noises at others, that music in the home may be disagreeable racket in another's home, that a symphony in the evening may be a nuisance after midnight.

There are two parts to the problem of radio noise; of these the worst and most often complained against is the use of blaring loudspeakers on the street to attract attention or to serve as advertising. Closely allied in this respect with the window buzzers and other racket makers of cheap clothing merchants and auctioneers, the commercial loudspeakers must be operated at great intensity to be effective. The noise therefore rises above the street traffic level. It is sometimes equivalent to that produced by an automobile horn continuously at full blast.

In neighborhoods where there are many persons trying to sleep, study, or concentrate, such an outpouring of giant sound can never be anything but torturous. The situation is aggravated because of the utter uselessness of the noise, judged from the standpoint of public necessity or convenience. A merchant who resorts to this means of advertising his store or wares is inconsiderate of his neighbors and the welfare of the community; he is a positive menace to peace, comfort, and health.

The Commission has had cases called to its attention where these loudspeakers in residential neighborhoods poured forth their intolerable clamor all day long and far into the night. Protests to the owners were useless; they refused to be reasonable or courteous, maintaining that every man has a right to operate his business and its advertising as he pleased—a specious argument which, if carried to its logical conclusion, would make the city uninhabitable!

A case in point was that of a proprietor of a radio store in Brooklyn, whose loudspeaker so stirred up his neighbors that they appealed to the courts. He was found guilty in Special Sessions of maintaining a nuisance and was fined \$200 in the action, which was instituted by a physician acting at the behest of neighbors.

Code makes the employment of such noises a clear violation of law that can be punished like other violations of the Sanitary Code without the necessity of proving a public nuisance.

To assure doubly the effectiveness of these measures an amendment to the Code of Ordinances was proposed by the Commission, and introduced in the Board of Aldermen by Alderman Murray W. Stand. It was adopted Tuesday, May 20, 1930, as follows:

"Be it Ordained by the Board of Aldermen of the City Of New York as follows:

Section 1. Article 12 of chapter 23 of the code of ordinances of the city of New York is hereby amended by the addition of a new section following section 136, to read as follows:

Sec. 137. Radios, phonographs and other sound devices.

No person shall use or operate, or cause to be used or operated, in front or outside of any building, place or premises, nor in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to a public street or place, any device or apparatus for the amplification of sounds from any radio, phonograph, or other sound-making or sound-reproducing device without a permit from the police commissioner therefor, nor in any case within two hundred and fifty feet of a school, court house or church during the hours of school, court or worship, respectively, nor within two hundred and fifty feet of any hospital or similar institution.

Sec. 2. The table of section headings of article 12 of chapter 23 of the Code of Ordinances is hereby amended by adding the following line at the end thereof.

137. Radios, phonographs and other sound devices.

Sec. 3. This ordinance shall take effect immediately."

This amendment will put a stop to offensive noises produced by loudspeakers in public streets and places, but will permit, for reasonable and legitimate purposes, public announcements by loudspeakers, on special occasions in places where citizens will not be disturbed, on permit from the Police Department.

It will be observed that the amendment to the Sanitary Code is broad enough to cover radios privately operated in homes, but so abused by their owners as to disturb neighbors at unreasonable hours. The problem of privately owned radios, is, however, a

Dillon Cohen
East 16th Street,
New York, NY, 10003

New York City Council
landusetestimony@council.nyc.gov

October 19, 2023

Dear City Council Member Carlina Rivera,

Unfortunately I was unable to attend the October 16th hearing in person so I am writing to share my opposition to the two new bills — [Int 0160-2022](#) & [Int 1194-2023](#) — that were presented to the Committee on Environmental Protection.

These bills will essentially gut all noise restraints coming from restaurants, bars, outdoor dining sheds, clubs and cannabis shops with miniscule fines on “noise-violators” that will reduce any kind of enforcement to a farce.

The weakening — of already weak noise laws — will affect our home, our family, our sleep, and our health.

In February of this year, my wife was diagnosed with Long COVID, dysautonomia, by Dr. David Putrino at Mount Sinai. It is possible that our living conditions — the extreme & stressful daily noise levels six days a week — exacerbated her symptoms, contributing to the tachycardia attacks. Her life activities have been reduced by 70%.

We are residential tenants in a mixed-use building in a mixed-use neighborhood in Union Square in Manhattan. I have lived on this block since 2001 and have experienced an ever-degrading quality of life over the years. The departure of beloved NYC establishments Union Square Café and Coffee Shop signify a shift in our quiet residential street to a chaotic and noisy block now occupied by chain restaurants, outdoor dining huts with amplified music, construction sites, Breads Bakery with their many noisy refrigerated trucks and an obnoxious boxing club/bar next-door.

I oppose these pro-nightlife efforts to weaken the NYC Noise Code. It is my understanding that these efforts are strongly supported by the Hospitality Alliance, a group which favors bars and restaurants over residential neighborhoods. As we live in a neighborhood affected by dreadful noise we are left in a position where we are constantly fighting for quiet and Quality of Life.

Isn't it enough that the City Council passed LU-0012-2022 (Resolution 53) in 2022, and this last August passed Local Law 121? These laws erode the quality of life for those of us who live, work, sleep and make our homes in these neighborhoods of NYC.

We demand protection from businesses that demonstrate a complete lack of regard for how they affect our lives.

Almost all — if not *all* — of these business owners do not live in our community. Yet they are allowed to operate as they wish, creating havoc for those of us who do live here.

The last two years have been awful in our home due to the noise from the demolition / construction at 16 east 16th Street. It has been unbearable. The noise levels that I have recorded have reached 85 – 90 decibels.

We do not understand how the Sidney Hillman Health Center, a Free Family Health Clinic, was allowed to be replaced by a Private Members Club.

We have just learnt that it will also comprise a Hotel with three (3) outdoor roof bars, street dining, and daily hours until 4AM. This is unacceptable.

NYC Noise Code Quiet hours are 10 pm - 7 am. 16 east 16th street is in violation. Their construction starts daily at 5:30 am weekdays and they also work every Saturday.

We never received a single communication from 16 east 16th street re any of their proposed works. We never received any warning that *any* of this was going to happen.

We are considering hiring a lawyer to find out what our Rights are, and how we can stand up to the assault we face every single day from 16 east 16th street.

As well as NOISE the disruption includes daily street closures. Our block is essentially closed to traffic as the construction site has taken over the block. We cannot schedule deliveries or pick-ups. We cancelled our NYTimes subscription as they can't deliver.

Unfortunately, the noise & stress from construction is only the beginning of our woes with 16 east 16th street. We just learnt that they will have 3 outdoor rooftop bars and have requested daily operating hours until 4AM. We say NO WAY!!!

We understand that COVID wreaked havoc for businesses in NYC. We are also human beings and lived through this traumatic event in our city. We have also had our work affected. We can empathize with business owners. This should not be an excuse for our neighborhood establishments to essentially create their own noise regulations and bully their way into creating a system that works for them to the detriment of life.

Those of us who live in mixed use neighborhoods in New York City have the right to peace and quiet and the possibility to relax and enjoy our homes. We have not been able to do that for years now. (Local Law 11 is another disaster. We live on the second floor and were traumatized at having to live for years with construction workers sharing our home.)

Honestly, the last few years it feels like we have been living under attack. On a daily basis the noise reaches levels that could be considered a form of torture.

We also suffer from light torture as the lights in the car park at 6 east 17th street are insanely bright and shine directly into our bedroom.

The lights in the car park create all kinds of NOISE issues. The car park lights make it attractive for people to carry out all kinds of activities in the car park. On any given night there have been (unpermitted) film shoots, music video film shoots with drones, amplified musical performances, skateboarders, basketballers, and hordes of people climbing from the car park onto the fire escape outside our bedroom window.

As residents, the only thing we can do is call 311 to make a noise complaint.

Noise is the top 311 complaint. With over 525,000 annual noise complaints from 311 the NYPD cannot respond to all complaints. NYPD, with a 30% staffing shortage, must give priority to answering 911 calls. **This system works for no one.**

We have the right to a good night's sleep.

We have the right to our health and sanity. Or do we?

I am sure you know that noise and light pollution are well-documented health hazards. They are both used as forms of torture.

I am aware that as City Council members you are tasked with representing the interests of your constituents. Thank you for serving our city and your constituents.

Please demonstrate that you work for the benefit of us — tax paying residents of NYC — not for the for-profit hospitality and tourist industry, by opposing the proposed bills.

I urge the City Council to support residential community life by OPPOSING these proposed bills.

Thank you for taking this matter seriously.

Sincerely,

Dillon Cohen

I am a resident of a mixed use neighborhood in lower Manhattan. Our community has been upended and transformed by the noise escalation that was a result of the rule changes that allowed outdoor dining to expand during Covid.

Covid is gone, the rules remain, and any expansion of them will unduly burden those of us trying to make the city our home.

Please defeat these bills by voting against them

Sincerely
Donald Eddy
Broadway
NYC

Written Testimony with regards to proposed bills T2023-4002 and Int 0160-2022

To Whom It May Concern,

I am the owner of Döner Haus, a small restaurant located in the East Village. Unfortunately, recent events involving frivolous noise summonses have jeopardized not only my business but the financial wellbeing of countless other small establishments in the city.

Firstly, I must highlight the glaring issue of the misuse of the NYC code 24-244(b), the basis upon which these so-called noise bounty hunters operate. Shockingly, this regulation is but a footnote on the official NYC website and is completely absent from the NYC Noise Code guidelines. I adhered meticulously to the city's published sound level guidelines, fully believing I was in compliance. Imagine my surprise when I was maliciously cited for violating code 24-244(b), a regulation that is not even mentioned in the official NYC noise code summary PDF: <https://www.nyc.gov/assets/dep/downloads/pdf/air/noise/noise-code-guide-summary.pdf>

The severity of this issue came into sharp focus when my establishment was targeted by a Citizen Complainer (CC) named Dietmar Detering. Mr. Detering fabricated evidence to an egregious extent, a fact that became evident only during the summons process. In one instance, he presented an image in which he circled a non-existent speaker, falsely claiming it to be deployed outside my restaurant. Mr. Detering also claimed he “personally observed this restaurant deploy a speaker, outside”. Not only was there no speaker outside, and not only was it impossible for him to see a speaker being deployed, but Mr. Detering himself admitted to not knowing if there was a speaker and hence just circled something at random. I happened to be able to prove this, but many other small businesses are not. This malicious manipulation of evidence points to a systemic issue that extends far beyond my individual case and threatens the livelihoods of many small business owners. It is deeply alarming that such blatant fabrication is not only tolerated but also capable of bypassing due process to impose financial penalties on targeted businesses.

Moreover, Mr. Detering's methods involve a disconcerting level of professionalism aimed at damaging small businesses. He utilized a professional hidden camera (not a phone camera), edited the video with specialized software, and it appears that he altered audio levels to make the sound seem louder than it actually was. In contrast, daily surveillance videos taken from the inside and outside of my establishment clearly show that our noise impact on the external environment is negligible.

While a fine of \$440 may appear minimal, the long-term ramifications are substantial. These fines divert essential funds from business growth and employee benefits. They force owners to spend precious time gathering evidence and preparing for legal battles, which detracts from focusing on providing quality service to our customers.

In light of these issues, I commend Councilmembers Gennaro and Holden for introducing legislation to put an end to this extortionate misuse of old laws. I implore the DEP and the City

Council to act expeditiously in passing these bills. Small businesses like Döner Haus should not have to consider such fines and legal manipulations as a "cost of doing business."

Thank you for your attention to this urgent matter. I look forward to witnessing the City Council take meaningful action to protect small businesses, which are the backbone of New York City's vibrant culture.

Sincerely,
Nikolaus von Solodkoff
Owner, Döner Haus

Testimony of Edrie Cote (### West 28th Street, NY, NY 10001)

Submitted to the New York City Council Committee on **Environmental Protection**, Resiliency and Waterfronts

RE: NOISE POLLUTION

[Int 0160-2022](#) exempts from the noise code “music originating from an interior space” — that would be a space like a restaurant, a bar, a club, or a weed shop.

[Int 1194-2023](#) would cap the fines on a “noise-violator” to \$5 if the offense was reported by the City Department of Environmental Protection and \$10 if reported by a citizen who is sick-and-tired of being assaulted by noise-for-profit coming from a neighboring business.

The two bills under consideration in concert with LU-0012-2022 and Local Law 121 would effectively permit restaurants to keep their windows and doors open 14 hours/day, blasting music into streets and homes of nearby residents with no fear of a fine larger than the cost of a side of bread.

I urge you to place concerns for voting residents over and above commercial hospitality industry interests.

My name is Eileen King. I serve as Board President of a Mitchell Lama Cooperative, Inwood Tower, located at 11 Fort George Hill, New York, NY 10040 and home to 189 families.

For four years our residents have been actively engaged with Community Board 12, with the 34th Precinct seeking protection from the assault we experience daily but especially over the weekend from extreme noise caused by street music.

Over and over again we have heard only frustration from our Community Board and the Precinct that they are limited in their ability to correct the conditions that keep us awake all night with blasting music. Their hands are tied.

Under pressure from the Hospitality Industry, the city council already has eroded basic protections: LU-0012-2022, already adopted --restaurants can keep their facades open while they are operation. Local Law 121, already passed--restaurants and bars allowed to operate from 10 am to 12 midnight indoors and outdoors, even in residential neighborhoods!

We appeal to this committee to recognize residential New Yorkers –people who live in New York City- are entitled to environmental protection. We are entitled to protection from sources of loud music coming from restaurants and bars and stores that have blast music relentlessly. We have nowhere to go to escape from this noise—day or night.. We are entitled by law to the quiet enjoyment of our homes and neighborhood. We are entitled to open our windows for fresh air without being subjected to unwanted loud music.

There are scientific studies that can verify the negative impact of relentless noise on physical and mental health and the negative impact on children and their cognitive development.

As Board President an on behalf of our 189 families I appeal to this committee to oppose

- Int 0160-2022* exempts from the noise code “music originating from an interior space” — that would be a space like a restaurant, a bar, a club, or a weed shop.
- Int 1194-2023* would cap the fines on a “noise-violator” to \$5 or \$10

Put it all together! Under these combined four laws, restaurants can keep their windows and doors open 14 hours a day, blasting music into the streets and homes of nearby residents with no fear of a fine bigger than the cost of a simple sandwich.

The City Council is obligated to protect the basic quality of our lives at home.

Eileen King
Fort George Hill ### ###
New York, NY 10040
Eileenking7g@yahoo.com

October 17th, 2023

Honorable Members of City Council,

I am writing to urgently express my deep concern about the potential weakening of already weak noise laws and its profound impact on my home, my family, my sleep, and my health. **The adverse effects of excessive noise on our well-being cannot be understated, and it is crucial to consider the significant health and stress-related implications.**

As a resident in this community, I have the right to enjoy a peaceful and quiet living environment. However, the current exemptions and proposed changes to noise regulations, such as Int 0160-2022 and Int 1194-2023, significantly undermine these rights. The exemption of "music originating from an interior space" allows commercial entities like restaurants, bars, and clubs to generate excessive noise without any accountability.

The proposed caps on fines for noise violations, as outlined in Int 1194-2023, are shockingly low. A mere \$5 fine if reported by the City Department of Environmental Protection and \$10 if reported by affected citizens are insufficient deterrents for noise-for-profit businesses. This means that the noise assault on my home and family could continue with little to no consequence.

Additionally, LU-0012-2022 (Resolution 53) permits restaurants to keep their facades open at all times of operation. This means that the relentless noise from these establishments can permeate into my home, disrupting my sleep and causing unnecessary stress and frustration. The constant barrage of loud music and noise pollution affects not only my own well-being but also that of my family members.

Numerous studies have demonstrated the detrimental effects of prolonged exposure to excessive noise on human health. Continuous exposure to loud noise, particularly during nighttime hours, disrupts sleep patterns and leads to chronic sleep deprivation. As a result, individuals experience fatigue, decreased cognitive functioning, and an increased risk of accidents and injuries due to impaired alertness.

Furthermore, excessive noise exposure has been linked to heightened stress levels. **The constant assault of loud music and noise pollution triggers stress responses in the body, leading to increased blood pressure, heart rate, and the release of stress hormones like cortisol.** Prolonged exposure to these stressors can contribute to the development of cardiovascular issues, such as hypertension and heart disease. The impacts of excessive noise extend beyond physical health. Chronic exposure to noise pollution can have severe psychological consequences, including heightened irritability, anxiety, and depression. It disrupts concentration, impairs productivity, and negatively affects overall mental well-being.

In the context of my home, the proposed weakening of noise laws would further exacerbate these health and stress-related concerns. It would subject me and my family to continuous noise assault, preventing us from finding respite and relaxation within our own living space. The resulting sleep disturbances, heightened stress levels, and compromised mental health would significantly diminish our overall quality of life.

I implore you to consider the profound health implications of excessive noise and the critical need to protect residents from its harmful effects. Strengthening noise regulations and ensuring their enforcement is essential for safeguarding the well-being and tranquility of individuals and families in our community. **Commercial entities must be required to coexist respectfully with their neighbors, and should suffer significant consequences if they fail to do so.**

Please prioritize the health and peace of mind of residents by taking immediate action to preserve and enhance noise laws.

Sincerely,
Elizabeth Lussenhop

Dear City Council Members,

I am writing to adamantly oppose the 2 new bills - Int 0160-2022 and Int 1194-2023 that were presented on Oct. 16th to the Committee on Environmental Protection. These bills will essentially gut all noise restraints coming from restaurants, bars, outdoor dining sheds, clubs and cannabis shops with laughable fines – insulting even! – on “noise-violators” that will reduce any kind of enforcement to a farce.

Isn't it enough that the City Council passed LU-0012-2022 (Resolution 53) in 2022, and this last August passed Local Law 121? These laws absolutely erode the quality of life for those of us who live, work, sleep, raise families and make our homes in NYC. We demand protection from businesses who callously demonstrate a lack of regard for how they affect our lives from business owners who don't live in our communities.

I am a residential tenant in a mixed-use neighborhood near Union Square in Manhattan, and have experienced an ever-degrading quality of life here over the years with the advent of restaurants, outdoor dining, clubs and bars. For example, Lilies, the bar across the street is open until 2 am regularly blaring loud music with its doors wide open to attract customers. The noisy, inebriated patrons will yell on the street at all hours showing no consideration for the people who live here.

Those of us who live in mixed use neighborhoods in New York City (and there are a lot of us!) have the right to quiet use and enjoyment of our homes. We have the right to a good night's sleep. We have the right to our health. I'm sure you know that noise pollution is a well-documented health hazard. I am aware that as s City Council members you are tasked with representing the interests of your constituents. Thank you for serving our city and your constituents. Please demonstrate that you work for the benefit of us - the tax paying residents of NYC - not for the for-profit hospitality and tourist industry, by opposing the proposed bills.

Thank you,
Emma Gillam
E 17th Street
NY NY 10003

I write to object in the most strenuous terms possible to the plan to reduce the award for noise reporting to five or ten dollars, a (literally) criminally low amount. It would be better to make it zero, at least Respondents would not be able to make the (always rejected) claim that a monetary inducement prejudices the citizen's testimony. This reduction is insulting, harms the program irreparably, and is meant to do both things. Shame on Gennaro, and anyone and everyone who supports this.

Ephraim Rosenbaum

TESTIMONY REGARDING OCTOBER 16, 2023 ENVIRONMENTAL HEARING AND
OPPOSED TO NOISE-INCREASING GENNARO INTRO 1194 AND HOLDEN INTRO 160

First, thank you for Keith Powers for your excellent, noise-reducing bills. And now, to discuss the bad ones, Intros 1194 and 160 which will drastically increase noise pollution in New York City.

In the early 1970s, New Yorkers realized that city agencies, namely the NYPD and the DEP, were failing to enforce our noise laws. They knew that chronic noise is not a mere nuisance, but also harms our sleep, our health, our learning, and even our lifespans. So City Council, in passing the 1972 Noise Code, wisely enabled and monetarily encouraged members of the public to also enforce our noise laws against businesses that purposely direct their advertising noise to the public sidewalk.

Unfortunately, in 50 years, the DEP never explained to the public as how they could participate in enforcing the noise laws. But in 2022, the public, sick and tired of the city's non-enforcement, read the noise code and again insisted that, yes, they did have a right to fight for a healthy soundscape in New York City.

OATH has treated businesses more than fairly at noise hearings. 80% of citizen-based noise summonses result in an in-violation finding, much higher than the 49% for NYPD OATH summonses. Nonetheless, OATH has very generously issued \$0 fines when the businesses stop their noise pollution by the time of the hearing. And where businesses have an alternate explanation for the music, like outdoor dining, OATH has been dismissing the tickets. Only the persistent and entirely unnecessary noise polluters have anything to fear from citizen enforcement, at present. For responsible businesses, the only consequence of a ticket is free education as to the noise laws.

The results of the past year of citizen enforcement have been outstanding. Numerous businesses in neighborhoods like Midtown Manhattan, the Village, and Corona Queens have stopped unnecessarily blasting their music and advertising come-ons directly to the sidewalk. Citywide 311 noise complaints have dropped from about 766,000 in calendar 2021, to about 666,000 in the past 12 months. That's a 13% citywide reduction in noise-tormented New Yorkers. The public, overall, loves the citizen enforcement too, including, as you will see in the written materials I am submitting, including such disparate groups as NY Post readers and the residents of Corona Queens. **(Exhibit 1 hereto)**. All that is really needed, on top of our current citizen enforcement laws, is better education as to our noise laws to businesses and to the public. To finally make it clear to businesses, like Swing 46, whose building has received in hundreds of 311 complaints, that they need to finally stop polluting our city with illegal noise.

Unfortunately, these massive quality of life improvement from citizen enforcement may be no match for industry money and political favors. James Gennaro took thousands of dollars from the wife of industry lobbyist Robert Bookman. **(Exhibit 2 hereto)**. And, as you will see in the FOIL'd correspondence I am submitting, Gennaro enthusiastically introduced Intro 1194 at Robert Bookman's request. **(Exhibit 3 hereto)**. And Intro 1194 would cap citizen incentives at a level that would not even cover the expenses of a noise enforcement proceeding, let alone the

many hours of work that may be required. Intro 1194 will end citizen enforcement of our noise laws, and our city will be noisier than ever.

Intro 160 of Bob Holden would likewise create a hellish, noisy soundscape on our sidewalks. For example, under Intro 160, unregistered weed shops, which have been blasting loud music from just inside their storefronts, through open doors, to the sidewalks, would become immune from enforcement.

New Yorkers deserve better than unnecessary and harmful commercial advertising noise. New Yorkers deserve better than James Gennaro's Intro 1194 and Bob Holden's Intro 160. Thank you.

Sincerely,

/Eric Eisenberg/

Eric Eisenberg

EXHIBIT 1
(PUBLIC
COMMENTARY
LARGELY IN
SUPPORT OF
CITIZEN NOISE
ENFORCEMENT)

Share your stance. Please adhere to our [guidelines](#).

Join the conversation

Sort by **Best** ▾

QG **Queens Guy** ...
6 August, 2023

I think the managers of these places are 100% correct. Something should be done to stop these fines. Umm, let's see....maybe, follow the law? How about these places actually adhere to regulations that are designed to mediate between small business owners' interests and the rights of the neighbors. Yeah, that's a good way to stop the fines, don't you think? Y'know, like stopping fines for running red lights is easy, don't run red lights.

Reply - 👍 23 - Share

RP **Reasonableness Please** ...
5 August, 2023

I'm with the citizen reporters on this. Thank you! This business had an illegal outdoor speaker, annoying everyone who walked by, and now it is complaining and suing over getting tickets? It probably had a bajillion 311 noise complaints against it that went ignored before this.

Reply - 👍 87 - Share

W **WS** ...
5 August, 2023

Swing 46 and Don't Tell Mama are horrendous neighbors to those of us who live nearby - they BLAST their music and often off key singers outdoors to the street in general. You can hear the raucus hundreds of feet away. No bar has the right to disturb an entire neighborhood by blasting noise outside their establishment in the hopes of attracting a few people inside.

Reply - 👍 67 - Share

[...]

W**waxpoetic**

5 August, 2023

Just because a few people are mad that some enterprising people are making bank, that's no reason to reform the law.

Here's a new idea:

OBEY THE LAW.

Reply · 🌟 21 · Share

M**MikeO**

6 August, 2023

correct... noise pollution KILLS

Reply · 🌟 15 · Share

WH**Woo Hoo**

5 August, 2023

These illegal outdoor speakers have gotten out of control. NYPD ignores complaints. Glad Eisenberg and Detering making our city quieter!

Reply · 🌟 34 · Share

TB**Tired of the BS**

7 August, 2023

Making their bank accounts bigger is the only thing they're doing, and New Yorkers are paying for it with their tax dollars.

Reply · 🌟 1 · Share

PL**Post Lover**

7 August, 2023

The noise polluters are actually paying for it. By contributing fines, 50-75% of which goes to the City, LOWERING everyone else's tax bills.

Reply · 🌟 5 · Share

PL**Post Lover**

5 August, 2023

This is insane. Swing 46 needs to obey the freaking law. Why are we coddling lawbreaking clubs? Ticket them until they stop being obnoxious. Toss this speech-stifling lawsuit.

Reply · 🌟 50 · Share

N**NK1947**

6 August, 2023

Well somebody has to do it since these complaints often go unanswered by the NYPD. 311 telling you someone will respond within 8 hours isn't very helpful when you are being kept awake at 2:00 A.M. A lot of these places are bad neighbors and have no consideration for the community, their only concern is their profits from selling alcohol. New Yorkers pay a premium to live here and should expect noise codes and liquor license restrictions be enforced!

Reply · 🌟 10 · Share

ME**Manhattanite Extraordinaire**

5 August, 2023

Walked passed this club on W 46th last week. Greedy, noisy, loud business. Keep up the enforcement until they behave.

Reply · 🌟 26 · Share

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5.4M

Student get back instant karma from teacher

00:10 / 00:10

Speed



electrousa8905

Electro USA 89-05 · 7-6

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#no mas tickets#mrDietmar Deterin#business owners queens

original sound - Electro Usa 89-05

432 comments



Log in to comment



Luizito G

Good

7-6 56 Reply



Gio

Good job

7-6 45 Reply



Electro Usa 89-05 · Creator

Hi, it music inside the store ,no outside . I do not justify people that dont follow rules but its about not abusing the system just to get 50% commis

7-6 11 Reply



Mary

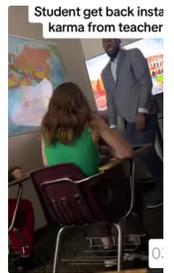
If the noise is moderate because they give them a ticket. , sounds counterproductive. The decibels should be in a normal percentage. I got lost

7-8 1 Reply



JNYC

You may like



Student get back instant karma from teacher

datmauday

17h ago 492.9K



#rabbit #cute

tianyuanmengchong

7-18 18.6M



I don't know who needs to hear this but . You're awesome

thesappyseals

2d ago 55.2K



One of the popular kids made this ed FRICK THE ATUDI

vivade1libertad

18h ago 3

+ Upload

They usually have a

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- 👤 Following
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Log in to follow creators, like videos, and view comments.

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 7-6 ❤️ 36 Reply
- 
NYVivi 🍌🍌
 great job 🍌
 7-6 ❤️ 14 Reply
- 
Anna
 Good job !! 🙏 no more noise
 7-8 ❤️ 9 Reply
- 
luna197317
 Let's do it.
 7-6 ❤️ 12 Reply
- 
user4815908411196
 🙏 good 👍
 7-6 ❤️ 7 Reply
- 
Family_Bbq_Beer
 Keep up the good work.
 7-6 ❤️ 7 Reply
- 
alfredangeles8
 tikes.. 😊😊😊😊😊😊
 7-26 ❤️ 1 Reply
- 
Luis
 Great job!!
 7-21 ❤️ 0 Reply
- 
GoFurself
 Good.
 7-21 ❤️ 0 Reply
- 
David
 good 👍
 7-21 ❤️ 0 Reply
- 
Milton Sumba
 Good job
 7-20 ❤️ 2 Reply
- 
Christian G.
 keep it up Dietmar
 7-20 ❤️ 2 Reply
- 
Gina
 🍌🍌🍌🍌 good job
 7-20 ❤️ 0 Reply
- 
Yvette Moreno585
 Good job 🍌
 7-19 ❤️ 0 Reply
- 
Ximena
 Good job 🍌🍌🍌🍌
 7-12 ❤️ 2 Reply

Hide ^



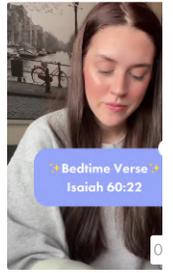
Isaiah 57:1 #isaiah #bookofisaiah #readingthebible moments.in.creation 8-16 ❤️ 1.1M



Prayer Changes Things! #preachl #prayertimes... unapologeticshanti 3h ago ❤️ 5369



#fpytsu #foryou #film #filmclips #movie alvardo.nb 1d ago ❤️ 367.5K



God's timing > our timing #dailybibleverse. herfaithfullife 7-25 ❤️ 1.4M



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- 

user7597096358799
Good job
7-9 ❤️ 1 Reply
- 

safe strain
wow
7-7 ❤️ 1 Reply
- 

Esau
perfect
7-6 ❤️ 4 Reply
- 

LBURGOS1 PR 100x35PR
👏👏👏 bravo for the noise, it is noise, it is not justified 🤪
7-6 ❤️ 87 Reply
- 

Electro Usa 89-05 · Creator
Hello, you have to understand that these are tickets for having music inside the store where you pay rent, music with a moderate volume,
7-6 ❤️ 13 Reply
- 

Ping more
That's what you say moderate 😊
7-6 ❤️ 13 Reply
- 

LBURGOS1 PR 100x35PR
Thanks for clarifying and informing
7-6 ❤️ 0 Reply

View 13 more
- 

user235118609229
Congratulations an award to the Lord
7-6 ❤️ 36 Reply
- 

Electro Usa 89-05 · Creator
He puts up a lot of tickets for the same problem, I won in court but he is benefiting for his own pocket.
7-6 ❤️ 2 Reply
- 

blackdragon10508
Who is he??? And how can you benefit from the tickets??? If it is a common citizen, throw the tickets in the trash, simple
7-6 ❤️ 1 Reply
- 

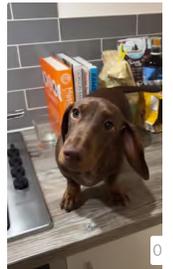
Hand made by Raul
You have to watch the video part one so you understand that he is a living person who doesn't look like he lives in the area.
7-12 ❤️ 0 Reply

View 2 more
- 

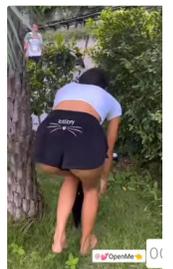
Trianarico_77
that seems perfect to me!
7-6 ❤️ 35 Reply
- 

The guy from 8
You have to congratulate him
7-6 ❤️ 13 Reply

#Felix's Shuedon Family Yut Game Punishment Video
jypestraykids
1w ago ❤️ 3.5M



It wasn't me #sausagedog #minaturedachshund
woodythesausagedog
3d ago ❤️ 511.9K



valenrvw08k
20h ago ❤️ 6



PART 6 | The best pick-up lines on the internet! #felipen
c0rtes.ttk
9-27 ❤️ 238.3K



May God remember your financial situation. Type...
houseofhostingheaven
3h ago ❤️ 5466

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em on all the light posts.

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Jairito With You

It is an abuse of the system, that should be regulated 🙄

8-28 0 Likes Reply



Jay

Please come to the Bronx and give everyone a tip 🤔🤔

7-31 0 Likes Reply



alfredangeles8

Let Mr. Dietmar tell us how we can help him so we can put an end to his excesses in these businesses more quickly..🤔👍👍

7-26 1 Like Reply

View 1 reply



alfredangeles8

bn..felicidades necessary mor people like him!👍👍👍

7-26 0 Likes Reply



Jose Luis Flores Cap

Let the hairdressers come here in corona because they are noisy and party because they put on speakers and drink loudly for the...

7-24 0 Likes Reply



Maribel Sinchi45

Very good job 👍👍👍

7-22 1 Like Reply



Lorena

There are people who are happy, they are merchants, they sell a lot of sound equipment, it is a commercial area, what is the problem?

7-21 1 Like Reply



Tatyn1965

You can't have over-the-top music here. It is even measured by decibels. Either they control themselves or they control them

7-21 0 Likes Reply



Luis Pillco

a round of applause for the Lord

7-21 2 Likes Reply



fabileon

Very good 👍

7-21 1 Like Reply



Rosario

How good 🤔🤔🤔🤔🤔

7-20 1 Like Reply

View 1 reply



Google User

Excellent 🤔

7-20 0 Likes Reply



marcoenriquez3812

How good you have to congratulate him

7-20 0 Likes Reply



6 signs of fake love #love #advice #relationship

jrfrolin 8h ago 93.2K Likes



Im tired. #motivation #mindset #inspiration #husband

mental_mindset_ 8-9 1.9M Likes



Replying to @MillyBella there's no Bella Funniest

They are 1 9-14 85.5K Likes



Women have more brain cells? #garybrecka...

brecka.clip 2d ago 1M Likes



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- Cecibel Machado
Nothing is abusive, he is doing a good job 🙌🙌🙌🙌
7-20 ❤️ 2 Reply
- Jaime Castillo8655
BRAVOOOOO
7-20 ❤️ 0 Reply
- user3679660364678
Thanks to him who removes a lot of noise from music
7-20 ❤️ 1 Reply
- Carlos Arriens
Thank you for your services
7-20 ❤️ 0 Reply
- user3531401216707
We are going to elect him for the mayor
7-19 ❤️ 1 Reply
- Ortiz Carito
Someone needs to put order.
7-18 ❤️ 3 Reply
- Ch3z
At last!!! 🙌🙌🙌
7-18 ❤️ 2 Reply
- students 5
good for him
7-16 ❤️ 1 Reply
- Well
Very good
7-16 ❤️ 1 Reply
- Alex Lapo
😂😂😂 Excellent. They finally put order!!!
7-16 ❤️ 3 Reply
- Gabriela Ibarra
Very good 🙌🙌🙌
7-14 ❤️ 1 Reply
- Patricio Guaricela
I congratulate you, very good job, keep going
7-14 ❤️ 0 Reply
- JNYC
Perfect!!!! 🙌🙌🙌
7-14 ❤️ 0 Reply
- J&PRhomeimprovement
Perfect
7-14 ❤️ 0 Reply
- Estrella 🌟🌟🌟
very good, charge him double 🙌
7-13 ❤️ 2 Reply
- Felix Romero365
It's okay queens, there's already a mess of positions



#duet with @RedPillPusher1 #lifetoughgetah
tiny.timm0
12h ago ❤️ 38.2K



#felipeneto #cortesdofelipen #felipenetotiktok
_felipenetocortes
9-7 ❤️ 347.5K



When a woman truly love you
#lovequotesforher
urbanquote
9-22 ❤️ 68.6K



Couple questions now 🤔 #carross #mariojoaquino...
dud4zz67
1d ago ❤️ 325.9K



Answers from the funniest celebrities
...
They are 1
9-25 ❤️ 198.3K

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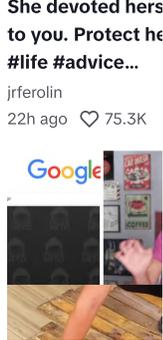
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-  **veronik donoso**
Excellent
7-10 0 Reply
-  **Lady wolf** 🐾🐾
Excellent, at a good time.
7-9 0 Reply
-  **Staten Island Wood Finishing**
good pongale doble
7-9 1 Reply
-  **lion pigeon**
very good job 👍
7-9 0 Reply
-  **@FatGlock**
Bravo to someone finally doing something. Please #dietmardetering come to the Bronx soon
7-9 2 Reply
-  **Rosalie**
Good job
7-9 1 Reply
-  **Johnny Castro**
full support. 😊
7-9 1 Reply
-  **carcamo**
very good
7-8 1 Reply
-  **morocho595**
But does he live next to your business? How can you enter the tickets?
7-8 0 Reply
-  **Dalila Ponce**
No more noise
7-8 4 Reply
-  **user2593220693238**
I hope I put more
7-8 2 Reply
-  **Phoenix**
Very good job, I congratulate you 👍
7-8 2 Reply
-  **luigi rocha**
you have to have a sound limiter
7-8 2 Reply
-  **dejamoi**
National hero
7-7 2 Reply
-  **#ChingonNyc**
And what can be done
7-7 1 Reply
-  **Angel**
woooo it will be fine c



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Applause 7-7 2 Reply

future NEW I should put tickets on the train 7-7 3 Reply

View 2 replies

catalina duque713 Let's put the Roosevelt there, it seems like a gallery. 7-7 1 Reply

Jose Ferman to give tickets to street vendors. 7-7 1 Reply

alopezny Decibel meter and tell how much level you have, two you can go to court and fight for those tickets to the city 7-7 1 Reply

alopezny I'm going to ask you certain questions, you have to see the city regulations on what decibel is allowed for a business, and if he brings a 7-7 1 Reply

user7945742361740 🙌🙌🙌 bravo for him 7-7 1 Reply

Dfinance 🙌 con los tickets 7-7 1 Reply

T A T I A N A Good job, thank you very much 7-7 1 Reply

zamora good thank you sir 7-6 1 Reply

nelsonfc1 Very good job 🙌 7-6 1 Reply

willytoacosta Good job Diermar 🙌 keep it up 🙌 7-6 2 Reply

Mr_Beautiful Excellent 🙌 7-6 1 Reply

Miguel Cardenas3803 That's coming 7-6 1 Reply

Junior Vasquez very good. It's time. let order be put 7-6 1 Reply



PART 1 | things to never google! #felipeneto #fy... c0rtes.ttk 6d ago 198.8K



Relationship advi #fyp #sigman rodzunlimitedllc 9-24 177.9K



The most beautiful time of the year! There's nothing q explorewithsimi 9-19 223.5K



everyone's phone going off tomorrow October 4th, 2 #foryou #fyp #foryoupage drregisterednurse 1d ago 153.5K



#FILHODOCHEFE MAFIA - THIS IS TIME | ib: @BEL # lalivey

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- Freddygarcia827**
Excellent. 🤔,
7-6 ❤️ 1 Reply
- David Martinez3131**
finally someone knows about it until noisy crowd
7-6 ❤️ 1 Reply
- patrick dj**
q dw tickets alos sellers please
7-6 ❤️ 1 Reply
- Carlitos Moina**
Don't mess with your favorite bars. The rest doesn't interest me, so let him put everything he wants on them.
7-6 ❤️ 1 Reply
- Luis**
Put them in the parks too please
7-6 ❤️ 3 Reply
- Ari**
Very good!
7-6 ❤️ 1 Reply
- elbela74**
very good that they respect the laws
7-6 ❤️ 4 Reply
- SJ STEEL FABRICATION**
Bravooooo
7-6 ❤️ 1 Reply
- Teresa BRITO**
Let them put more fines
7-6 ❤️ 2 Reply
- oscar48799**
It's good, stop, they are in a market, I hope they put more
7-6 ❤️ 4 Reply
- Aribella**
Cheers
7-6 ❤️ 1 Reply
- Martha Martha Ortega**
Talk to the district councilor. The one who seeks you for your votes and helps you.
7-6 ❤️ 1 Reply
- marcocarrion812**
At last ...
7-6 ❤️ 1 Reply
- franciscoortiz6608**
Good job !
7-6 ❤️ 4 Reply
- Carlos** 🇺🇸
Why do they give them tickets 🗨️
7-6 ❤️ 1 Reply

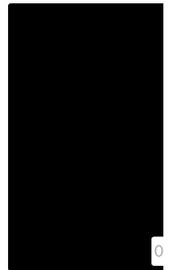
3d ago ❤️ 6966



HAIR HACKS!
#hairhack #hairh...
#hair #hacks #fo...
dudamartins_52
4d ago ❤️ 123.5K



#BLACKPINK | ib:
@bae, send me ai
ideas! #lisa #rose
.florescence
2d ago ❤️ 92K



Prayer for Thursd
morning. #mornir
#prayer #god...
divineesanctuary
11h ago ❤️ 10.8K



Lola thinking I'm
crazy #kpop
#dancecover #co
pep line
2d ago ❤️ 16.2K



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at the premises, you
at and you already have

20 more arriving for the same reason, you don't
have time to defend

7-6 1 Reply

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Alex20906

give them a beer please 😊

7-6 3 Reply



Electro Usa 89-05 -Creator

When you work hard and they give you tickets for
more than \$6k per ticket and you pay rent inside a
premises and you only play music at moderate
volume, think

7-6 2 Reply



ponceluna78

"abusively" hahaha

7-6 4 Reply

View 2 replies



alexortega8447

😊😊😊😊gracias

7-6 2 Reply



Martha Martha Ortega

Excellent!!!

7-6 2 Reply



Electro Usa 89-05 -Creator

500 tickets per month = 600,000 in his pocket, he
doesn't help anyone, he doesn't work for the
government

7-6 1 Reply



Charles Car Mona

very good

7-6 1 Reply



Paco.New-York..

You should ask Carlos_Eduardo_Espina to make it viral

7-6 1 Reply



Electro Usa 89-05 -Creator

Holq, thank you 😊

7-6 0 Reply



Carlitos 🙏🙏

Very good job, we hope you continue like this, giving
tickets and cleaning the streets, it's about time, God.
Thank you, please keep it up.

7-21 1 Reply



EliencargosUsa

q biennn

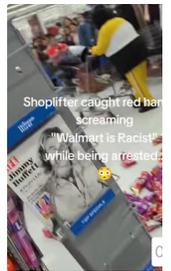
7-15 1 Reply



#greenscreenvid
wonder if he visit
Buc-ees stores at

Hide

highmaintdad
7 hours ago 31.5K



Shoplifter caught red handed
screaming
"Walmart is Racist"
while being arrested

Hide

What was she hoping
to accomplish by
screaming "Walm
truepatriot_
2d ago 195K



I made a terrarium
become a lamp
#terrario #planta

einikolas
1d ago 196.9K



because I couldn't live
day without you
The cutest vows 🥰

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Probably some of
cutest vows I've
heard to date 🥰
vantagepoint.pv
8-29 374.2K

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Living for god 🙏

..
#jesuschristicon

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-  **Rolando**
very well done 🍷
7-8 ❤️ 0 Reply
-  **Carlos E Alvarado**
It's okay to always be like this
7-7 ❤️ 1 Reply
-  **acgcontractor**
very good. no more
7-6 ❤️ 1 Reply
-  **Miguel Vasquez**
Well, give everyone a lot of noise... applause for that person.
7-6 ❤️ 1 Reply
-  **user9890809108615**
👏👏👏👏👏👏👏👏👏👏👏👏 excellent bie
7-6 ❤️ 1 Reply
-  **juanvelasquez790**
very good because these people do not respect
7-6 ❤️ 1 Reply
-  **Carlos Tapia8948**
It was taste
7-6 ❤️ 1 Reply
-  **Ochoa Barrera**
Let them clean up all those disk businesses
7-6 ❤️ 1 Reply
-  **Edgar Farfan916**
very good
7-6 ❤️ 1 Reply
-  **anafuentes0824**
Send him to Jamaica. Let me give my neighbors tickets
DOPR
7-6 ❤️ 1 Reply
-  **The pilot**
Great
7-6 ❤️ 1 Reply
-  **Workmanship**
It can't be done
7-6 ❤️ 1 Reply
-  **Geisha**
😊
7-18 ❤️ 0 Reply
-  **Well**
👏
7-16 ❤️ 0 Reply
-  **Frankye Nunez**
👏
7-16 ❤️ 0 Reply

evangel4u
8-18 ❤️ 138.3K



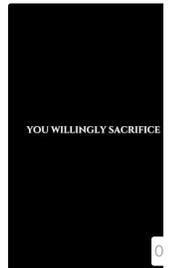
Private Tarot Reading About Your Love One From Past #t
sacredtarotreadings
1h ago ❤️ 3134



#greenscreenvideo im watching the simpsons rn as w
wisdom6last2.0
8-16 ❤️ 149.4K



Overcome Fear 🙏 Sermon title "Give Me Faith" Available
iambobbychandler
2h ago ❤️ 1307



#fyp
3a.team
4h ago ❤️ 925



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- luisjpanora**
👍👍👍
7-6 ❤️ 1 Reply
- More Cookies MSP**
😂
7-6 ❤️ 1 Reply
- Bruno_Milo**
😂
7-6 ❤️ 1 Reply
- Eli**
👊
7-6 ❤️ 0 Reply
- honey caramel**
👊
8-24 ❤️ 0 Reply
- Abraham julian tax garcia**
😂😂😂😂😂
7-21 ❤️ 0 Reply
- Abraham julian tax garcia**
😂
7-21 ❤️ 0 Reply
- nancycalderon2581**
👍👍👍👍👍
7-16 ❤️ 0 Reply
- memenava100**
👍👍👍👍👍
7-11 ❤️ 0 Reply
- Gerardo Roldan**
😞😞
7-10 ❤️ 0 Reply
- of anabsantana**
👍👍👍👍
7-10 ❤️ 0 Reply
- Monica Patino**
👍👍
7-8 ❤️ 0 Reply
- Camilo El Loko Cabre**
[@Alexandria Ocasio-Cortez](#)
7-8 ❤️ 1 Reply
- yarielgalicia893**
😂😂😂😂😂
7-6 ❤️ 1 Reply
- John 187**
[@Carlos_Eduardo_Espina](#)
7-6 ❤️ 1 Reply
- Comet**
[@Carlos_Eduardo_Espina](#)



#godiswithyoufoi
r #newcreation
willmicastillo3
5d ago ❤️ 55.5K



HENNA FRECKLE:
#fy #foryou #fyp
#fypシ #viral...
dudamartins_52
2d ago ❤️ 47.7K



Everything takes
time. #motivator
#wifimoney...
grind4future2
9-27 ❤️ 145.7K



Love U ❤️ @Chris
Vance
lkcskristina
4d ago ❤️ 1.1M



Part 300 | By age
you should realiz
this... #deepquot
prosperitelife

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7-6 1 Reply



DavidxDoom Does he need help?

7-9 0 Reply



vanessakelly793 🙏🙏🙏🙏 thanks god... 😊

7-6 0 Reply



Monjardin NY yes please 🙏😭🙏🙏 educate people with tickets 🗑️🙏

7-6 1 Reply

Monetary Energy excellent no more noise

9-3 0 Reply



Eliana Bracho They are legal businesses, they are not wax businesses!!!!

7-21 0 Reply



jennymarrone477 Excellent very good

7-20 0 Reply



user3679660364678 Here it is respected

7-20 0 Reply



georgepatriciog GOOD

7-13 0 Reply



Lopez181 GOOD

7-8 0 Reply



maripuertas853 It's okay, it has every special right that Roosevelt has a pigsty that I have never seen in the 50 years that I've been here, Hispanics always think

7-8 0 Reply



Baviugo66 amen

7-6 1 Reply



Marco Saucedo It's about time they did something, it's finally getting ugly with so much business that doesn't have sanitation, they've already invaded the path where you walk.

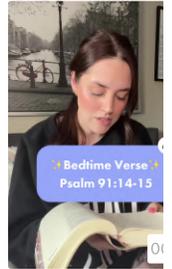
7-6 0 Reply



user4548225011289 God, one passes through that avenue and it is a competition of sounds, what a scandal, let's see if that is how they learn to behave, they are not in their country, they do whatever.

7-6 1 Reply

3d ago 127.4K



Bedtime Verse Psalm 91:14-15

God is only one prayer away 🙏 #dailybibleverse.



#chowder #foryo #relatable #boyfriend...

m3lia.an 2d ago 584.5K



Missouri teacher on leave for OnlyFans account!...

therealediebcomedy 1h ago 1721



Funniest test answers 🤔 #felipenetomeme

felipenetoo.fc 6d ago 31.2K



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use loud music, with the

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7-6 1 Reply



Simeon Portillo15

👍👍👍👍👍

7-21 0 Reply



Terry Smith

Good

7-21 0 Reply



Claudia V

👉👉👉👉

7-21 0 Reply



Angie Neri

👉👉👉👉👉👉

7-20 0 Reply



user3304506868803

good

7-8 0 Reply



especially

good

7-8 0 Reply



Jhon Rico137

Thanks

7-8 0 Reply



AlexMel

Born and raised in queens if you don't like the noise move your ass to Long Island or Staten Island.

7-6 1 Reply



Electro Usa 89-05 · Creator

Hi, thanks for your understanding! I beilve we muat folow rules but he is giving me ticket after ticket for same reason without allowing me to go cour

7-6 1 Reply



Jose Luis

👉👉👉👉

7-6 0 Reply



Khritman Vzander Karmonam

👉👉👉👉👉👉

7-6 1 Reply



pacoperez7056

It's good, very good

7-21 1 Reply



Edwin

It's okay to respect the laws

7-21 0 Reply



Xavier BM

Alright

7-21 0 Reply



Being honest, even when it's tough, is super important..

peaceofdeace
2d ago 80.2K



Its time to upgrade your playlists 🙏

#fypシ...

lemonade
8-7 720.4K



Replying to @claradx PART : FINALLY OUT 🙏

skz.juh
1d ago 19.9K



#cartoon #cute #couple #cuties #viral #animation

moremike1
8-6 367.9K



It's not easy but it's worth a lot.

#christianmemes

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 **diana jimenez**
 It is not abusively!!! I am going to inform myself well about the subject... I will call and educate myself and if it is as it is said, then I will support it!!
 7-20 ❤️ 0 Reply

 **josemaya282**
 Where can I contact you to bring it to some businesses I know that have speakers outside the business?
 7-9 ❤️ 0 Reply

 **peruvian**
 Look for it please, we need it to place tikes for the Rusbel street vendors.
 7-8 ❤️ 0 Reply

 **jorgel3on**
 When people do not know the laws and rule of the city. There are people who want what comes to their mind without having knowledge.
 7-8 ❤️ 0 Reply

 **Jose1641338196573**
 that's good to respect
 7-7 ❤️ 0 Reply

 **Jesus Pichardo**
 and where is that?
 7-7 ❤️ 1 Reply

 **Charley**
 that's ok! so that they respect
 7-6 ❤️ 0 Reply

 **cheffcarlos4Dominic**
 Go through the commercial areas of the Anglo-Saxon neighborhoods...many shops...zero noise.
 7-6 ❤️ 0 Reply

 **luna197317**
 Bravo.
 7-6 ❤️ 0 Reply

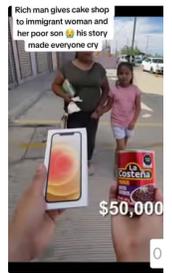
 **luisherrera1977A**
 We Latinos are boisterous, don't tell me what's not
 7-6 ❤️ 0 Reply

 **alberto ayala633**
 If it benefits him and he is just a citizen and has no position in the city, they should take him to court.
 7-6 ❤️ 0 Reply

 **DEBBY T**
 Some Latinos forget that they live in the USA, where tranquility and calm are part of the culture, and they believe that they can do the same as in their countries.
 7-6 ❤️ 1 Reply

 **Jose Benito Lored**
 Bravo
 7-6 ❤️ 1 Reply

christianmemes
9-12 ❤️ 72.5K



#fyp> #foryoupe
#goviral #Rich m
gives cake shop t
user7066951952795
2h ago ❤️ 277



You are the only
person in your wa
Go make it happe
jasonjacksonjr_
19h ago ❤️ 29.3K



PART 1 | best test
answers! #feliper
#fy #felipenetotil
cOrtes.ttk
9-21 ❤️ 183.3K



Student dumps tr
on teachers head
taught her a lessc
bzaop7795
6h ago ❤️ 18



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Long live Vero 🦋
I agree with ticketing for noise but this particular case is about 1 resident profiting from noise complaints even when in compliance.
7-21 ❤️ 0 Reply
- 

shaggydee950
This is not a third world country, good job
7-21 ❤️ 1 Reply
- 

Jhony Palacios
Nice make. Him a hero.
7-20 ❤️ 1 Reply
- 

Jose Barroso5511
clean up Roosevelt , it's disgusting walking through there ,
7-20 ❤️ 0 Reply
- 

ladirktk2vi
doing god's work 😊
7-17 ❤️ 1 Reply
- 

user1273701412375
Great job, no one needs noise more that we already have it. I would double the fines
7-9 ❤️ 0 Reply
- 

untouchable inks
That's bs ppl been doing noise for years it apart of the hood in queens this white dude seems he never even been to that part of town he's an outsider
7-9 ❤️ 0 Reply
- 

Ifnrms047;57;:(;\$@)'"
We have to stop and look around. The BX is the same. People have to work, sleep. Just cause you wanna make noise and party doesn't mean we're all alike
7-8 ❤️ 0 Reply
- 

especially
they make place look like jungle good city claming it down
7-8 ❤️ 1 Reply
- 

Sports Excitement 🟢
Keep going siga because Roosevelt is a total disaster ! Clean it up !!
7-7 ❤️ 1 Reply
- 

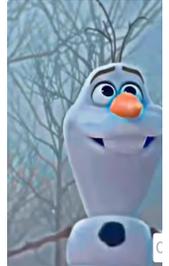
Martha Martha Ortega
Let the disorder they have at Roosevelt end.
7-6 ❤️ 10 Reply
- 

Electro Usa 89-05 · Creator
It's not about the street vendors outside, it's about absurd tickets for having music in a place that pays rent, normal volume music
7-6 ❤️ 0 Reply

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Kiernan Shipka and Olivia Holt killed this scene (plus L...
stephanie_coimbra
5h ago ❤️ 180.2K



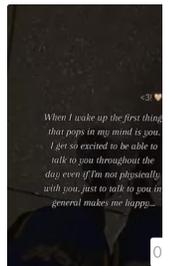
Each new day is a new opportunity
❤️ #disney...
disneyolaff
18h ago ❤️ 4142



#steveharvey
#steveharveysho
#steveharveymol
millionairemoney5
1h ago ❤️ 1



"You're braver than you believe, stronger than you seem, and braver than you seem, and stronger than you seem, and braver than you believe..."
rodzunlimitedllc
9-23 ❤️ 351.3K



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- user1920261269185
abusively says educated ignorant poor people
7-23 0 Likes Reply
- Chest of Drawers Flower
Thank you for your contribution by paying for the tickets with that money we will be able to continue helping Venezuelans 🥰👍
7-23 1 Like Reply
- Margarita
These people want to bring their customs from their countries, disorder and more disorder
7-23 1 Like Reply
- robertorobalino62
life sentence for that abuser
7-22 0 Likes Reply
- Shiestyomar
It was time!! Thanks to him!
7-22 0 Likes Reply
- Patricio Cancino101
I think it's good...that's noise pollution...and it's already annoying.
7-21 0 Likes Reply
- lillianmorales495
Good 👍👍👍 it's about time
7-21 1 Like Reply
- Martha Jovel
Excellent that they give them tickets, they think they live in the jungle where they come from
7-21 1 Like Reply
- in Hebrew
Until you hear good news, I think it's very good. My respects, give all the tickets to all those who make noises.
7-21 1 Like Reply
- Alexandra Vc
No, then continue doing what you want, it's time to stop that.
7-21 1 Like Reply
- Ooo
It's well well done, I made a noise, what's wrong, and everything is full of garbage.
7-21 2 Likes Reply
- ana abreu
It seems good to me, we have to put order, they don't know how to live.
7-21 0 Likes Reply
- Miguel Angel
Respect the laws
7-21 0 Likes Reply

i love you so much
#fyp #Love
#Relationship...
lil_nova
10h ago 292



#love #relationships
timithechamp
1d ago 247



Everytime 🤔
#bullybreed
#bullypuppy...
favelabullies
4h ago 162



I'm thinking about making more videos like this // video...
safeehouse_
6d ago 5204



O Hyunjin escalando a parede, eu tô chorando...
lalivey
2d ago 7478



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hey play music as if they

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7-21 ❤️ 0 Reply



Marcelo Zhumi522
ABUSIVELY SELLERS WITHOUT PERMITS. FIRST INFORM YOURSELF AND THEN I WILL TELL THE BEAR.

7-21 ❤️ 1 Reply



Marcelo Zhumi522
EXCELLENT. LET ALL THAT DISORDER CRAP BE OVER. NO ONE WITH A LICENSE OR PERMITS. GREAT. CLEAN EVERYTHING. IT'S ABOUT TIME 👍👏

7-21 ❤️ 1 Reply



Leonardo Murillo
That's what you should always do, Latinos think they own the city, that's why their countries are in shame...

7-21 ❤️ 0 Reply



Wilson Ribera157
How good they must be to clean the streets of Queens

7-21 ❤️ 0 Reply



Richard Solanito Laz
We should thank that gentleman for wanting to return quality of life to our neighborhood. This is not a third world market.

7-21 ❤️ 1 Reply



Maria Sol
Abusively.? Enough of dirtying the streets.. Noise and obscene music is not for everyone.. Listen in your privacy 😊

7-21 ❤️ 0 Reply



Coz
My hero

7-21 ❤️ 1 Reply



Oscar New Jersey
Perfect. This is not Latin America. !!!!!

7-20 ❤️ 0 Reply



elenajara659
It is good that they put all those who do not respect, who are not in their country, respect, respect, that is not abuse, it is all those who do not respect

7-20 ❤️ 0 Reply



alf
Good job old man 😊

7-20 ❤️ 0 Reply



alf
They were waiting for a prize

7-20 ❤️ 0 Reply



Manuelmunro
Excellent

7-20 ❤️ 0 Reply



Cristian
Congratulations, it's about time

7-20 ❤️ 0 Reply



⚠️ Facts that could save your life!
#randomfacts...

factsfactory125
4h ago ❤️ 84



useful uselessness the day kakakaka

🚫 If you don't fin
lucasangel
2d ago ❤️ 275.4K



FASTEST BREAKFAST EVER! 🥳

bengiusd
12h ago ❤️ 23



sixty rich
5h ago ❤️ 5784



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espect!!

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olgavivar00

It's good that they give him this distinction so that he respects

7-20 0 Reply



Francisco Nuñez566

It's okay that you want to make noise!!! you play their music at full speed and they don't want anything done to them

7-20 0 Reply



user8970407188588

It's good that sugar is putting more tickets, for Bullard, I think they are doing it too 😊😊

7-20 0 Reply



Jesus meyado

A lot of music is good and then ugly music, whether featherweight or Mexican.

7-20 0 Reply



Rafael urgiles

And those who don't like to respect the rules in this country... can go back, no one needs them.

7-20 0 Reply



Sofia Happy

When I arrived in this country I liked the order and respect they gave to others and more Hispanics arrived to impose our disorder 😊 tris

7-20 0 Reply



Sofia Happy

That's the man who is keeping order! Maybe he's tired of all the disorder in Queens.

7-20 0 Reply



Jaime Castillo8655

ABYSIVELY DON'T BE SHAMEFUL

7-20 0 Reply



evebarrera308

It is not abuse, abuse is what merchants commit, it is good that they have a firm hand with them

7-20 0 Reply



Edward Rojher

And turn down the volume and bravo for the Lord lol

7-20 0 Reply



Lily

It's about time. Good for him.

7-19 0 Reply



Cynthia

Abusive are those who play their music at full volume and do not respect their neighbors. good job Dietmar 🍌 and if you don't like it, get out of here.

7-19 0 Reply



Mauricio Orrego Guac

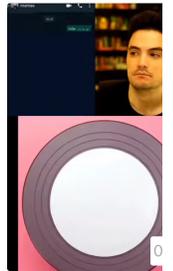
He is a hero they should give him a medal

7-19 0 Reply



#fy #felipenetotil #felipeneto #felipenetchalle

gutu.history 8-8 461.1K



#felipeneto #cortesdofelipen #felipenetotiktok

_felipenetocortes 9-16 83.5K



I made a table into a terrarium #terrarium #plant

einikolas 4d ago 826.4K



Episode 141: The power of the tong #Bible #Christian

biblepics 7-16 88.2K



someday I can do everything I swea (please suggest...

sa_shoyu 7-23 518.4K

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you sleep with their

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7-19 0 Reply



powerbullrex
Excellent!! This man is the best!! If you don't like it, lady, leave the country bye bye

7-19 0 Reply



Angel Flores4772
Finally justice is being done on Roosevelt Ave and he is not abusing, the abusers are you

7-19 0 Reply



Bimmerboy328 - Patrick
You don't want ABUSIVE TICKETS????..... stop selling street vendors

7-18 0 Reply



Cheetos1985
Applause to the man for doing his job and not letting these people do what they do in their country, respect them if they want to be respected 😊

7-18 0 Reply



alejandronegalez9398
Abusive at all very well done I hope he continues to abuse

7-18 0 Reply



Rosie
🇺🇸 Mrs. Roosevelt is a complete disaster. 99% of businesses abuse. Many put speakers outside. It's time to do something to be able to live in peace!

7-18 0 Reply



Edwin AS
Good job, it's about time

7-18 0 Reply



Chileria Landscapes
That man is a hero we need people like him in all areas with scandal they only attract vandals and counterfeiters

7-17 0 Reply



Abc
Okay then!! What is your complaint?

7-17 0 Reply



Let's improveNYC
Dietmar deterring next mayor to put order to abusers

7-16 0 Reply



Let's improveNYC
Let's look for that great citizen and see if he can help us clean the roosvelt and junctions, those invaders and scaly people need a ticket

7-16 0 Reply

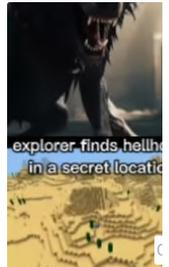


mr_espi
That Roosevelt put up shit. All those people throwing garbage everywhere brings more rats and cockroaches and disease.

7-14 0 Reply



If you don't reach out, it won't stop! #god #godisgood
jasonjacksonjr_ 22h ago 35.9K



explorer finds the mythical hellhour a secret location.
manmedia1.0 1d ago 435



Jisoo has been waiting for this moment!! #blackpink
xblinks5 9-22 576.4K



Very intelligent, s is only 12 years old and very talented
thedoramakpopworld 7-19 186.2K



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Andy
Good job, go back to your country with your shit
7-13 ❤️ 0 Reply
- 

Belen Fernandez
WTF... and what do you think or what?
7-13 ❤️ 0 Reply
- 

herrerabsonia
Excellent. Close the businesses. Clean the Roosevelt
7-12 ❤️ 0 Reply
- 

Juan Pablo Carrión
Madam, this has been going on for years, it is not now because it is the law and it is respected.
7-12 ❤️ 0 Reply
- 

Amaris
What that guy is is a lazy guy who doesn't like to work and that's why he's looking for an easy way to earn money.
7-11 ❤️ 0 Reply
- 

Nancy Sanchez9837
Very good !!!!! Go to your country to sell on the street 😡😡😡
7-11 ❤️ 0 Reply
- 

memenava100
Where can I contact him so he can raise tickets for 82nd and Roosevelt, which is a fucking scandal every day?
7-11 ❤️ 0 Reply
- 

Trigger
It's okay, respect it...
7-11 ❤️ 0 Reply
- 

ivanvo49
It's good that I do it, it's time, Roosevelt is a total garbage dump.
7-10 ❤️ 0 Reply
- 

Gio3d16
I'm also going Acer as I put a ticket there so it's not just going to be deterring because that russbelt is a real mess 😡
7-10 ❤️ 0 Reply
- 

Sol Mendiola
Sue him because he is abusive, you can make whatever noise you want during the day since the night is made for sleeping.
7-10 ❤️ 0 Reply
- 

Coins for sale
Learn to respect, that music or people speaking into a microphone is illegal!!!
7-10 ❤️ 0 Reply
- 

lhalexso
😂😂😂 all those who comment in favor of that man can tell that they are not happy because he does not give tikes to those who sell his music on the streets

I fell in love with...
#love
motivationinspiringu
5d ago ❤️ 126.6K



Funniest restaura reviews 🤡
#felipenetotiktok
They are 1
7-31 ❤️ 462.9K



True Love?! 😏 #I
#relationship
#couple...
3a.team
9-14 ❤️ 38.9K



Mais uma caneta evangélica do Jungkook 🙏🙏..
lukekaell
1d ago ❤️ 7620



#relationship #lo
timithechamp
1d ago ❤️ 1507

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well done because a business should not make a lot of noise

7-9 0 Reply



YomariColon0719 Sue the city!!! And to the I too

7-9 0 Reply



@MONICA That's good because Ai is already very ugly

7-9 0 Reply



user7597096358799 He has the right to do it. Look at the law before you post his photo before he takes you to court.

7-9 0 Reply



sam a prize for Mr. Llaqe who is educating those bullies and relaxers 😊😊😊😊

7-9 0 Reply



sam They don't let you sleep so they can relax a little because here it is a little more civilized 😊😊😊😊

7-9 0 Reply



Juan Pablo Santos995 How bad that man should give them a prize, right?

7-8 0 Reply



Ever Aquino If you don't like the Roosevelt, get out of there, and if you can't, make an egg, there's a reason it's cheap compared to others.

7-8 0 Reply

View 1 reply



Castaneda Avila Lewis You are doing your business at the expense of business! 😊

7-8 0 Reply



user9320676883728 Abusive are the impertinent ones who play loud music

7-8 0 Reply



juanaching64 Good, now we need to organize the entire Roosevelt Street, it looks like a market

7-8 0 Reply



venuss468 Without working, do you fill your pockets? 😊 I see it as abuse

7-8 0 Reply



Rolando I hope I go to Roosevelt Avenue and also clean up that garbage that is there.

7-8 0 Reply



That's just want t sayin... #boobasketideas audrey_marie 9-26 338.4K



Teen Girl Needs t With Money With Money #foryou #kindnes winner68543 21h ago 47



A Prayer For Your Mom. #jesus #go #christian #praye bible.teller.epic 8-29 342.6K



Prayer pleading t blood of Jesus ov every area of you thehouseofprayers 4h ago 1083



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they leave garbage there
been able to sell their

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things. Leaving garbage there, fines are necessary

7-8 0 Reply



Marianne
good! He is doing his job very well.

7-8 0 Reply



amadovalencia941
they come to do it

7-8 0 Reply



WSJ_99_
All these people complaining about the noise on
Roosevelt have never lived in Washington Heights /
Bronx, here you know the real noise 🤔🤔

7-8 0 Reply



Will blanco1986
They should remove them, those streets are horrible

7-8 0 Reply



with emilcenartundua
Well, I wish there were more people doing it because it's
sad how Roosevelt became a nest of crime, evil living
and a market.

7-8 1 Reply



Wilson Cajilima
Better give everyone tickets, I want to walk in peace, I
don't have to listen to what I don't like, thank you.

7-8 0 Reply



J Lopez
People are already tired of the mess they have on
Roosevelt, and you can't even walk

7-8 1 Reply



m.
Did you think we were going to put up with you? Well
no, well done by the man 😊

7-8 1 Reply



YellowTulipTax
He is simply taking advantage of the law. He is not
abusive. Brutes are those who continue to give you
reasons to give them. 😊

7-7 0 Reply



Luz
Acoustic or noise pollution, also called auditory noise. I
mean, it seems good to me why there are laws.

7-7 0 Reply



Michael P
I hope I remove all those positions that don't even allow
you to walk

7-7 0 Reply

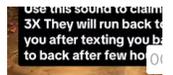


user7826284817437
That they get tickets for so much noise

7-7 0 Reply



Whatchalookingat



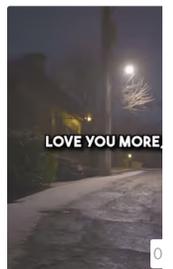
#spelllove #spell
#nofilter #instag
#fp...

drrmarisatome1
2d ago 18.6K



I saw a couple of
videos making
spooky pizzas an

alexandrigoeders
9-7 763.4K



I Love You More
#Motivationalspe
#mentalhealth...

mentalprosperity
9-3 68.1K



Eu nunca - irmãos
Neto | PARTE 1
#felipeneto...

cortes_felipe.neto
8-22 178.7K



A True Relationships
#love #relationships
#truelove...

3a.team

+ Upload

er. She's already done
one likes their

9-16 240.4K

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7-7 0 Reply



edwincepeda693

abusivo eso no son discotecas se piensan que estan en su tierra

7-7 0 Reply



hancel19

Gracias señor por luchar contra el escandalo . Denle una cerveza 🍺 a este caballero

7-7 1 Reply



Frank Eduardo

ya era hora ya me tenian hasta la punta de la riata con Esa chilladera de musica

7-7 0 Reply



Carolina Alvarez

Es .uy bueno aprendamos arrespetar este no es nuestro país tanto ruido aburre mucho mejor que los de porte atodos esa jente bullisiosa

7-7 0 Reply



sandySanlo90

Abusivos los que hace ruido y dejan basura por todo lado

7-7 0 Reply



sandySanlo90

My héroe

7-7 0 Reply



sandySanlo90

Me parece muy bien .. no es abusivo es la ley ... muy bien muy bien 👍

7-7 0 Reply



Me

Por fin .. Roosevelt ya parece un Mercado

7-7 1 Reply



Juan el travieso

50 años venta ambulatoria sin permiso porfavor saquen a toda esa gente q deja basura en la roosevelt

7-7 0 Reply



Juan el travieso

No solo ponga Tikes también sácalos de la roosvelt puestos de comida cadena perpetua sin permiso venga de fruta ya caducada 100 años zapatillas usadas

7-7 0 Reply



carros1968

Habusibos los negociantes que no respetan la ley ya que la policía no hace mierda!

7-7 1 Reply



user2242823312161

Es un abusivo que se está beneficiado del sistema

7-7 1 Reply



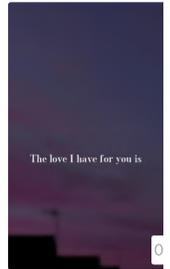
user3588774107231

Ya era hora que empiecen a limpiarla por que esa Roosevelt está echa un basurero



QUE CALOR, QUE CALOR!!!!

marianabatistax
9-26 537.2K



The love I have for you... #love

motivationinspiringu
1d ago 10.1K



She transformed her wedding

phi0q16
14h ago 34



Follow @VirgoTheAnalyst for Virgo insights

virgotheanalyst
5h ago 1205



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- 

Apoyo a este señor porque el ruido es típico de comportamiento irrespetuoso. Respeten a los vecinos

7-7  1 Reply
- 

Walter Villa

Ojalá y prohíba a esos negocios en las veredas felicitaciones a ese señor

7-7  0 Reply
- 

Andrew makclauth

asi es. uds son los abusivos. si no les gusta repetar. regresense. no necesitamos mierda en usa.

7-7  0 Reply
- 

Antonio Espinosa1075

No es abuso ya era hora q alguien pare todo ese bullicio debería ser lo mismo a los autos

7-7  0 Reply
- 

Jorgesagit

apoyo total a usted espero que le pongan un alto eso es discriminación a nuestra gente

7-7  0 Reply
- 

Jorgesagit

todo el que apoye a ese señor an de ser peor que el ! 😡 malditos mailinchistas apoyemos nuestra gente y más a quien da trabajo a los nuestros carajo 😡

7-7  1 Reply
- 

HenryNYC

me alejoro estoy con wl señor ojala que les den tiket cada minutos ya no estan en la montaña despúerten negociantes 🍌🍌🍌🍌

7-7  0 Reply
- 

ivanrivera2770

Solo así aprenden a bajarle de volumen con multas si ya saben tomen sus precauciones

7-7  1 Reply
- 

Irene Castillo1969

🍌🍌🍌 vien hecho coño

7-7  0 Reply
- 

Humberto Diaz

Perfecto pongan más y a esta sonsa le salio el tiro por la culata acaben con los escándalos

7-6  0 Reply
- 

Sandra Guillen de martinez

abuso es contaminar el ambiente con música en todos los negocios.

7-6  1 Reply
- 

llakony

congratulations sir!!, ya era tiempo que hagan eso, y que les quiten los equipos si siguen haciendo ruido.

7-6  0 Reply
- 

Danny Leo

Sones por regueton está bien por q no es música jajaja

7-6  0 Reply



How do you feel about the October 4th Alert?...

brookesobasic
1d ago  72.3K



when the BALLOONS POPPED she --->

pinkonyu
18h ago  14



I learned this in Tex

bengiusd
1d ago  27



Respondendo a @raquelsinha #fe #foryoupage...

whoss.historia
3d ago  49.1K



DO YOU AGREE? #steveharvey #steveharveyml

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ceras? Q hombre malo

highvaluehustlers
1h ago 36

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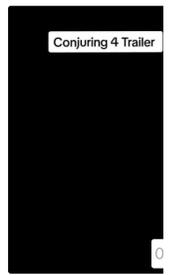
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- Maria s perez**
nosocomio tickets sino tanvien presos debería llevarles por abusivos creen q estan en su país acá se respeta las leyes
7-6 0 Reply
- piry1977**
gracias!!!! esa Roosevelt ya da pena parece un basurero. Ni parece que fuera parte de NY.
7-6 1 Reply
- Caifass**
Aplausos señor que les eduque a esos simios que ponen esa música a todo volumen
7-6 1 Reply
- Lui**
Que bueno por fin una limpia
7-6 0 Reply
- LOUIS GARCÍA**
bien echo la culpa es de los vendedores que en lugar de poner un puesto pequeño ponen ya un restaurante a media calle 😊 hay leyes dejemos la ignoranci
7-6 1 Reply
- user9387235712685**
Bueno eso no es abuso el esta haciendo cumplir la ley de anti-ruido por favor antes de hablar conosca las leyes donde usted reside
7-6 0 Reply
- dennisfgarcia**
felicidades 🙌 por este señor gracias 😊 por aserlo famoso yo espero 🙏 que te ponga uno a vos por difamación
7-6 0 Reply
- Jhonatan Vasquez**
No es abusivo. Son las leyes no les gusta vuelva a sus países y dejen de joder
7-6 0 Reply
- jdog_911**
Wow . Que terrible estas personas q apoyan a un ladrón con título, que les pasa a la gente . La FELICITO q ganó el caso.
7-6 0 Reply
- melissa68881**
Ha encontrado la forma fácil de vivir
7-6 0 Reply
- lenyo**
No es abuso es poner orden por que la Roosevelt parece un mercadillo de barriada
7-6 0 Reply
- VICTORIA RODRIGUE520**
muy Bien por escandaloso.
7-6 1 Reply



Conjuring 4 Trailer!!!#fyp#viral #fyp#viral #fyp
onlylored
8-14 450.3K



#xmmotivated #collinz_ariqe
xmmotivated
1d ago 1464



Signs someone is sent by God
itscassieblankos
9-8 102.2K



my dearest father #dad #famous #mother #family.
thorneblackwood
8-19 246.2K



+ Upload

ente se pasa piensan que y ojalá la policía ponga



Poetic rizz #poeticrizz #poeticrizz #poe imfamousd1rtbiker 6d ago 94.2K

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orden y pongan muchos ticks

7-6 0 Likes Reply



user6352176388567 cual abusooo vajan el.volumen mano dura aki no es latinoamerica

7-6 1 Like Reply



hyianatos Q les de a todos y por todo a ver si así aprenden 😊

7-6 0 Likes Reply



El cham@kito de Gualaceo Yo si fuera. El. Diera. Dos. Tikes a cada uno

7-6 0 Likes Reply



egr151 Q Bueno

7-6 1 Like Reply



Hee Debería ir a la junction blv q aya si hay bulla

7-6 1 Like Reply



alberto ayala633 Que le de tickets a los dominicanos por el ruido de sus bocinas

7-6 0 Likes Reply



Reñe L Arce Fernández que bueno así pararwn tanto desmadre

7-6 0 Likes Reply



Leon de occidente muy bien,sigan con su escandalo,

7-6 1 Like Reply



user6374430961185 ES QUE USTEDES CREEN QUE ESTAN EN SUS PAISES. AQUI EL RUIDO SE PENALIZA.

7-6 1 Like Reply



oscarmoreno035 Que los boten a todos

7-6 1 Like Reply



Jeison Garcia2415 que bien ojala den Mas tickets

7-6 1 Like Reply



Yael Camara que bien que quiten a todos los negocios que tien un desorden

7-6 1 Like Reply



mariayanes73 Muy bueno asi se respeta La ley es ley

7-6 1 Like Reply



Jomat4087 Como se beneficia su bolsillo?Ud no sabe o tiene información errónea de cómo funciona las infracciones en NYC.

7-6 1 Like Reply

If you want your relationship to la: #relationship #lo thorneblackwood 3d ago 45.3K

Ib: EU | A hann sendo agredida | FEITO POR = Hyu .housevenus_ 9-25 10.4K

#felipenetotiktok #felipenetonotikl #netolab... geekthefato 5h ago 2223

#foryou #fyp user1383662815 5h ago 33

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- Juan Carlos**
Así deberían de quitar a todos esos vendedores de comida Que muchos dejan toda su basura ahí ..
7-6 1 [Reply](#)
- user1543380260428Alien2**
Es que por ese lado no hay hobre
7-6 1 [Reply](#)
- user1543380260428Alien2**
Ponle tú ticket a el
7-6 1 [Reply](#)
- Roberto Velazque5156**
Es la ley señora, no es abuso!!, está en EU no en su selva
7-6 1 [Reply](#)
- abelardoCD72**
Abusivamente?? HAZME EL FAVOR Y CONTROLA MEJOR LA BULLA Y EL RUIDO Q GENERAN. ESO SIN HABLAR D LOS PLEITOS PELEAS
7-6 1 [Reply](#)
- MIXMARTIN DJ**
Primero aprendan contaminación sónica y entenderán
7-6 1 [Reply](#)
- MIXMARTIN DJ**
Esta bien pues de qué se quejan
7-6 1 [Reply](#)
- marleny**
ojalá los mande las corte no ticckests pues están haciendo la Roosevelt una plaza de mercado
7-6 1 [Reply](#)
- santy**
asta que Les llego su hora ,
7-6 1 [Reply](#)
- Mary**
Uyyy. Si una vez fui a ese barrio y es fatal el ruido. Creo que ya están sordos
7-6 2 [Reply](#)
- cesartorres7649**
Creo que por fin empezará a limpiarse esa Rosvelth
7-6 1 [Reply](#)
- Jesuschuza**
Que bueno, y ojalá limpien esa porquería de Roosevelt
7-6 1 [Reply](#)
- teresa BRITO**
Muy bien la Roosevelt ave da hasco de tanto desorden
7-6 1 [Reply](#)
- Olga Osorio267**
Está poniendo orden ya eso párese una plaza de mercado no se sabe si es más la bulla oh el tren
7-6 1 [Reply](#)

You are my pride joy! #son #lovemyson #fan
saluvu_qoutes
19h ago 1053

#church #relationship #pr #christiantiktok...
prayerfull1
7-14 71.1K

The last one will r your mind! #curic #learnontiktok...
curiousfactsfactory
4h ago 67

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ochinero han vuelto a la

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7-6 1 Reply



Wolf3700

No es abuso hacen demasiado ruido la calle no es discoteca

7-6 1 Reply



Yohana187



7-6 1 Reply



AsileLopez

Si fuera así ya estaría denunciado por estafa porque aquí no estamos en nuestros países, pero se mira que está haciendo un buen trabajo felicidades

7-6 1 Reply



Trim89

Y a los abusivos ruidosos no se les tiene que decir nada???

7-6 1 Reply



ElNene

New york lo tienen destrozado, tirados en la calle tomando con musica alta, cocinando en la calle. Es un desastre ese estado y es por permitir eso

7-6 1 Reply



Alê

Está bien para esos ignorantes que hacen fiestas son negocios no discotecas gente bruta

7-6 1 Reply



newyorknuevayol

Por eso Queens suck

7-6 1 Reply



H López

Ese perro merece que le apliquen la ley maya así aprendera 😞😞😞 perro arragan

7-6 1 Reply



Miguelinnycus

Que bueno !! Dios mío que abuse como le de la gana así si asta yo lo apollo

7-6 1 Reply



Electro Usa 89-05 · Creator

Hola, son varios tickets por la misma razon no te permite o da tiempo ir a corte porque yavge llego 20 tickets mas para obtenrs 50% comision

7-6 1 Reply

Hide ^



Oly Montes

@Carlos_Eduardo_Espina se necesita de tu ayuda por favor 🙏 Gracias!

7-6 1 Reply



luigiosorio935

Estos domi no tienen vergüenza.

7-6 1 Reply



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que venden comida

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7-6 1 Reply



Mashiko Daki

que pusieran a los que son informales a los que ocupan t9da la cera banqueta a los que venden comida debajo del tren antihigenico

7-6 1 Reply



Steven299

Pero esta bien la jente abusa en Queens

7-6 1 Reply



Electro Usa 89-05 · Creator

Correcto, la informalidad no es correcto, pero se trata de q te dio un ticket y no te da tiempo de defenderte y ya te llegaron 20 tickets por la misma

7-6 1 Reply

View 1 more



Guadalupe Anastasio

Bravo por escandalosos

7-6 1 Reply



Marce

Good job. Noise is also pollution and in Queens there are many places that abuse

7-6 4 Reply



Electro Usa 89-05 · Creator

When they give you a ticket you go. Shorten it and see what happened, but if they give you the first ticket and you already have 20 thousand tickets for money in your pocket, is it fair?

7-6 1 Reply

View 1 more



uservera family

So now don't play the music too loud, let's avoid trouble with this bad man, lower the volume,

7-6 1 Reply



Electro Usa 89-05 · Creator

Correct

7-6 0 Reply

Hide



sotilo1

Please send the toad to pass by 100th and 37th avenue. 🤡🤡🤡

7-6 1 Reply

EXHIBIT 2
(SIZABLE
CONTRIBUTIONS TO
JAMES GENNARO
FROM WIFE OF
REGISTERED
INDUSTRY
LOBBYIST, ROBERT
BOOKMAN)

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Other Transactions

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To	Gennaro, James F
----	------------------

and | or

From	bookman
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Include contributions made to candidates & Independent spenders

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- Comptroller
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- City Council (all districts)
- Undeclared

CONTRIBUTOR

Contributor Type

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Employer Name

Enter employer name	Go
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- All New York City
- Outside New York City

- Or -

Zip

	<u>Go</u>
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TRANSACTION

Min Amount

\$	Min \$
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Max Amount

Go

Transaction Type

Go

Account Type

Go

From

To

Go

Show entries

Total Records: 6 | Search Total: \$1,925.00

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Name	Address	Recipient	Employer	Date	Amount	Type
Bookman, Kathleen	New City, NY 10956	Recipient: Gennaro, James F Office: City Council (2021)	Occupation: Retired	3/10/2021	\$100.00	Monetary Contributions St#: 7 ID: R0002805

Name ↓↑	Address ↓↑	Recipient ↓↑	Employer ↓↑	Date ↓↑	Amount ↓↑	Type ↓↑
Bookman, Kathleen	New City, NY 10956	Recipient: Gennaro, James F Office: City Council (2021)	Occupation: Retired	5/5/2021	\$1,000.00	Monetary Contributions St#: 8 ID: R0003207
Bookman, Kathleen	New City, NY 10956	Recipient: Gennaro, James F Office: City Council (2021)		3/10/2021	(\$100.00)	Receipt Adjustments St#: 9 ID: R0003565
Bookman, Kathy	NEW CITY, NY 10956-591	Recipient: Gennaro, James F Office: City Council (2021A)	Occupation: Homemaker	10/21/2020	\$225.00	Monetary Contributions St#: 1 ID: R0000243
BOOKMAN, Kathy	New City, NY 10956	Recipient: Gennaro, James F Office: City Council (2021A)	Occupation: Retired	1/10/2021	\$200.00	Monetary Contributions St#: 2 ID: R0001784
Pesetsky and Bookman	New York, NY 10007	Recipient: Gennaro, James F Office: City Council (2005)		5/25/2005	\$500.00	Monetary Contributions St#: 10 ID: R0001416

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ROBERT BOOKMAN WED TO KATHLEEN A. CARNEY

July 12, 1987



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The marriage of Kathleen A. Carney, the executive director of the New York City Board of Standards and Appeals, to Robert S. Bookman, a partner in the Manhattan law firm of Goldfeder & Bookman, took place yesterday at the 24 Fifth Avenue restaurant in New York. Rabbi Terry Bookman, the brother of the bridegroom, performed the ceremony.

The maid of honor was the bride's twin, Patricia Carney. Peter Fishkin was best man for his uncle.

The bride, who will retain her name, is a daughter of Jean Williams of Mineola, L.I., and Joseph L. Carney of Merrick, L.I. She graduated from the State University at Binghamton, N.Y. Her father is director of internal audit for Time Inc.

Mr. Bookman, a son of Mr. and Mrs. Arthur Bookman of Brooklyn, graduated from the State University College at Cortland and the Benjamin N. Cardozo School of Law of Yeshiva University. His father is a senior financial consultant for H. L. Financial Services in New York.

A version of this article appears in print on , Section 1, Page 40 of the National edition with the headline: ROBERT BOOKMAN WED TO KATHLEEN A. CARNEY

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EXHIBIT 3
(FAVOR GRANTED
BY GENNARO TO
DONOR LOBBYIST
ROBERT BOOKMAN,
INCREASING NOISE
POLLUTION IN NYC)

From: Jim Gennaro [REDACTED]
Sent: Tuesday, June 27, 2023 5:43:31 PM
To: Robert Bookman <rbookman@pb.law>
Cc: Yam, Henry <hyam@council.nyc.gov>; Andrew Rigie <arigie@thenycalliance.org>
Subject: Re: Bounty hunters issue nonsense noise violations

Hi Rob,

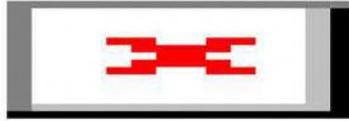
Who went to Menin on this? Come to ME for this. I've been doing noise stuff for 20 years and bars would be dealing with the "unreasonable noise" standard if not for me. I put in the LS request on this today. Not sure if Menin scooped us on this by being first in, but it would stink if she did. This is my wheelhouse. But whatever, let me not make this about me. It's my committee, and I'll get this done.

Best,
Jim

On Tue, Jun 27, 2023 at 10:57 AM Robert Bookman <rbookman@pb.law> wrote:

See this ? <https://www.nbcnewyork.com/news/local/nyc-business-owners-protest-summonses-written-by-civilians/4446092/>

We need to talk about a legislative solution. As Jim well knows, when the noise code was amended under his guidance a new section was added that required specific decibel readings for music escaping a restaurant or bar or being audible on the street. In fact, it was a major hold up of the legislation as DEP wanted a "plainly audible" standard. Jim said no and Mayor Bloomberg eventually agreed with him and us to put in a specific decibel level to be a violation. Now, We are in a crazy and increasingly horrible situation where some bounty hunters have found a 50-year-old section of the law no one knew about where they can issue certain noise violations. And they are issuing it under an old section of the law that should no longer apply based on the above. The section they are issuing it under has to do with Canal Street type businesses that hawk patrons or purposely place loud speakers outdoors. No decibel reading required, just audible. These bounty hunters are issuing multiple violations before the first one is even received let alone adjudicated. Thousands of dollars in fines are being racked up and they get 50%. Nowhere would we permit an inspector to get a percentage of a violation issued. We should not permit this either, especially under this old section of the law. We would like this old section that they're issuing it under to be removed from this 50-year-old law which allows violations to be issued by citizen bounty hunters. Councilmember Meninis interested as well



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Testimony re Intro 1194-2023

My name is Ernest Welde I am speaking in opposition to Intro 1194 and 160.

Removing the only productive thing about the noise code, incentivizing citizen enforcement, is an awful idea.

I live in New York City. Although I have not filed any noise complaints myself, I fully support the citizen reporting component and have participated in the citizen component of the idling law. For my day job I am an attorney and the legislative director for an environmental, health-based nonprofit. I study legislation and work with legislators to enact protective laws.

I believe that the noise laws should be amended for clarity, but you all should be extremely skeptical of what Intro 1194 will actually do, it will destroy the citizen component of the noise complaint system; the only thing that is actually working to protect residents from excessive and unlawful noise. New York City's citizen program is the best legislation in America, that I know of, to deal with daily micro-violations such as excessive, unlawful noise. Giving citizens the power to report these violations and receive a percentage of the proceeds is pure genius and is **the** model to emulate.

Council Member Powers is absolutely correct, noise creates a lot of health issues. Excessive noise is a major environmental problem affecting the health and well-being of residents of New York. Noise creates a broad range of issues including general annoyance, sleep disturbance, negative effects on the cardiovascular and metabolic system, as well as cognitive impairment in children. Excessive noise can take years off of one's life.

If Intro 1194 passes, just like Bloomberg's "silent night" this bill will relegate the noise reduction program to the same dark and lonely place: zero enforcement. A minuscule number of tickets was issued prior to allowing citizens to pursue the violations. Now that there are actual consequences for businesses that exceed the noise limits, some of you are now more focused on eliminating the one thing that's working, citizen participation. There seems to be a focus on what citizens are "making" on this program, and accusing them of "abusing" the system, but the real focus should be on how much benefit the citizens have brought to these communities by making them more peaceful and quiet places to live.

Excessive, unlawfully loud noise is a huge environmental problem, and, prior to the citizen component there was virtually no enforcement. This year, finally there is a large number of violations being issued due almost exclusively to citizens. However, this is still a fraction of the yearly violations.

Chair Gennaro, I saw that you identified the citizen enforcers as the fly in the ointment, unfortunately I believe you got it wrong, excessive noise from commercial establishments is the actual fly in the ointment. The ointment is the peaceful enjoyment of our environment. We New Yorkers have to deal with a lot of annoying things, and excessive noise is one of those. This type

of noise, from commercial establishments seems like a relatively easy thing to reduce in our communities. The citizens are the only ones that seem interested in doing this work. Do not remove this vital component of the law; reducing the incentive amount will effectively remove citizens from this, because, as you well know, the amount you are changing this to, \$10, is too little incentive for citizens to do all of the work associated with this process. The people paying the price are the residents who have to deal with this excessive noise.

So what I've heard today is that OATH is sick of dealing with the amount of tickets and businesses want to be able to pollute our communities by selfishly pumping excessive noise from their businesses. DEP "will never be able to address all of the noise issues as they are happening" (65 inspectors cannot solve this problem). DEP believes that citizens are abusing this system by submitting valid complaints against businesses. DEP wants to unburden businesses and allow them to violate the law without paying the consequences. It honestly doesn't sound like DEP shares the goal of decreasing the excessive noise. And Chair Gennaro thinks it's best to fight the war against citizen enforcers rather than the law violators.

I didn't hear anyone ask how many tickets DEP has issued on its own, in the decades that this law has been in effect and businesses have violated the law. How have two citizens actually done more for this city in one year than DEP in decades? Council Member Restler was correct in that the vast majority of noise complaints go nowhere.

Instead of eliminating the citizen component, I believe that you should keep the percentage as it is, and actually expand this program to include other issues that we citizens face that the city does not do anything to enforce such as open doors during air conditioning season, plastic bag violations, parking in bike lanes, and excessively loud vehicles.

This bill, intro 1194 will essentially destroy the citizen component of this program and slash the number of tickets issued for excessive noise. Filing these reports is a lot of work and citizens should receive an appropriate amount to do this important work. DEP and OATH have not made this program easy to participate in so it makes sense that a small group of people are leading this charge.

Bill 1194 would be a loss for residents of the city. If 1194 passes the excessive noise law will go the way of the other positive bills you all have passed which are never enforced.

You, as stewards of our environment are responsible for making our quality of life better. In fact, under the state constitution it is your obligation as the trustees of our shared environment to ensure that it does not worsen.

Is it really asking too much to have businesses turn their music down and allow residents to live in a more peaceful environment?

By the way, one thing we definitely all agree on is that the city's officials should be required to listen to the hearings. Have them testify last!

October 16, 2023

Testimony:

Opposing Int. 0160-2022 and 1194-2023

I am a Queens resident deeply opposed to the modification of commercial noise standards, as proposed by Intro 0160-2022, or of the awards granted for successfully prosecuted citizen complaints against Noise Code violators, as proposed by Intro 1194-2023.

I have personally encountered stores projecting music so loud into the public right-of-way that I started to get headaches just walking past them. At times this music can be heard across busy thoroughfares and even hundreds of feet away. There is an obvious remedy to this situation: ticket the establishments until they cease this behavior. Yet, reports to 311 are ineffective and the NYPD and DEP seem disinterested in pursuing these violations at all. 311 complaints will often be closed with the response that the determination was made that “action was not necessary.” OK, so now what?

Many of these establishments are blasting music with the specific intention that every passerby is exposed to it — all day, every day. The behavior violates not just New York City’s Noise Code but also any standards of common decency. These stores degrade public spaces for their own private gain: attracting the attention of passersby to their businesses. This is **exactly**, as OATH’s Appeals Unit declared nearly 20 years ago, “the definition of advertising.”¹ What is the point of the Noise Code if the city just either won’t or is utterly powerless to do anything to stop even the most egregious violators?

It is remarkable that the City Council, *five decades ago*, demonstrated the foresight to enable enforcement mechanisms for certain provisions of the Administrative Code by everyday citizens personally encountering nuisances that the city fails to address.

I think of citizen complaints as rather similar to utilizing 311: I observe an issue, I document its location and I report it for the City to resolve. I’m proud to have improved my local community—and others—by reporting, over the last ten years: hundreds of potholes; missing or damaged street signs; catch basins in need of maintenance; damaged street lights and traffic signals; and more. I am more than happy to perform this public service for my community.

¹ Appeal No. 34601, NYC v. GPG Corp., February 24, 2005

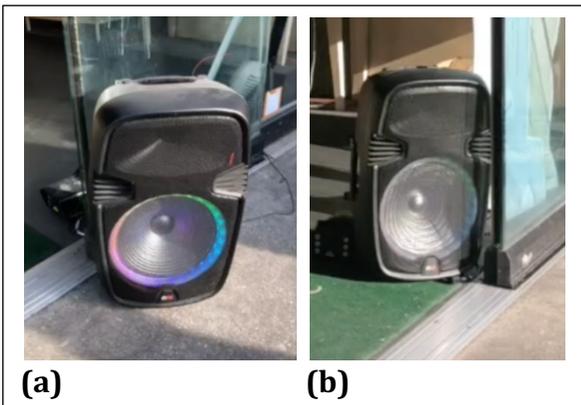
<https://archive.citylaw.org/wp-content/uploads/sites/12/ecb/Long%20Form%20Orders/2005/34601.pdf>

My preference is that the city resolve Noise Code issues by appropriately responding to 311 submissions. However, given as its agencies all but refuse to take action to curb commercial noise pollution, more 'drastic' actions are indeed necessary. Contrary to the views of some, those participating in the citizen complaint program are not "just in it for the money." Their primary motivation is to improve the communities of our fair city by eliminating a public nuisance that has gone unaddressed for way too long.

Prompting the city to resolve passive infrastructure issues via 311 is one thing; filing citizen complaints is a different animal. For one thing, citizen complaints must be affirmed to under penalty of perjury. Video evidence, which DEP uses to evaluate the validity of these reports, is generally also required. Furthermore, there is always the threat of confrontation when documenting a violation that could result in monetary penalties for a person or business. (When I've personally asked some businesses to turn down their loud speakers, I've either been ignored or told to "f*** off." Clearly this was not a recipe for success.) Citizen complaint filings are a process and citizens deserve to be fairly compensated for their time and effort when their findings lead to successful prosecutions.

The above is especially the case when citizens [are forced by DEP's inaction to] pursue cases on their own, noting that citizens must expose their identities, which has at times resulted in threats, verbal abuse, and, in one case, vandalism to their home. To say that a successfully prosecuted citizen complaint is worth \$5 to \$10 is not only a disservice to our communities but a slap in the face to the everyday citizens who dedicate untold hours doing the City's dirty work for it. Intro 1194-2023 insults all New Yorkers.

The Noise Code prohibits commercial advertising by way of sound reproduction device(s) "outside or in front of any building, place or premises or in or through any aperture of such building, place or premises, abutting on or adjacent to a public street, park or place," and it is necessary that this text remain fully enforceable as written. Intro 0160-2022 creates a noise pollution loophole large enough to drive a garbage truck through. Currently, the [rather loud] noise violations produced by this speaker, documented at the same business



on different days, are treated equally, despite the speaker being located **(a)** outside the front entrance or **(b)** just inside the front entrance. ← See images at left.

It does not, and it should not, matter whether the source of this sound originates from "an interior space" in connection with the operation of this business, as in **(b)**. The music can be heard down the block regardless.

Why in the world would you want to enable **(b)**? Intro 0160-2022 would do just that.

Individually and collectively, Intros 0160-2022 and 1194-2023 will serve nothing but to render the Noise Code as toothless as a newborn, enabling nuisance businesses to continue their inconsiderate and illegal degradation of our public spaces with even fewer mechanisms of accountability. That would be as unfair to their law-abiding commercial neighbors as it is to the untold thousands of pedestrians who are forced to endure these businesses' overstimulating and unnecessary noise, hour after hour, day after day.

Given the city's inability to deal with the quality-of-life issue of excessive commercial noise, it is necessary that informed everyday citizens continue to fill this void. Fortunately, they have. I have noticed distinct improvements to the soundscape in multiple neighborhoods as a result of Noise Code enforcement activities initiated by citizen-complainants, and they should be commended—not smeared as *get-rich-quick* schemers—for making our communities (at least slightly) more sonically sensible for everyone. All New Yorkers benefit from their efforts.

Instead of trying to gut the ability of citizens to help enforce the Noise Code, the city should strive to increase participation in the citizen-complaint program. At minimum DEP could make *any* information about it available on its website. If more citizens were aware of this program its benefits would be even greater.

Thank you for your consideration.

Evan Kalish, Queens

Good afternoon,

I am a New Yorker and I am concerned about noise pollution. Even today I was walking by a small shop that was selling souvenirs on 34th street near 5th avenue that was blasting loud music into the street. The noise was hurting my ears while I was standing near a bus stop. I believe that noise pollution from businesses is a threat to my health and the health of every New Yorker.

Vote NO on two dangerous, industry-backed bills (Intros. 1194 and 160) at Monday's hearing of the Committee on the Environment. These bills would roll back 50 years of environmental progress by gutting the popular citizen enforcement provisions of the City's Noise Code. Vote NO on Intro 1194 and NO on Intro 160.

Citizen noise enforcement works!

These two bills up for a hearing on Monday would take a law that is working and break it completely. These bills are only supported by a tiny—but wealthy—set of owners who make money by pointing loud speakers onto our sidewalks. Together, these two bills will make our city noisier and hurt regular New Yorkers!

I am fed up with noise pollution. Please stand up to industry-backed efforts to weaken our environmental laws. Vote NO on Intro 1194 and NO on Intro 160.

Sincerely,

Gregory Gonzalez

Good afternoon. My name is Hayden Brockett, I am a lawyer, and my family and I live in Manhattan. I have never filed a commercial noise complaint. Thus, unlike the lobbyists and business owners who testified today, I don't have a financial conflict of interest. I urge the committee to OPPOSE Intros 160 and 1194, because they will both harm New Yorkers' health and undermine citizen noise enforcement laws that are already on the books and working. Noise hurts our health, plain and simple.

As Chair Gennaro and Councilman Holden said at the outset of the hearing, in the last 20 years, New York has gotten noisier. That's because, right now, because for most parts of the noise code, the so-called objective standard actually means no enforcement. That's how businesses like it. Almost no noise enforcement takes place because only the DEP or NYPD can issue a ticket. And they don't show up for 7-10 days or don't write summonses when they do. For real noise enforcement, you need boots on the ground. Citizen enforcement works—complaints are down 13% this year since citizens ramped up enforcement.

Intros 160 and 1194 are supported by a tiny—but wealthy—industry who make money by pointing loud speakers onto our sidewalks. Commercial noise pollution is about money. Weed shops make money when they aim speakers at the streets. A bar makes money when it attracts customers with loud music. Only meaningful fines can change their behavior—and that is why business lobbyists are so vitriolic in their support of these bills. They want to escape accountability, and that is why wealthy businesses are pushing Intros 160 and 1194.

To be clear, any notice issues the businesses might have could be fixed if DEP would simply notify the businesses when a complaint is received. Then the businesses get notice, and can adjust their behavior. DEP hasn't done this, so instead it's blaming the citizen enforcers.

Councilman Holden, you asked for feedback on your bill. Respectfully, Intro has it exactly backwards. As written, Intro 160 will make it impossible for ordinary New Yorkers to make commercial noise complaints. If it passes, in effect, only DEP could issue noise violations, and then only if an inspector happens to get notice, can get to the offending business on time, and has the appropriate equipment, will a violation be issued.

This is not a clear objective standard. It's an unenforceable standard. This is a system that will not work. It does not work today for other areas of the noise code, it will not work for commercial noise pollution if you pass Intro 160.

Chairman Gennaro, Intro 1194 is equally bad because it will make citizen enforcement completely useless. No one will go through the time it takes to fill in the forms, print them out, mail them in, show up to a hearing, and testify or self-pursue the complaint for \$10. It's just not worth the time, let alone the postage. The Council wisely set the compensation amounts at 25% and 50%--that's where they should stay. Intro 1194 will gut citizen enforcement and make our city far noisier. There is no reason to change the law to please wealthy businesses.

We understand that businesses and their lobbyists yell at you, Chair Gennaro. We heard they support these bills. But with respect, Intros 160 and 1194 have got it wrong. These bills are poised to take the only part of the noise code that works—citizen enforcement—and break it completely. You need to promote the citizen enforcement program, not gut it.

As DEP's representatives testified, they only have 65 inspectors and it takes them one week to show up. Relying on the DEP to show up in 7-10 days with a noise meter doesn't work, as the Councilmembers said

repeatedly today. Councilman Holden, you mentioned how the NYPD cannot respond in time and then doesn't issue violations. Councilman Powers, mentioned real time responses, and as DEP admits, citizen enforcement does work! Councilman Restler, please note that noise complaints are down 13% since citizens dramatically increased enforcement.

Intro 160 will only make it easier for businesses to pollute our streets. Mr. Holden, your bill, with great respect, will completely undermine a system that is working and replace it with one that will not work. If you want to work with us, we will be happy to work with you to make the law even better.

To quote professor of neurology Peter Bingham, MD, "noise is a neurotoxin." It causes heart disease, hypertension, and dementia. New York is too noisy, and it is literally killing us. Intros 160 and 1194 will take an important environmental law that is working and break it completely.

We are blessed in New York with the most effective citizen environmental enforcement laws in the world. Thanks to the City Council, for more than 50 years, New York has empowered citizens to make complaints about noise pollution and be compensated for their time and effort. We need to keep these laws strong.

If you want a noisier city, by all means go with the restaurant lobbyists and support Intros 160 and 1194. If you want New Yorkers to get sicker, please support these bills. If you want to stand, however, with everyday New Yorkers against wealthy business owners, please fight against Intros 160 and 1194.

October 19, 2023

Dear City Council Members,

I write to you today asking that you NOT pass the noise ordinance bills Int 0160-2022 and Int 1194-2023.

I live on 17th Street between 5th Avenue and Union Square. It is a neighborhood with a high concentration of restaurants. I understand that no business owner wants to have to put with restrictions especially if they perceive that it might hamper their operation.

However, I and my family, we live here. We are here all the time. We don't leave after 5 or 6 to go to another place which doesn't have 10 restaurants and bars on the ground floor encouraging people from all over the city and beyond to come into this neighborhood and enjoy themselves but then are upset when there are restrictions placed on them because of their behavior.

The noise spills out from the restaurants and is easily heard across the street. People congregate in large numbers outside waiting for tables, waiting for deliveries along with the delivery people with their bicycles. All of this goes on til closing which

for some of the businesses isn't until 2am. It's enough. There has to be some teeth to these ordinances.

I can't see how reducing the fines and offering exemptions is going to increase the livability of this neighborhood. Further this just reduces the business owner's accountability for their behavior in the neighborhood.

PLEASE oppose these bills.

Thank you.

Tony Travostino
East 17th Street

I am writing to adamantly oppose the 2 new bills - [Int 0160-2022](#) and [Int 1194-2023](#) - that were presented on Oct. 16th to the Committee on Environmental Protection. These bills will essentially gut all noise restraints coming from restaurants, bars, outdoor dining sheds, clubs and cannabis shops with laughable fines – insulting even! – on “noise-violators” that will reduce any kind of enforcement to a farce.

Isn't it enough that the City Council passed LU-0012-2022 (Resolution 53) in 2022, and this last August passed Local Law 121? These laws absolutely erode the quality of life for those of us who live, work, sleep, raise families and make our homes in

NYC. We demand protection from businesses who callously demonstrate a lack of regard for how they affect our lives from business owners who don't live in our communities.

I am a residential tenant in a mixed-use neighborhood near Union Square in Manhattan. I have lived on my block since 1979 and have experienced an ever-degrading quality of life here over the years with the advent of restaurants, outdoor dining, clubs and bars. To cite some examples: Laut, the restaurant in my building does not have a waiting area and attracts hordes of boisterous, loud people gathered on the street to get in. I often have trouble opening my front door because of the crowds and the loud noise on the street is audible from my apartment, disrupting my life. Lilies, the bar next door is open until 2 am regularly blaring loud music with its doors wide open to attract customers. The noisy, inebriated patrons will yell on the street at all hours showing no consideration for the people who live here. The music and the patrons make it impossible to sleep.

Those of us who live in mixed use neighborhoods in New York City (and there are a lot of us!) have the right to quiet use and enjoyment of our homes. We have the right to a good night's sleep. We have the right to our health. I'm sure you know that noise pollution is a well-documented health hazard.

I am aware that as s City Council members you are tasked with representing the interests of your constituents. Thank you for serving our city and your constituents. Please demonstrate that

you work for the benefit of us - the tax paying residents of NYC -
not for the for-profit hospitality and tourist industry, by
opposing the proposed bills.

Thank you.

Sincerely,

Hope Martin
E. 17th St.
N.Y., N.Y 10003

From: Tamaya Butts <tamayacaribbean@gmail.com>

Sent: Tuesday, September 26, 2023 2:31 PM

Cc: jasmine Gerald <jasminecaribbean@gmail.com>; Gary Winkler <gwinkler@timesquarenyc.org>

Subject: [EXTERNAL] Intro 160 and T2023-4002 Testimony - Support

I hope this message finds you well. Thank you for introducing this crucial legislation, Intro 160 and T2023-4002. We greatly appreciate your efforts in advocating for these bills, which address the pressing issue of noise complaints affecting our local businesses, especially in the challenging post-pandemic landscape.

Our restaurant/lounge is located on 46th Street between 8th and 9th avenues. While we have not received any fines related to noise complaints, we are deeply concerned about the impact of these complaints on our business. We remain in strict compliance with our sound ordinance, and it is disheartening to see our industry suffering due to professional bounty hunters exploiting perceived loopholes in the existing regulations.

We fully support the initiative of this legislation. Our experience with noise complaints from a repeat tenant has made us acutely aware of the importance of clarifying the intent of the law and creating a fair and objective framework for addressing noise-related concerns.

Warm regards,

Jasmine Gerald

Owner

Jasmine's Caribbean Cuisine

S'Aimer NYC

Thank you for the opportunity to submit written testimony to the Committee on Environmental Protection, Resiliency and Waterfronts about Intro 0160-2022 and Intro 1194-2023.

I am a resident of CB1, which covers downtown Manhattan, where noise pollution is a serious issue. I urge you to reject the proposed amendments to the NYC Noise Code, which would weaken the protections for the public health and well-being of New Yorkers. The current Noise Code is already inadequate to address the harmful effects of noise, especially low-frequency noise from subwoofers and other sources. Low-frequency noise can penetrate walls and windows, causing vibrations and disturbances that affect sleep, concentration, and mental health. The proposed change does not make it more strict on noise control but make it easier for businesses to play noise directly onto the street and no mention of low-frequency noise.

It is unacceptable to allow businesses to operate with such disregard for the quality of life of their neighbors. I strongly oppose Intro 0160-2022 and Intro 1194-2023, which would make the Noise Code even more lenient and ineffective. Please vote against these bills and instead work to strengthen the Noise Code to ensure a quieter and healthier city for all.

Jay Zhan

Establishing a photo noise violation monitoring device program for motor vehicles Testimony for hearing on Int. No. 778

I'm here to talk about noise camera location selection.

My name is Jeanine Botta, I live in East Flatbush, and I began advocating for use of noise cameras combined with an educational component in 2016 attempting to engage with my elected leaders, which was unsuccessful. I testified at the City Council hearing on the Smart City on January 21, 2021, citing cities throughout the world that were already piloting noise cameras.

I am affiliated with organizations concerned with acoustics and noise, but will not represent them at the hearing, speaking only for myself and other New Yorkers affected by vehicle noise who live in areas with low 311 use.

I am here to request that the City Council and the DEP look beyond NYC 311 data and direct complaints to elected leaders when selecting locations for noise camera placement.

A high volume of 311 noise complaints might represent prevalence of a high volume of noise or might represent complaint behavior. Low numbers of 311 noise complaints might represent a quiet area, or a noisy area where residents are reluctant or afraid to submit noise complaints.

There are areas like mine, where elected leaders have no interest in or knowledge of noise pollution as a health issue. Most residents do not use 311 or complain directly to elected leaders, but will complain about noise in NYPD Community Council or Build the Block sector meetings.

I suggest using broader methods of site selection, and ask the City Council and DEP to consider the following suggestions:

- Outreach efforts that combine marketing and education as a means of giving advanced warning to drivers, educating about health risks of noise, and marketing use of 311 (See October 24, 2011 TLC press release)
- A comprehensive noise impacts survey that goes beyond social media and internet users OR well publicized hybrid town hall meetings
- Combine education and marketing by developing a friendly competition among New York City students – possibly as part of the Sound & Noise Education Module. Students can submit of essays about how and why having a noise camera in their neighborhood will benefit health and quality of life.

I plan to follow up directly with the DEP panelists who participated in today's hearing with a more detailed copy of my testimony from today.

Jeanine Botta, MPH
East 31st Street
Brooklyn, NY 11210
(917) 597-7334
jeaninebotta@aol.com

Resident of the 45th City Council District
Founding member and co-chair, 2016 – 2018, Noise and Health Committee,
Environment Section, American Public Health Association
Member, Acoustical Society of America, serving on the Technical Committee on Noise
Program Member, Quiet Communities, and Founding Member of the project The Quiet Coalition



**Taxi & Limousine
Commission**

David Yassky
Commissioner

Allan J. Fromberg
Deputy Commissioner of Public
Affairs

33 Beaver Street
22nd Floor
New York, NY 10004

**PRESS RELEASE
For Immediate Release**

October 24, 2011

SHHHHHH!

**TLC TO DRIVERS –
HORN HONKING IS FOR EMERGENCIES ONLY!**

The New York City Taxi and Limousine Commission (TLC) is sending a message to all its licensed drivers that horn honking for any reason other than warning of imminent danger is a violation of City law, and that they risk a fine of \$350. Messages will begin to appear on all taxicab Driver Information Monitors starting today.

“Horn honking is a form of pollution, and it is simply unacceptable for our professional licensees to abuse their ability to create it,” said TLC Commissioner David Yassky. “We are urging our drivers to be better neighbors, and to use their horns exclusively to warn of danger.”

The messages will read as follows: “Drivers – remember that honking is against the law except when warning of imminent danger! Be a good neighbor and save yourself a \$350 summons – honk ONLY in an emergency!”

The TLC is likewise encouraging passengers to let drivers know that they do not want them to honk their horns, and if their driver does not comply, to call 311 to alert the TLC of the violation. While an NYPD-issued moving violation summons citing the Vehicle and Traffic Law carries a \$350 penalty if convicted, if the driver is found guilty of TLC Drivers Rule 54-13(a)(2), a driver faces a \$200 penalty if they plead guilty, or a \$300 penalty if found guilty at a hearing.

“We understand and appreciate that drivers want to be responsive when passengers are in a hurry to get to their destinations,” said Commissioner Yassky, “but horn abuse isn’t the way to accomplish that goal.”

The TLC recently announced that the City’s chosen “Taxi of Tomorrow” – the Nissan NV 200 – will incorporate a “low annoyance horn” into its design. The first NV 200s are expected to begin serving the public in November 2013.

October 19, 2023

Jeffrey T. Waddle
East 17th Street
New York, New York 10003

Dear Committee Members:

I am writing to register my strong opposition to the bills in question. Although restaurants and nightlife are important components of New York City, residents already have little recourse if a difficult operator or group of operators move into a neighborhood. Loud, electronically amplified music or other noise can have a serious negative impact on residents' quality of life. Operators can easily keep noise levels within the current laws, which is better for neighbors, and frankly patrons and employees as well. Please do not gut our already weak laws. One of the city's major problems right now is loud noise levels, as is witnessed by the high volume of noise complaints to 311.

I live on a very short block by Union Square. When I moved here there were no late-night bars or restaurants on the block. There are now approximately nine liquor licenses on our short block. Most of the operators have been responsive to community needs, however there have been problems with certain operators over the years that have taken months or years to resolve. Unlike many other problems that can occur in a neighborhood, loud amplified noise can invade a person's living space with little recourse. Gutting noise rules will make it even harder to resolve problems with difficult operators.

Thank you.

Sincerely,

Jeffrey T. Waddle

To; The Committee on Environmental Protection, Resiliency, and Waterfronts, New York City Council

From: Jennifer Wollock

RE: Proposal to revise the New York City noise ordinance, 10/16/23

Residents of neighborhoods like ours (Inwood) have a special responsibility to respond to the revisions of the New York City Noise and restaurant operating ordinances that you are considering today.

Since I moved to this neighborhood where I and my family still live in 1998, we have been fighting for a little quiet at night so we can sleep, and during the weekends so we can rest when off of work.

We live near the corner of Dyckman and Payson Avenues, one of the noisiest spots in the city. Yes, we file a lot of noise complaints: we are still among the top three precincts in that respect.

Now that Dyckman Street has been crowned as the official Hopping Party Venue for “beautiful people” from the tri-state area and

Caribbean visitors, or future tourists, in search of exciting night life, we find ourselves in an even noisier place - not, perhaps, the quietest for either the elderly, the scholar writing a book, the composer, the laborer who has to get up early to keep the city running, the hard-working first responder (we have lots of those), the baby, toddler, or parent trying to get them to sleep, preferably without the aid of sedatives, or the hard-working college student who is up late working while the beat goes on outside his windows until 4 am, when the Serious Drinkers stagger up to drape themselves over the park benches across from us and rev up the sound systems in the backs of their vans. Not to mention their hot rods and motorcycles.

But hey, it's all for the sake of Business! Musicians don't sleep, right? They are all Party Animals - can you even call that work? It brings jobs to the immigrants! It brings immigrants to the dishwashing! It brings money to the Deep Pockets!

Speaking as the descendant of a NYC newsboy in the late 1800s, I can tell you that yes, you can help your family of seven scrape out a living at these sorts of jobs, even as a 10-year-old with no English. But that and school during the day take it out of you, and you might also need to sleep at night.

Listen to us, the working people of New York Partyland. Slavery and nonstop Bopping are not fun for everybody. Have a heart and hold on to that ordinance - and let's see some attempt to enforce it, not a 24-7 sensory barrage. People are crazed enough by the rigors of city life as it is. Maybe your penthouse condo is soundproofed and you have great headphones. But the experience is different downstairs.

Many thanks for listening to us and putting your feet down. We may not be able to hear ourselves think out here but our eyes are watching you.

Monday, October 16, 2023

Written Testimony to NYC City Council

Ref: Bill Int. No. 160 - in relation to noise standards for commercial establishments and
Bill Int. No. 1194 – in relation to citizen noise complaints

To the NY City Council

I just received this noise summons today by mail.

Havana Central does not have any outside speakers and the only time our door is open is when guests enter or leave and when our staff is serving the outdoor café.

Havana Central has been at this location for over 20 years without any noise complaints.

This citizen, Dietmar Detering, is making a living from preying on hard working businesses. Please see the articles below

Please stop this one-man vigilante from causing more damage.

https://www.nbcnewyork.com/news/local/i-team-how-one-nyc-resident-makes-a-living-writing-thousands-of-noise-tickets/4448563/?_osource=db_npd_nbc_wnbc_eml_shr

<https://nypost.com/2023/07/04/nyc-residents-make-money-off-noise-complaints-targeting-bars-restaurants/>

https://www.reddit.com/r/nyc/comments/14jl1ue/how_one_nyc_resident_makes_a_living_writing/

Thank you

Jeremy Merrin

Founder and CEO

The Merrin Group and Merrin Hospitality

dba: Havana Central Restaurant and Rum Bar, Houston Hall

151 West 46th Street, Suite 902

New York, NY 10036

212 584-4020 X213

www.havanacentral.com

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 0218 031 954

CITIZEN PETITIONER: Dietmar Detering
 CITIZEN PETITIONER CONTACT INFORMATION: ddetering@gmail.com

LAST NAME OR COMPANY NAME (Print)		FIRST NAME	
xxxxxx Havana Central Times Square			
STREET ADDRESS 151 west 46 Street		APT. NO.	
CITY New York		STATE NY	ZIP 10036
ID NUMBER:			
TYPE OF ID/ISSUED BY:			
DATE OF OCCURRENCE: 06 / 11 / 2023		TIME OF OCCURRENCE: 7:08 PM	
PLACE OF OCCURRENCE: 151 west 46 St			
BOROUGH OF OCCURRENCE: Manhattan		CB No.	
<input type="checkbox"/> Alternative Service			

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

HEARING DATE: 04 / 01 / 2024 AT: 9 AM

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
 Manhattan See reverse side for address

[borough]

Phone: (844)628-4692

FOR HEARING OPTIONS, SEE THE BACK OF THIS PAGE
 REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE

WARNING: If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit or registration. The City might also take further legal action against you. See the back for more information.

Section/Rule		Details of Violation(s)		OATH Code	
NYC Ad. Code 24-244(b)		AN95			
Mail-In Penalty: \$ 440		Maximum Penalty: \$ 1,750			
<input type="checkbox"/> Respondent must appear in person I personally observed this restaurant deploy speakers, inside, playing music to the general public through the propped-open door, in order to attract attention for this business.					
<input type="checkbox"/> Property Removed <input type="checkbox"/> 1-2 Family <input type="checkbox"/> Multiple Dwelling <input type="checkbox"/> Commercial					
NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings.					
Per Section 1049-a(d)(1)(b) of the New York City Charter, which provides that the form and wording of summonses shall be prescribed by the Board, THIS SUMMONS CANNOT BE SWORN TO OR AFFIRMED					
SIGNATURE OF CITIZEN PETITIONER				REPORT LEVEL (Fill 4 spaces Comm'd, Sq'd, Unit, etc.)	
Dietmar Detering				999	
CITIZEN PETITIONER'S NAME (Printed)		TAX REGISTRY NUMBER		AGENCY	
Dietmar Detering					
NOTICE ALSO SENT TO		FIRST NAME			
LAST NAME		Dietmar			
STREET ADDRESS					
[Redacted]					
CITY		STATE		ZIP	
Sunnyside		NY		11104	

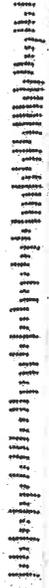


0218 031 954

RESPONDENT

D. Detering

Sunnyside, NY 11104



2009 9450#96001

Havana Central Times Square
 151 west 46 Street
 New York, NY 10036



Why on earth would you want to make NYC louder? Helicopters, emergency vehicles, motorbikes, alarms, crazy people, car stereos are bad enough, and now Holden wants to remove effective citizen enforcement of store owners blaring their music onto the street? This is an absolutely ludicrous idea.

Holder's 1190 and 160 bills should be killed. Persistent noise pollution kills, it's scientifically proven to damage mental health and reduce life spans.

John Malcolmson

Subject: Concerns about Commercial Noise and the Importance of Citizen Enforcement

I am writing to express my deep concern about the issue of commercial noise on our city streets. Frequently encountering loud music and other noise sources while going about daily activities not only disrupts the peaceful environment we all desire but also negatively impacts overall quality of life.

In particular, residents living in proximity to commercial areas are severely affected. Constant exposure to high levels of noise can lead to increased stress, impaired sleep, and a reduced sense of well-being. It is crucial to recognize that reducing commercial noise is not just a matter of comfort but a fundamental aspect of maintaining the mental and physical health of our community members.

In light of these challenges, I firmly believe that citizens are the most well-equipped and willing individuals to help enforce noise violations. We are the ones directly affected by these disturbances, and we have a vested interest in making our neighborhoods more peaceful. By involving the community in the enforcement process, we can collectively contribute to a more harmonious and quiet city.

Bills 0160-2022 and 1194-2023 will eliminate citizen enforcement of noise violations in the city to the detriment of all New Yorkers. Please do what is right for our city.

Kindly,

Jonathan Robidoux

JOSEPH M. GABIS

W 4TH STREET, ##NEW YORK, NY 10014

Dear City Council,

I am writing in opposition to bills Int 0160-2022 and Int 1194-2023 regarding music originating from an interior space. The proposed bills will exacerbate the noise that residents already have to deal with which has already increased thanks to the open streets dining disaster. From 1000AM – 1200AM 6 days a week, but markedly worse on Saturdays and Sundays, residents on W 4th between Bank and 12th are already subject to screeching drunks, loud talkers and dragging of trash bags full of empty clanging liquor bottles. It is one thing to experience this noise if you choose to dine in one of the establishments but another thing entirely to be forced to experience it by allowing restaurants to keep their facades open with music and crowd noise flowing outside to the street and the surrounding buildings. The restaurants have been given sheds which present a whole host of negative environmental impacts and to add more noise pollution on top of it is absolutely absurd. I urge you not to pass this bill

Sincerely,

Joseph Gabis

ATTENTION NYC COUNCIL October 16, 2023

Noise pollution is a HEALTH ISSUE. Numerous studies show that constant random noise like from crowds and bars raise people's blood pressure.

We are 100% opposed to gutting the bar noise and facade rules in the following legislation:

[Int 0160-2022](#) exempts from the noise code “music originating from an interior space” – that would be a space like a restaurant, a bar, a club, or a weed shop.

[Int 1194-2023](#) would cap the fines on a “noise-violator” to \$5 if the offense was reported by the City Department of Environmental Protection and \$10 if reported by a citizen who is sick-and-tired of being assaulted by noise-for-profit coming from a neighboring business.

FIVE AND TEN DOLLAR FINES? Why not give just the bars PRIZES for whichever bar can make the most noise!

Noise is POLLUTION. If you want to drive more working class, middle and upper middle class tax-paying New Yorkers OUT OF NYC, then making it NOISIER is certainly the way to go.

Some of you may live in a nice, sound resistant building and/or with no bars near or surrounding you.

The rest of us in older buildings who live above or next to or near bars (AND want to avoid dealing even more with them), have to deal with insane noisy bars and the above legislation combined with the open facade regs and the sheds WILL MAKE IT WORSE

Please do not vote to gut the noise codes, otherwise NYC will become even more unlivable.

Sincerely,

Mr. Jules Feinman

97-98 Lexington & Park Neighbors

“Because We Live Here”

347-674-0742 Voice

347-614-0951 Fax

9798lexpark@gmail.com

@9798lexpark

Nationwide there is a push for modification of noise pollution, i.e. the modulation of freight train sirens as they go through cities. Recent laws on behalf of entrepreneurs giving them total license to broadcast at top decibels for 14 hours per day, with facades opened to the street, fly in the face of public health. It's a known fact that restaurants and bars play very loud music to encourage turnover in clientele in effort to make more money, hoping that people will leave when they can no longer endure the noise. The Two Bridges area echoes nightly with the brawls of inebriated bar patrons. My windows face the street. Research shows that exposure to high noise levels exacerbate heart conditions, blood pressure, and mental health. Constant noise from bars, etc. interferes with the developing minds of children and the nervous systems of Everyone in the city. The addition of unregulated "music" which will echo and reverberate and vibrate throughout the city is irrational and borders on the criminal. This is fine for Times Square, but not for residential areas. Perhaps this is just an administrative issue concerning those who "make money" by filing noise complaints for others, and might be addressed by a mere adjustment of the process. Personally, this will be a terrible thing for me as blaring "music" from storefronts has very bad health effects on my heart, blood pressure, and nervous system. Our bodies adjust to ambient city noise, but what the restaurateurs are demanding and getting are dangerous levels of noise pollution and the right to inflict harm on any resident vulnerable to the dangerous effects of that pollution.

Julie N. Shapiro

October 17, 2023

New York City Council

RE: New Noise Legislation

0160-2022 Noise Standards for Commercial Establishments

1194-2023 Citizen Noise Complaint

Previous Legislation:

LU-0012-2022

Local Law 121

City Council Members,

I was unable to attend the hearing on October 16 2023 at 1PM concerning new noise legislation proposed to the EPA by City Council members . In lieu of my attending I am submitting written testimony concerning my opposition to this proposed legislation as well as concern about previous legislation approved in 2022 and 2023, which weakened noise restrictions in residential and mixed use neighborhoods. I was not aware of this legislation and if aware would have strongly opposed it.

As senior citizens living in the same building since 1978, we were unable to predict what “progress” would come to our once artist occupied loft neighborhood centered around Madison Square Park and Union Square. Although we sadly watched the shoe repair shop, the novelty shops, the sandwich shops, the drug store, the perfume shops, all servicing working class peoples, quietly disappear, we were late to predict what rapid commercial gentrification would do to the remaining loft law and small apartment building tenants that revitalized the neighborhood in the 70’s, 80’s and 90’s.

By showing preferential treatment to lobbying organizations such as Hospitality Alliance and not overtly supporting tax paying residents and their pleas for quality of life legislation and enforcement, you are further destroying the societal fabric of a community who has been called upon during the hardest of times to ban together and assist others in need, without assistance from commercial tenants or landlords.

During these times few restauanteers and nightlife operators assisted, for example, in taking groceries to walk up buildings for seniors during Hurricane Sandy. Few proprietors took towels, sheets, clothing over to drop off points during 9/11 as I witnessed our neighborhood doing. During Covid few HA

members were present at the 7PM call to thank essential workers or wave at residents afraid to come out of their buildings for fear of dying.

Instead outdoor dining sheds were proposed to salvage commercial tenants with minimal regards to residential tenants living with street noise, none to poor street cleaning, rats and insects, garbage piles, crime.

With the leniency given to commercial establishments we now have a constant attack of noise, crime, violence and abuse in our streets, in our neighborhoods.

Perhaps you stand with business over people. I sincerely hope not on our final days where we have lived for 45 years are doomed. I doubt at the next energy, environmental or challenging occurrence that any one from Lillies or Laut and its subsidiaries, or Pret or PokeBowl or Tompkins Square Bagels or Chopped or Pasta Eaters or the three new yet to open mega restaurants on 17th Street will bring me water or warm clothing but I know my neighbors, caring human beings will. And I the same for them.

We ban together to say NO to commercial establishments needs and desires over tenants. We must have noise regulations so our collective of families, seniors and professionals can co exist with the entrepreneurs and not in constant conflict and fear.

**Sincerely,
Karen Flaherty
Paul Persoff
east 17 Street
NY NY 10003
Karen 917 885 0354**

Testimony for October 16, 2023 Committee on Environmental Protection, Resiliency, and Waterfronts meeting

I live – and work at home - on a residential side street, where noise has increasingly become an issue over the past years, and especially since the advent of dining sheds and illegal cannabis dispensaries and smoking lounges. I am distressed by the two new bills being presented on October 16th to the Committee on Environmental Protection, which seem poised to take away protections I feel are extremely important for residents.

My block now has five (5) dining sheds and at least four (4) illegal cannabis locations, two of which often play loud music when they're open, and one of which is open sometimes until midnight or beyond. There is also a barber shop that has an outdoor speaker which plays music during its open hours. Our quality of life has been more and more severely compromised because of these evolutions.

I'm afraid that this new legislation will effectively remove restraints on restaurant and bar noise, whether it comes from sidewalk cafes, roadway sheds, or from within a restaurant or another type of commercial space.

As the Committee on Environmental Protection, I like to think that you know that noise can affect humans as adversely as other pollutants.

I implore you to PLEASE support our city's residential communities' lives, over catering to the lives of tourists and visitors who don't live here, by **OPPOSING** these proposed bills. We already suffer enough from the nightlife industry's and Hospitality Alliance's powerful forces.

Please don't allow them to get away with even more potential to further disturb residents in already overwhelmed and oversaturated neighborhoods.

Thank you,

Kate Puls

E. 9th Street, NYC

From Kathleen Brady
East 72nd Street, New York 10021

None of these proposed noise bills should pass. Restaurant noise is a blight on our city and is unnecessary. These are eating establishments, not discotheques.

Noise problems are a huge, nuanced issue in NYC. I respond to the claim is that two people are making 90% of the noise complaints in NYC and they are doing it to make money. City councilpersons' proposed solution is to gut the city's current laws against excessive noise and reduce fees to \$5-10, which is less than most restaurant tips. Proposed solution is to admonish and curb excessive complainers. However, it is probable that the same people complain multiple times about a restaurant because city and over-worked police do little or nothing to uphold current noise laws. Many noise complaints are thrown out because complaintants are unable to leave work to show up for hearings. As it is, current penalties are too low.

Please, city council, work for citizens and for voters, not corporate interests that prey on working people who need a good night's sleep and want to continue to live in New York City. Don't let New Yorkers be driven out by hot shots who have money to pay lobbyists like the Hospitality Alliance thousands of dollars per year.

Noise

[Int 0160-2022](#)

This law should not be passed. If it is passed, it will contribute to the decline of New York City and to the exodus of residents.

As I unfortunately have experienced, "interior" noise that comes from the blaring sound systems of restaurants (are they discos?) reverberates through the building they occupy. It is not just that the music comes through windows. It shakes walls! It keeps children and their hard-working parents up half the night and angry all day at a city that does nothing to make NYC livable.

The correct response to a noise complaint is for a restaurant or other noise maker to turn down the volume. City officials, don't do the bidding of the Hospitality Alliance. Stand with the citizens!

Kathleen Brady

TO: Committee on Environmental Protection, Resiliency and Waterfront

DATE: October 16, 2023

RE: Int 0160-2022
Int 1194-2023

I have been a resident of Cornelia Street in the Central Village for over 30 years.

The current weak noise laws have already affected my family's quality of life. My 500 foot street has 9 restaurants on it and it is not possible to keep my windows open at night, when these restaurants have customers dining outside, or standing around talking loudly outside my window. All around the Village, music originating from restaurants, even before they are open is an annoyance to residents, especially since Resolution 53 was passed by the City Council in 2022 allowing restaurants to keep their facades open at all times they are in operation. With Local Law 121, passed by the City Council in August, restaurants can operate from 10am to 12am, giving residents no quiet time at all.

As far as capping the fines on a noise-violator, what is this saying to bad actors, who will consider these non-fines a drop in the bucket?

Noise is an air pollutant with well-documented adverse health outcomes. Please consider residents who need some peace and quiet for their mental and physical health and quality of life.

Thank you,
Kathy Arntzen
Cornelia Street
###-###-####

Katie Holten
East 16th Street,
New York, NY, 10003
katieholten@gmail.com

New York City Council
landusetestimony@council.nyc.gov

October 19, 2023

Dear City Council members,

Unfortunately I was not able to attend the October 16th hearing in person so I am writing to share my opposition to the two new bills — [Int 0160-2022](#) & [Int 1194-2023](#) — that were presented to the Committee on Environmental Protection.

These bills will essentially gut all noise restraints coming from restaurants, bars, outdoor dining sheds, clubs and cannabis shops with miniscule fines on “noise-violators” that will reduce any kind of enforcement to a farce.

The weakening — of already weak noise laws — will affect our home, our family, our sleep, and our health.

In February of this year, I was diagnosed with Long COVID, dysautonomia, by Dr. David Putrino at Mount Sinai. It is possible that our living conditions — the extreme & stressful daily noise levels six days a week — exacerbated my symptoms, contributing to the tachycardia attacks. My life has been reduced to 70% of my previous live/work situation.

I am a residential tenant in a mixed-use building in a mixed-use neighborhood in Union Square in Manhattan. I have lived on my block since 2005 and have experienced an ever-degrading quality of life here over the years with the departure of beloved long standing NYC establishments like Coffee Shop and Union Square Restaurant being replaced by noisy chain restaurants, outdoor dining huts with amplified music, construction sites, Breads Bakery with their battalion of noisy refrigerated trucks constantly creating excessive noise, and an obnoxious boxing club/bar.

I oppose these pro-nightlife efforts to weaken the NYC Noise Code. These efforts are strongly supported by the Hospitality Alliance, a group which favors bars and restaurants over residential neighborhoods. As we live in a neighborhood affected by dreadful noise we are left in a position where we have to constantly fight for QUIET and Quality of Life.

Isn't it enough that the City Council passed LU-0012-2022 (Resolution 53) in 2022, and this last August passed Local Law 121? These laws erode the quality of life for those of us who live, work, sleep and make our homes in these neighborhoods of NYC.

We demand protection from businesses that demonstrate a complete lack of regard for how they affect our lives.

Almost all — if not *all* — of these business owners do not live in our communities. Yet they are allowed to operate as they wish, creating havoc for those of us who do live here.

The last two years have been horrific in our home due to the noise from the demolition / construction at 16 east 16th Street. It has been unbearable. The noise levels that we have recorded have reached 85 – 90 decibels.

I am speechless as to how the Sidney Hillman Health Center, a Free Family Health Clinic, was allowed to be replaced by a Private Members Club.

I have just learnt that it will also comprise a Hotel with three (3) outdoor roof bars, street dining, and daily hours until 4AM. This is completely unacceptable.

NYC Noise Code Quiet hours are 10 pm - 7 am. 16 east 16th street is in violation. Their construction starts daily at 5:30 am. They also work every Saturday.

16 east 16th street noise includes: men screaming, sirens, machines, cement mixers (up to 3 working at one time), pneumatic drills, shouting, street closures, idling trucks, honking horns, men fighting, a constant stream of large articulated trucks unloading & loading, multiple jackhammers, demolition trucks, dumpsters, and large machines to dig multiple stories down into bedrock.

How on earth was bedrock digging permitted on our block? The bedrock digging was permitted to take place mere inches from where people live, work, and sleep?!

It blows my mind to try and understand how this was allowed to happen. We never received a single communication from 16 east 16th street re any of this. We have not received any warning that *any* of this was going to happen.

We are considering hiring a lawyer to find out what our Rights are, and how we can stand up to the assault we face every single day from 16 east 16th street.

As well as NOISE the disruption includes daily street closures. Our block is essentially closed to traffic as the construction site has taken over the block. We cannot schedule deliveries or pick-ups. We cancelled our NYTimes subscription as they can never deliver.

Unfortunately, the noise and stress from construction is only the beginning of our woes with 16 east 16th street as we have just learnt that they will have 3 outdoor rooftop bars and have requested daily operating hours until 4AM. We say NO WAY!!!

From the [NYC.GOV](https://www.nyc.gov) website:

CONSTRUCTION NOISE

Overview

New York City is involved in a constant process of renovation and new construction. To limit construction noise, the Noise Code mandates that all construction be conducted in accordance with noise mitigation plans that address the specific location, type of work, and timing of a project. The Code also sets standards for noise levels created by handling containers and construction material on public streets, and ways to lessen the noise from each type of construction equipment. For example, jackhammers must be outfitted with noise-reducing mufflers and/or have portable street barriers to reduce the sound impact on the area. The Noise Code also defines the hours when construction may occur.

Construction Hours

Construction may occur between 7:00 am and 6:00 pm on weekdays. Alterations or repairs to existing one- or two-family, owneroccupied dwellings, or convents or rectories, may be performed on Saturdays and Sundays between 10:00 am and 4:00 pm if the dwelling is located more than 300 feet from a house of worship. Work may take place after hours and on weekends only with express authorization from the Departments of Buildings and Transportation. A noise mitigation plan must be in place before any authorization is granted. Emergency work necessary for public safety, or work that cannot be performed during normal work hours, may occur after hours or on weekends. For example, water main or gas line repairs may require construction activity outside the normal hours of construction.

MUSIC FROM BARS & RESTAURANTS

Commercial establishments that play music must limit the level of unreasonable or disturbing noise that escapes into the streets or is heard in nearby residences by requiring that sounds levels may not exceed:

- *42 decibels as measured from inside nearby residences, AND*
- *7 decibels over the ambient sound level, as measured on a street or public right-of-way 15 feet or more from the source, between 10:00 pm and 7:00 am*

We understand that COVID wreaked havoc for businesses in NYC. We are also human beings and lived through this traumatic event in our city. We have also had our work affected. I am self employed and can empathize with business owners. This should not be an excuse for our neighborhood establishments to essentially create their own noise regulations and bully their way into creating a system that works for them to the detriment of life.

For example, GRIT Boxing is located next door to us at 8 east 16th street. It is supposedly a “gym” but serve alcohol (!) and have an outdoor dining shed. The amplified music from their shed is audible from our apartment. At times an instructor has led punching classes outside on the sidewalk outside the entrance to our home. This makes a lot of noise and seems to be wholly inappropriate and illegal event. (Recently the outdoor dining shed hasn’t been creating a noise problem as no one uses it: it is sitting their rotting outside the entrance to our building. We do not understand why the shed was not taken down a long time ago?)

Those of us who live in mixed use neighborhoods in New York City have the right to peace and quiet and the possibility to relax and enjoy our homes. We have not been able to do that for years now. (Local Law 11 is another disaster. We live on the second floor: horrific.)

Honestly, the last few years it feels like we have been living under attack. On a daily basis the noise reaches levels that could be considered a form of torture.

We also suffer from light torture as the lights in the car park at 6 east 17th street are insanely bright and shine directly into our bedroom.

The lights in the car park create all kinds of NOISE issues. Like moths to a candle, the car park lights attract all kinds of people who carry out all kinds of activities in the car park. On

any given night there have been (unpermitted) film shoots, music video film shoots with drones, amplified musical performances, skateboarders, basketballers, and hordes of people climbing from the car park onto the fire escape outside our bedroom window.

As residents, the only thing we can do is call 311 to make a noise complaint.

Noise is the top 311 complaint. With over 525,000 annual noise complaints from 311 the NYPD cannot respond to all complaints. NYPD, with a 30% staffing shortage, must give priority to answering 911 calls. **This system works for no one.**

We have the right to a good night's sleep.

We have the right to our health and sanity. Or do we?

I am sure you know that noise and light pollution are well-documented health hazards. They are both used as forms of torture.

I am aware that as City Council members you are tasked with representing the interests of your constituents. Thank you for serving our city and your constituents.

Please demonstrate that you work for the benefit of us — tax paying residents of NYC — not for the for-profit hospitality and tourist industry, by opposing the proposed bills.

I urge the City Council to support residential community life by OPPOSING these proposed bills.

Thank you for taking this matter seriously.

Sincerely,

Katie Holten

A handwritten signature in black ink, appearing to read 'Katie Holten', with a long horizontal flourish extending to the right.

Please keep existing noise ordinances in place to protect residential
apts and dwellings. If these laws are removed, it will impact my
family's quality of life, sleep and health and contribute to overall
noise pollution. Noise is an air pollutant with well-documented
adverse health outcomes. We already have enough unwanted noise from
traffic (horn honking, busses, motorcycles, deliveries, etc),
commuters, boats, and other noise which decrease overall quality of
life in NYC

Aside from supporting hospitality, I don't see how this is better for
the residents of NYC.

Korin Cohen

I am a resident of a mixed use neighborhood in lower Manhattan. Our community has been upended and transformed by the noise escalation that was a result of the rule changes that allowed outdoor dining to expand during Covid. Covid is gone, the rules remain, and any expansion of them will unduly burden those of us trying to make the city our home.

Please defeat these bills by voting against them

Sincerely
Leigh Behnke
Broadway
NYC

20231016 - notes ref proposals for amendment of noise codes

Regarding Int No. 160

“ (c) This section shall not apply to music originating from an interior space in connection with the operation of any commercial establishment or enterprise.”

This proposed modification to the code makes no sense whatsoever. Commercial establishments are a common source of unwanted noise and must be kept under appropriate regulation to safeguard the health and well-being of residents near them. They are exactly the kind of unhealthful nuisance, the laws intend to regulate.

Residents, taxpayers, voters, must be protected by law from disturbances from establishments whose sounds interrupt normal residential activity.

Modern music sound systems can put enormous amounts of sounds, especially bass low notes, into the environment. Loud music can travel blocks and through closed, double-paned windows, and still be so loud that it unavoidably interrupts concentration of home-workers and students. Anyone trying to read a book or listen to their own music is forced instead to hear the rump-rump-thump-thump-rump-rump of incessant amplified audio.

Children trying to get some sleep cannot when a local establishment has loud music going on. Later in the evening all the adults face a challenge getting to sleep, too. People who are convalescing will be challenged to get necessary rest when there is hammering music coming from down the block.

Regarding Int. No. 1194d

Reduction of fines to trivial levels makes the laws behind the fines useless.

Fines are a deterrent to unlawful behavior. If fines are tiny, they are no deterrent.

Fines should be high enough that no establishment would risk another fine if they get one.

I'm a senior citizen who lives close to a few different establishments that would play loud music every evening and night, and all night, if they could. The building I live in, with two of its neighbors, have over a thousand residents in them. Only the local regulations are some of the few defenses we have against commercial interests who would like to profit from loud entertainment.

Please keep these regulations intact - and considering increasing the protection - for us residents, taxpayers, voters, who live near businesses that have music.

Sincerely,

Lorenz Fish

24-218 and 24-231

We try to support our neighborhood restaurants and bars and the musicians who play acoustic music in the open. Please understand that most of these establishments and musicians have though been reported for horrible noise and the use of acoustics many, many times. Why? They are operating in residential neighborhoods and have no respect for the noise code or the neighbors. It's a free for all in the Union Square neighborhood.

However, the police should not have to handle these nuisance calls but the only way to complain is too file with 311 and the complaints automatically go to the police. Why not use meter people and extend their hours. They are authorized to give tickets and the police should be handling crime and other emergencies. Not fair to the police and a new system need to be set up.

Please understand that I do not complain as soon as the noise starts, only when the noise on roofs, restaurants or musicians becomes unbearable which is usually several hours restraint. Noise pollution make people sick.

Lorna Renner Waddle

October 17, 2023

The New York City Council, New York City
Re: Council Meeting on Amending Noise Allowance

Dear Council Member,

Yesterday I attended the meeting at 1:00pm on the topic of increasing the noise allowance and the fines applied to businesses exceeding the noise limit. It became obvious that certain Council Members do not live on a block with loud businesses, bars, restaurants, pot shops and any variety of other noisy business. If they did they would reduce the noise level allowed.

With that said I still appeal to you to consider your constituents, and the rest of NYC, to tone down the noise instead of allowing businesses to be louder with a minimal, if any, fine. If the fact that a few people are making money from submitting names of noise violators then reduce their 'take' of the fine but don't make the rest of us suffer from their noise.

Anyone who lives on a block with a restaurant, bar, or pot shop would never consider allowing an increase in the level of noise by businesses. They are noisy already.

Every block that has a restaurant on it is impacted by noise and the city council has a responsibility to stand up for the residents - not just make life easier for a business. It needs to be a balance between residents and businesses.

It appears that businesses proceed with immunity, basically a fine in name only, and they can be as loud as they like. Loud, amplified music from inside could be as loud as if the speaker was on the sidewalk.

The leaders of our community should be protecting us, the residents, our health and quality of life and keeping a business' noise confined within their walls.

If you a bill that would allow an increase in noise you will be contributing to making this city less healthy and more unlivable. Please vote no on allowing an increase in noise levels.

Thank you for reading above.

Sincerely
Lorry Wall
Prince Street
NYC 10012

Magee Mahon Cafe
DBA Pig N Whistle
Est. 1969

Dear City Council Member,

We and ALL small business owners urgently need your help.

We have been inundated with noise violation tickets mostly issued by a few citizens totaling thousands and thousands of dollars for each location.

We simply cannot afford this extraordinary burden.

The law in question § 24-244 Sound reproduction devices is very ambiguous and requires an immediate update.

We urge you to stop allowing citizens the ability to write tickets who are clearly motivated by financial gains for themselves

This is not about the environment or noise bothering residents.

As a matter of fact, we have never had a single complaint from any of our residents or neighbors.

It is absurd that the person who is primarily issuing us these tickets does not even live in the neighborhood, never mind the borough so how are they affected?

A once dynamic city is being silenced and its very character erased by these bounty hunters.

Additionally there is an uneven and unfair application by these individuals with some businesses being ticketed over and over again while others remain untouched.

The commissioner of the Department of Environmental Protection Rohit Aggarwalla has issued a statement to Chris Glorioso of NBC New York I Team Investigates stating

"It's disappointing that a small group of people are instead abusing the system to terrorize local businesses for personal profit under the pretense of protecting the environment"

The commissioner also stated

"The DEP is now calling on the City Council to remove ambiguity in the noise code so that it is clearer what kind of music should be classified as commercial or business advertising.

The agency also wants to add requirements for specific decibel levels in order to qualify as a noise violation.

Currently, if music is considered to be sidewalk advertising, it doesn't matter how loud it is."

Magee Mahon Cafe
DBA Pig N Whistle
Est. 1969

"Additionally, the DEP would like to see a rule requiring businesses be served with one summons before additional summons can be filed against it.

We look forward to working with the city council to make common-sense changes to the noise code. Citizen enforcers driven by profit don't exercise the same judgment and discretion that DEP enforcement agents use"

Mr Glorioso also did an investigation and the information he uncovered can be seen in the following link

<https://www.nbcnewyork.com/news/local/i-team-how-one-nyc-resident-makes-a-living-writing-thousands-of-noise-tickets/4448563/?amp=1>

We small business owners also look forward to working with the City Council and DEP to resolve these issues particularly regarding the handling of all the tickets that have been previously written

Some businesses have ticket amounts that equate to the amounts of the SBA loans we received to stay afloat during Covid which we are still paying back.

\$440 is the minimum for the first offense with \$1,320 the minimum for each additional ticket and the max \$5,250 per ticket.

We all have upcoming court dates and cannot pay these fines.

We would propose that we each pay the initial fine as we were not notified as usually happens with city agencies when the first ticket is issued.

This is why we have so many tickets, we were unaware that tickets were being written even weekly in some cases until we received the first court date notification months after the first ticket was written. In our case six months.

We were never offered the chance to cure because we were clueless it was even happening.

We believe this is egregiously unfair and would like the city council to address this.

Magee Mahon Cafe
DBA Pig N Whistle
Est. 1969

Please do not hesitate to contact us for any additional information or comments.

On behalf of the following bar.

Respectfully yours,

Eugene Wilson,
John Mahon,
Theresa Burke-Sigler
Pig n Whistle Public House
Tel 212 819 0095
Email;Thepigpub@gmail.com

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 0216 391 991

ENFORCEMENT AGENCY: ERIC EISENBERG
AGENCY CONTACT INFORMATION: ERICNOISE@-DIVISION: HOTMAIL.COM

LAST NAME OR COMPANY NAME (Print) ERIC EISENBERG FIRST NAME _____
 CELL PHONE #: PIG-N-WHISTLE

STREET ADDRESS 58 W 48TH ST APT. NO. _____
 CITY NEW YORK STATE NY ZIP 10036

ID NUMBER: _____
 TYPE OF ID/ISSUED BY: _____

DATE OF OCCURRENCE: 08 / 17 / 22 TIME OF OCCURRENCE: 8:05PM
 PLACE OF OCCURRENCE: 58 W 48TH ST
 BOROUGH OF OCCURRENCE: MANHATTAN CB No. _____
 Alternative Service

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

HEARING DATE: 05 / 17 / 23 AT: 9:00AM

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
 MANHATTAN

See reverse side for address

[borough]

Phone: (844)628-4692

FOR HEARING OPTIONS, SEE THE BACK OF THIS PAGE
 REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE

WARNING: If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit or registration. The City might also take further legal action against you. See the back for more information.

Details of Violation(s)

Section/Rule NYC AD. CODE 24-244(B) OATH Code AN 9 5

Mail-In Penalty: \$ 440 Maximum Penalty: \$ 1750
 Respondent must appear in person OBSERVED RESPONDENT PLAYING
 SOUND FROM SPEAKERS OUTSIDE OF BUSINESS FOR COMMERCIAL/BUSINESS
 ADVERTISING PURPOSES (AUDIBLE ON SIDEWALK)

Property Removed 1-2 Family Multiple Dwelling Commercial

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings.

I, an employee of the enforcement agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

RANK (TITLE) SIGNATURE OF COMPLAINANT _____

COMPLAINANT'S NAME (Print) ERIC EISENBERG TAX REGISTRY NUMBER _____ AGENCY 999

NOTICE ALSO SENT TO EISENBERG FIRST NAME ERIC

LAST NAME _____
 STREET ADDRESS PO BOX 2452
 CITY NEW YORK STATE NY ZIP 10108



0216 391 991

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 0216 394 540

ENFORCEMENT AGENCY: Dietmar Detering
AGENCY CONTACT INFORMATION: ddetering@gmail.com DIVISION: _____

LAST NAME OR COMPANY NAME (Print) Pig N Whistle Public House FIRST NAME _____
 CELL PHONE #: _____

STREET ADDRESS 58 West 48 Street APT. NO. _____
 CITY New York STATE NY ZIP 10036

ID NUMBER: _____
 TYPE OF ID/ISSUED BY: _____

DATE OF OCCURRENCE: 12/5/2022 TIME OF OCCURRENCE: 5:32 PM
 PLACE OF OCCURRENCE: 58 West 48 Street
 BOROUGH OF OCCURRENCE: Manhattan CB No. _____
 Alternative Service

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

HEARING DATE: 2/14/23 AT: 9 AM

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
 MANHATTAN

See reverse side for address

[borough]

Phone: (844)628-4692

FOR HEARING OPTIONS, SEE THE BACK OF THIS PAGE
 REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE

WARNING: If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit or registration. The City might also take further legal action against you. See the back for more information.

Details of Violation(s)

Section/Rule Ad Code 24-244(B) OATH Code AN95

Mail-In Penalty: \$ 440 Maximum Penalty: \$ 1,750
 Respondent must appear in person OBSERVED RESPONDENT PLAYING
 I personally observed this bar deploy at least two speakers, mounted
 about 8 feet high on the façade, playing music directed at the general
 public on the sidewalk, in order to attract attention to this business.

Property Removed 1-2 Family Multiple Dwelling Commercial

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings.

I, an employee of the enforcement agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

RANK (TITLE) SIGNATURE OF COMPLAINANT _____

COMPLAINANT'S NAME (Print) Dietmar Detering TAX REGISTRY NUMBER _____ AGENCY 999

NOTICE ALSO SENT TO Detering FIRST NAME Dietmar

LAST NAME _____
 STREET ADDRESS _____
 CITY Sunnyside STATE NY ZIP 11104



0216 394 540

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 0216 403 267

ENFORCEMENT AGENCY: Dietmar Detering
AGENCY CONTACT INFORMATION: ddetering@gmail.com
DIVISION: _____

LAST NAME OR COMPANY NAME (Print) Pig N Whistle Public House FIRST NAME _____
 CELL PHONE #: _____

STREET ADDRESS 58 West 48 Street APT. NO. _____
 CITY New York STATE NY ZIP 10036

ID NUMBER: _____
 TYPE OF ID/ISSUED BY: _____

DATE OF OCCURRENCE: 1/28/2023 TIME OF OCCURRENCE: 2:52 PM
 PLACE OF OCCURRENCE: 58 West 48 Street
 BOROUGH OF OCCURRENCE: Manhattan CB No. _____
 Alternative Service

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

HEARING DATE: 1/17/2024 AT: 9 AM

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

See reverse side for address

[borough]

Phone: (844)628-4692

FOR HEARING OPTIONS, SEE THE BACK OF THIS PAGE
 REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE

WARNING: If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit or registration. The City might also take further legal action against you. See the back for more information.

Section/Rule Ad Code 24-244(b) Details of Violation(s) AN97 OATH Code _____

Mail-In Penalty: \$ 1,320 Maximum Penalty: \$ 5,250

Respondent must appear in person
 I personally observed this bar deploy at least two speakers, mounted about 8 feet high on the façade, playing music directed at the general public on the sidewalk, in order to attract attention to this business. | *SEVENTH OFFENSE* of this respondent. Priors' summons#: 000288752X, 000288894L, 000288977R, 0216394540, 0216403249, 0216403258, 0216 408 363.

Property Removed 1-2 Family Multiple Dwelling Commercial

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings.

I, an employee of the enforcement agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

RANK (TITLE) SIGNATURE OF COMPLAINANT _____ REPORT LEVEL (Fill 4 spaces Comm'd, Sqd, Unit, etc.) _____
Dietmar Detering TAX REGISTRY NUMBER AG999

NOTICE ALSO SENT TO Detering FIRST NAME Dietmar
 LAST NAME _____
 STREET ADDRESS _____

CITY Sunnyside STATE NY ZIP 11104



0216 403 267

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 0216 408 363

ENFORCEMENT AGENCY: Dietmar Detering
AGENCY CONTACT INFORMATION: ddetering@gmail.com
DIVISION: _____

LAST NAME OR COMPANY NAME (Print) Pig N Whistle Public House FIRST NAME _____
 CELL PHONE #: _____

STREET ADDRESS 58 West 48 Street APT. NO. _____
 CITY New York STATE NY ZIP 10036

ID NUMBER: _____
 TYPE OF ID/ISSUED BY: _____

DATE OF OCCURRENCE: 1/25/2022 TIME OF OCCURRENCE: 5:32 PM
 PLACE OF OCCURRENCE: 58 West 48 Street
 BOROUGH OF OCCURRENCE: Manhattan CB No. _____
 Alternative Service

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

HEARING DATE: 1/17/2024 AT: 9 AM

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

See reverse side for address

[borough]

Phone: (844)628-4692

FOR HEARING OPTIONS, SEE THE BACK OF THIS PAGE
 REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE

WARNING: If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit or registration. The City might also take further legal action against you. See the back for more information.

Section/Rule Ad Code 24-244(b) Details of Violation(s) AN97 OATH Code _____

Mail-In Penalty: \$ 1,320 Maximum Penalty: \$ 5,250

Respondent must appear in person
 I personally observed this bar deploy at least two speakers, mounted about 8 feet high on the façade, playing music directed at the general public on the sidewalk, in order to attract attention to this business. | *FOURTH OFFENSE* of this respondent. Priors' summons#: 000288752X, 000288894L, 000288977R.

Property Removed 1-2 Family Multiple Dwelling Commercial

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings.

I, an employee of the enforcement agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

RANK (TITLE) SIGNATURE OF COMPLAINANT _____ REPORT LEVEL (Fill 4 spaces Comm'd, Sqd, Unit, etc.) _____
Dietmar Detering TAX REGISTRY NUMBER AG999

NOTICE ALSO SENT TO Detering FIRST NAME Dietmar
 LAST NAME _____
 STREET ADDRESS _____

CITY Sunnyside STATE NY ZIP 11104



0216 408 363

RESPONDENT

RESPONDENT

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 0216 403 249

ENFORCEMENT AGENCY: Dietmar Detering
 ddetering@gmail.com
 AGENCY CONTACT INFORMATION: DIVISION: _____

LAST NAME OR COMPANY NAME (Print) Pig N Whistle Public House FIRST NAME _____
 CELL PHONE #: _____
 STREET ADDRESS 58 West 48 Street APT. NO. _____
 CITY New York STATE NY ZIP 10036

ID NUMBER: _____
 TYPE OF ID/ISSUED BY: _____
 DATE OF OCCURRENCE: 1/13/2023 TIME OF OCCURRENCE: 5:20 PM
 PLACE OF OCCURRENCE: 58 West 48 Street
 BOROUGH OF OCCURRENCE: Manhattan CB No. _____
 Alternative Service

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options, see the back of this page.

HEARING DATE: 1/17/2024 AT: 9 AM

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

See reverse side for address

[borough]

Phone: (844)628-4692

FOR HEARING OPTIONS, SEE THE BACK OF THIS PAGE

REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE
 WARNING: If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit or registration. The City might also take further legal action against you. See the back for more information.

Section/Rule Ad Code 24-244(b) Details of Violation(s) AN97
 OATH Code _____
 Mail-In Penalty: \$ 1,320 Maximum Penalty: \$ 5,250

Respondent must appear in person
 I personally observed this bar deploy at least two speakers, mounted about 8 feet high on the façade, playing music directed at the general public on the sidewalk, in order to attract attention to this business. *FIFTH OFFENSE* of this respondent.
 Priors' summons#: 000288752X, 000288894L, 000288977R, 0216394540.
0216408363

Property Removed 1-2 Family Multiple Dwelling Commercial
 NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings.

I, an employee of the enforcement agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

RANK (TITLE) SIGNATURE OF COMPLAINANT Dietmar Detering TAX REGISTRY NUMBER _____ AGE 999
 REPORT LEVEL (Fill 4 spaces) 999
 Comm'd, Sqd, Unit, etc.

NOTICE ALSO SENT TO Detering FIRST NAME Dietmar
 LAST NAME _____
 STREET ADDRESS _____
 CITY Sunnyside STATE NY ZIP 11104



0216 403 249

SUMMONS • FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: 0216 403 258

ENFORCEMENT AGENCY: Dietmar Detering
 ddetering@gmail.com
 AGENCY CONTACT INFORMATION: DIVISION: _____

LAST NAME OR COMPANY NAME (Print) Pig N Whistle Public House FIRST NAME _____
 CELL PHONE #: _____
 STREET ADDRESS 58 West 48 Street APT. NO. _____
 CITY New York STATE NY ZIP 10036

ID NUMBER: _____
 TYPE OF ID/ISSUED BY: _____
 DATE OF OCCURRENCE: 1/17/2023 TIME OF OCCURRENCE: 4:18 PM
 PLACE OF OCCURRENCE: 58 West 48 Street
 BOROUGH OF OCCURRENCE: Manhattan CB No. _____
 Alternative Service

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options, see the back of this page.

HEARING DATE: 1/17/2024 AT: 9 AM

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

See reverse side for address

[borough]

Phone: (844)628-4692

FOR HEARING OPTIONS, SEE THE BACK OF THIS PAGE

REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE
 WARNING: If you do not respond, you may be found automatically responsible and you may owe larger penalties. If you do not pay any imposed penalties, you may lose your ability to keep or get a City license, permit or registration. The City might also take further legal action against you. See the back for more information.

Section/Rule Ad Code 24-244(b) Details of Violation(s) AN97
 OATH Code _____
 Mail-In Penalty: \$ 1,320 Maximum Penalty: \$ 5,250

Respondent must appear in person
 I personally observed this bar deploy at least two speakers, mounted about 8 feet high on the façade, playing music directed at the general public on the sidewalk, in order to attract attention to this business. *SIXTH OFFENSE* of this respondent.
 Priors' summons#: 000288752X, 000288894L, 000288977R, 0216394540.
0216408363

Property Removed 1-2 Family Multiple Dwelling Commercial
 NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings.

I, an employee of the enforcement agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

RANK (TITLE) SIGNATURE OF COMPLAINANT Dietmar Detering TAX REGISTRY NUMBER _____ AGE 999
 REPORT LEVEL (Fill 4 spaces) 999
 Comm'd, Sqd, Unit, etc.

NOTICE ALSO SENT TO Detering FIRST NAME Dietmar
 LAST NAME _____
 STREET ADDRESS _____
 CITY Sunnyside STATE NY ZIP 11104



0216 403 258

Dear fellow New Yorkers,

My name is Manohar Kanuri. I live in Battery Park City in Lower Manhattan in Council District 1 and Community Board 1.

I grew up the first half of my life in India. Two things were endemic – abject poverty and corruption. Against a backdrop of the caste system, which ranked everyone as belonging to an upper or lower caste, with upper castes being “superior” to the rest. Are there Indians or Indian-Americans who think and behave like this? Yes, absolutely! Look around you. Let behavior and language guide you.

But we are here to talk about noise. I thought of abject poverty because Chairman Jim Gennaro mentioned, in an NBC news report, about it being time to get rid of the flies. The trope of flies changes a little bit to that of vermin in the west, but the devaluation of human life is a constant. I wanted to put on record here that comparing people to flies is offensive.

Chairman Gennaro as well as DEP Commissioner Aggarwala, in an NBC news report, both referred to citizen enforcers as bounty hunters. It is curious that an elected official and a public servant, should both use the same rhetorical language to demonize their target. That curiosity aside, below is the question I posed to an AI engine along with its response (next page):

10:07



MP MANO

What's the connection between rhetorical devices and corruption?

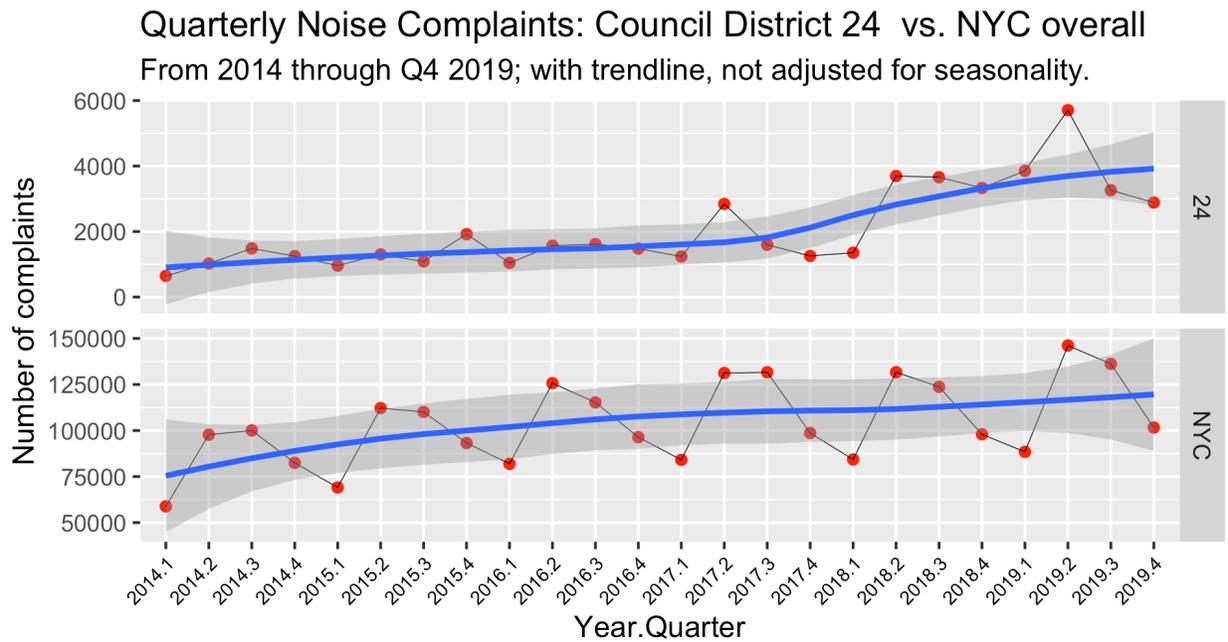
CHATGPT

Rhetorical devices can be tools for persuasion. In the context of corruption, they may be used to manipulate or deceive people to gain unethical advantages. So, while the devices themselves are neutral, their ethical impact depends on the intent and context in which they're used.

Message



I was and I am bothered by disturbing noise in New York City. Several years ago, during the Bloomberg reign, not getting any relief by complaining to 311 or my community board or my then council member, I decided to start analyzing city data. I mapped 311 complaint data to Council District boundaries from 2004 onwards. Below is a snapshot of noise complaints originating in Council district 24, at a time when it was held by a different person. I challenge Councilman Gennaro to show that his district saw a drop in noise complaints since he was reelected in 2021.



Generated Mar 08 2020

The railroading of citizen enforcement agents by DEP Commissioner Aggarwala and Councilman/Chairman Gennaro is remarkable for the abundance of rhetoric coupled with a lack of data related to noise frequency and effectiveness of DEP enforcement.

At the outset I mentioned corruption. The data published by the city is not granular enough to apply forensic data analysis and pinpoint the likelihood of corruption in the form of gratuities solicited and/or accepted. There are two forms of corruption which are more common. One is traceable to the funding of elections by vested interests which make contributions to campaigns, and increasingly anonymously, through superPACs. The other common form of corruption is the revolving door between government service and business. Look up the wiki on any government official and you can make an intelligent guess if the person is likely working the revolving door. Campaign contributions

and revolving doors become corruption issues when quality of life deteriorates for average citizens. The data shows that New Yorkers have been subjected to increasing levels of noise year after year.

I urge the Council to adopt principles of evidence based governance and direct the DEP to take administrative steps to correct any abuses in the citizen enforcement program. If a citizen enforcement agent issued a ticket to a business that was not in violation of the code, corrective action is warranted. Scrapping the program altogether is demonstrably not in the best interest of all New Yorkers. It seems to me that the onus of responsibility falls on the DEP Commissioner to show that his department is competently and effectively enforcing the code.

Manohar Kanuri
South End Ave.
New York, NY 10280

No to:

[Int 0160-2022](#)

[Int 1194-2023](#)

The proposed legislation that would eliminate essential protection against noise and make NYC life truly unlivable, unbearable and unsafe

The two bills would essentially exempt commercial places from noise limits inside and even outside in their “street shacks” or sidewalk seating. This would include bars, restaurants, strip clubs, weed stores and more.

Even worse, these new proposals follow previous weakening of noise protection. The City Council’s August 2023 legislation allows bars-restaurants (inside and outside) to operate until midnight even in residential neighborhoods! And in 2022 City Council passed legislating allowing restaurant/bar doors and windows to be open even if blasting music.

It is well known that loud music is huge issue for New Yorkers - already residents cannot sleep, children cannot do homework. And in some instances, violent conflict has been the result of incessant noise

Moreover, residents have no recourse. The City cannot and does not enforce. There is no place to move to. The NYPD is busy addressing serious crime and cannot and should not be tasked with noise enforcement.

This raises another issue: It is one thing to have a business such as a restaurant – but that does not mean that a restaurant or bar is entitled to blast music as part of its business.

This legislation allows blasting music into the homes of hard-working residents.

No one on the City Council would be amenable to living over or next to a restaurant, bar or other entity blasting music.

NYC residents already deal with corrosive daily life - crime, trash, rats, noise, high rents, etc.

This legislation would be a disaster for residents - it is unbelievable that the City Council would want this for NYC residents.

[Int 0160-2022](#) exempts from the noise code “music originating from an interior space” (restaurant, bar, club, weed shop etc).

[Int 1194-2023](#) would cap the fines on a “noise-violator” to \$5 (reported by City Department of Environmental Protection) and \$10 (reported by a citizen who cannot sleep due to incessant noise).

Melanie Saltzman

Michael McFadden

Tulip Ave, #####
Floral Park, NY 11002

Oct. 16, 2023

**NYC Council;
Committee on Environmental Protection, Resiliency
& Waterfronts**

Dear Members of the Committee

My name is Michael McFadden. I am a lifelong NYC resident and a retired NYPD Detective having served for 30 years. My testimony today is to strongly oppose Bills 1194 & 160.

Noise is a well known source of numerous complaints from citizens all across NYC. It is an unnecessary and completely avoidable source of pollution intruding upon and actually harming the health of all New Yorkers.

A short time ago during the pandemic we were given the opportunity during those trying times to discover and appreciate some of the changes that happened. Like the quieting of our unnecessarily noisy city. Many of us went out and took walks and appreciated the calmer, quieter, and even cleaner city. These changes were appreciated by so many of us and there is no reason we cannot and should not maintain these positive changes.

In my former position as a detective I came to see just how important active participation of the public is in making things better for the people living and working here in NYC. Public participation and involvement is critical in making things better for the large majority of us, and not better for a few selfish people or businesses, looking out for their own personal interests. There is **no need** for a business to play music or hawk products using an amplified sound system in public spaces, many of which are residential. With people living above, next to, and behind these unnecessary noise polluting businesses.

As you should be aware, the enforcement, or better said, the lack of noise enforcement in NYC has been a continual problem and the source of a great deal of frustration by those affected, and those who actually make complaints. So many of our residents don't even bother to complain as they correctly believe that nothing will happen. Currently noise complaints are said to be responded to within 10 days. How effective do we believe this can be?

Bills 1194 and 160 seek to destroy the ability and the incentive for citizens to have the ability to take steps personally, as NYC officials have been so ineffective, to try and stop those subjecting them to unnecessary and illegal

noise. These bills as proposed are clearly a case of the interests of a few businesses over the interests of the people. There is no other way to interpret these proposed changes.

There should be loopholes created, that will make it easier for bad actors to expose everyone around them to unnecessary noise.

The members of this committee should be doing all they can to help and even encourage more people of this city to become involved and engaged, by becoming active participants in doing their part, in making the city better for all. Removing or reducing the award for a citizen to actually make the effort, to take the time, and to also expose themselves personally, is also designed to discourage citizen participation. There can be no other reasonable explanation.

I urge you to vote NO on both of these proposed bills, Intro. 1164 & 160. Doing otherwise will only encourage and allow NYC to become a noisier and less healthy place to live and work. NYC can and should be better. Please help us to make that possible.

Sincerely,

Michael McFadden

I would like to disclose that I have never made a noise complaint as I did not believe anything would be done by “the city”. I have also never made a citizen noise complaint as it currently seems overly burdensome for me.

I have participated as a citizen complainant in reporting trucks and buses unnecessarily polluting the air that we breathe. This program is having positive effects in reducing air pollution in NYC in spite of the continual and unnecessary hurdles created by the DEP which are also discouraging citizen participation.

October 7, 2023

Re: Intros 0160-2022 and 1194-2023

Dear Council Members,

I write to you as a concerned resident of our city, urging your attention to a critical issue that is profoundly affecting our communities—noise pollution.

I am alarmed by bills from Councilmembers Holden and Gennaro which impede citizen-led efforts to address noise-related issues—a necessity because DEP and NYPD have insufficient resources or interest in these issues.

By rendering section 24-244 violations irrelevant to commercial music that is produced indoors but transmitted through an open door or window onto public sidewalks, Intro 0160-2022 effectively eliminates the possibility of citizens addressing such noise issues. This mechanism, which has been integral to the law since 1972, is thus nullified.

Furthermore, Intro 1194-2023 significantly diminishes the incentives provided to citizen enforcers, making it financially impractical for them to pursue those who violate noise regulations. As a result, it becomes increasingly burdensome in terms of both time and financial resources for citizens to hold noise violators accountable.

Over the past nine months, Manhattan has witnessed double the number of noise complaints compared to Queens, with districts housing numerous restaurants being the most affected. It is important to note that residents in Queens may not fully grasp the extent of these bills' impact on their Manhattan counterparts.

Passing these bills will lower the quality of life for the citizens of this city.

Thank you for your attention to this matter.

Sincerely,

Michael Mandiberg

Butler Place

Brooklyn NY 11238

Michael@Mandiberg.com

Michael McFadden

Tulip Ave,

Floral Park, NY 11002

Oct. 16, 2023

NYC Council;

Committee on Environmental Protection, Resiliency & Waterfronts

Dear Members of the Committee,

My name is Michael McFadden. I am a lifelong NYC resident and a retired NYPD Detective, having served for 30 years. My testimony today is to strongly oppose Intros 1194 & 160. Noise is a well known source of numerous complaints from citizens all across NYC. It is an unnecessary and completely avoidable source of pollution intruding upon and actually harming the health of all New Yorkers.

(I waited nearly 4 ½ hours on a call to provide my testimony to the committee but was not called upon before the hearing was concluded)

A short time ago during the pandemic we were given the opportunity during those trying times to discover and appreciate some of the changes that happened. Like the quieting of our unnecessarily noisy city. Many of us went out and took walks and appreciated the calmer, quieter, and even cleaner city. These changes were appreciated by so many of us, and there is no reason we cannot and should not maintain these positive changes.

In my former position as a detective, I came to see just how important active participation of the public is in improving things for the people living and working here in NYC. Public participation and involvement is critical in making things better for the large majority of us, and not better for a few selfish people or businesses, looking out for their own personal interests. There is no need for a business to play music or hawk products using an amplified sound system in public spaces, many of which are residential. With people living above, next to, and behind these unnecessary noise polluting businesses.

As you are aware, the enforcement, or better said, the lack of noise enforcement in NYC has been a continual problem and the source of a great deal of frustration by those affected, and those who actually make complaints. So many of our residents don't even bother to complain as they correctly believe that nothing will happen. As DEP testified, currently noise complaints are said to be responded to, within 7-10 days. How effective do we believe this will be? Is the only remedy to this lack of action, a call to your council member as acknowledged by the Committee Chair Gennaro?

Unknown to almost all, was a provision in the law allowing for citizens to make complaints against those businesses creating both illegal and unnecessary noise affecting those living, working, and simply trying to enjoy themselves when around these locations. How wonderful and easy it would have been to be aware of this provision years ago when this bad behavior could have been curtailed. Sparing literally millions of complaints and the stress and aggravation of so many across this city for so long.

Intros 1194 and 160 seek to destroy both the ability and the incentive for citizens to take these steps personally, as NYC officials have been so ineffective, to try and stop those subjecting them to unnecessary and illegal noise. These bills as proposed are clearly a case of the interests of a few businesses over the interests of the many people affected. There is no other way to interpret these proposed changes.

There should NOT be loopholes created that will make it easier for bad actors to expose everyone around them to unnecessary noise as proposed in Intro 160. As we all heard today from sound experts, the auditory level measurements, as proposed, would NOT allow effective, or perhaps any meaningful enforcement of troubling and illegal sound reproduction devices. As would removing the citizen enforcement provision for sound produced from inside of a business, even if it was intentionally directed from inside the location outside.

The members of this committee should be doing all they can to help and even encourage more people of this city to become involved and engaged, by becoming active participants in doing their part in making the city better for all. Removing or reducing the award for a citizen to actually make the effort, to take the time, and to also expose themselves personally, is also designed to discourage citizen participation, as proposed in Intro 1194. There can be no other reasonable explanation.

I urge you to vote NO on both of these proposed bills, Intros 1194 & 160. Doing otherwise will only encourage and allow NYC to become a noisier and less healthy place to live and work. NYC can and should be better. Please help us to make that possible.

Sincerely,

Michael McFadden

Additionally, I would like to disclose that I have never made a 311 noise complaint as I did not believe anything would be done by “the city”. I have also never made a **citizen noise complaint** as it currently seems overly burdensome even for me, a former NYC law enforcement officer and citizen complainant making truck and bus idling complaints.

I was also personally disturbed by the lack of complete and honest answers provided to the committee by the DEP regarding the administration of the Citizen Complaint systems as they are currently. There has, and there remains, no publicly available information regarding a citizens option to self-pursue commercial noise complaints. Why?

How much of each of you, and your staff's time has been directed to these complaints over not just years but decades? This is and has been a waste, as effective citizen participation would have addressed this issue many years ago. The risk to reward ratio for the bad actors would have simply been too high.

I do understand that there is an optics issue when just two citizens have filed so large a percentage of these noise complaints. The real issue is actually why they were literally almost the only ones who knew of it. To portray these as out of control and unchecked bad actors (bounty hunters) is far from accurate.

To simplify this a little, each and every one of these complaints (both idling and noise) is similar to any of the other NYC Camera Violation Programs. A video of the violation is submitted to the DEP for review by an inspector, and approval. If approved it can proceed. A summons is issued by DEP or permission to self-pursue **is granted** by the DEP. Ultimately the accused can have an impartial hearing at OATH with a determination made by a Hearing Officer. These reviews both by DEP and later by a hearing officer prevent abuse or false allegations by the citizen reporters.

As a participant in the illegal idling citizen complaint program I can inform you that the DEP is not encouraging citizen participation. Many of the actions that they have and continue to take are designed to discourage and frustrate participation. Most frustrating is the frivolous rejections of valid complaints. Something that happens on a regular basis. There are many issues here that also need to be addressed. A good question that you may want to ask in regards to this program is how many individuals have signed up to participate since it has started and how many active participants there are currently, with yearly breakdowns. I believe the answer to these very basic questions will provide a good example of just how frustrating and intentionally badly administered this very worthwhile program is. In this time of climate crisis and climate activism I would expect that there would be much more active and ongoing participation. Why isn't there?

The DEP also made some biased and I believe false misrepresentations regarding participants in these programs. They alleged that a fake or false video was submitted. If true, this is clearly both unacceptable and illegal and should be prosecuted as such. Yet this would be **just one** out of over 100,000 complaints submitted in this idling program. Claims that should be more closely examined and evaluated before being taken at face value. There is a great deal of frustration endured by citizens who are doing their part in doing their best to participate in these programs. Some of whom are highly educated professionals (MD, JD's, PhD), others are ordinary everyday citizens, immigrants, students, union labor, former DEP employees, seniors, and youth. All of us can tell you that we are treated poorly and unfairly by the NYC agency that is supposed to be protecting our environment and helping us to do our part. It is the DEP that is the problem and it is only for this reason - the great frustrations endured by these caring, committed, and indeed exceptional people that the DEP claims is treating them poorly. The DEP has also taken the extraordinary step of issuing multiple summonses to several of these citizen idling participants. All except one of these summons have been dismissed at OATH. Why? Is it because the DEP is making less than truthful allegations? And the only 'successful' DEP prosecution of these

concerned citizens is being appealed. These issues are something the committee should also be looking into.

Thank you,

Michael McFadden

Monday, Oct 16 @1:00 PM, Committee on Environmental Protection, Resiliency and Waterfronts
RE: Int 0160-2022 and Int 1194-2023

Members of the Committee:

I live in Inwood above Dyckman Street, an area with more than 11 active liquor licenses within less than three blocks, somehow granted despite the 500-foot law. My neighborhood needs the existing noise regulations enforced and strengthened, not reduced. Most of these businesses function as nightclubs, even though they occupy the ground floor of residential buildings, having pushed out local businesses that didn't have loud amplified music as part of their business model: bodegas, a laundromat, small stores. These new businesses serve drinks until 4am and they play loud music, with doors wide open to their sidewalk seating. I live on the 5th floor, and I've measured music playing above 75 decibels, continuing until the early morning. Sometimes my windows rattle, it's so loud – again, that's from 5 floors up. My ground floor neighbor shares a wall with a recently opened establishment that clearly hasn't done anything about sound proofing or a sound governor. The music is so loud sitting in his living space is like being in the bar itself.

This is a neighborhood of working people, a lot of young families, and these loud nightclubs are on the ground floor of apartment buildings with a number of rent-stabilized units. This noise is directly impacting tenants who can't easily afford to move and can't afford market rent. This change to existing noise regulations – which are already not consistently enforced – gives bars and nightclubs more rights than these residents. Working people are entitled to peaceful enjoyment of the apartments they pay to occupy. Noise at this level is bad for our health. It has been documented that lack of sleep can be dangerous, impairing reaction time and cognitive functions, and that it had a bad effect on children's ability to focus and learn in school, that it can even contribute to physical illness. The owners of these businesses may be your donors, but the families trying to get kids to sleep, the working people being kept up all night are voters, and its long past time for city council members to listen to us and take this issue seriously. Don't pass these changes. Furthermore, please work with local police precincts and the New York State SLA to make sure the existing noise regulations are enforced and those businesses that violate them are appropriately fined and made to get into compliance with existing regulations.

Thank you.

Michele Travis
Payson Avenue
New York NY 10034

Michelet07@gmail.com

From: Nancy Pasley <nlpasley@aol.com>
Sent: Wednesday, October 11, 2023 3:18 PM
To: Testimony
Cc: District3; Comerford, Patrice; District1; District6
Subject: [EXTERNAL] OPPOSE Intro 0160-2022 and Intro 1194-2023

Noise pollution is a scourge in our city. These bills would wreak havoc by gutting the regulations affecting commercial enterprises and abolishing any incentive for citizen enforcement. They should NOT be passed.

We have a constant barrage of noise from bars, clubs, gyms, weed shops, and other businesses that use over-loud sound to attract and excite customers. The rest of us, the voting public, are unwillingly subjected to an onslaught of noise, through open windows and doors, and even through walls and floors. Intro 0160 would remove our protection from the most disturbing commercial noise, particularly bass - see the technical analysis furnished to the Council by the eminent firm Acoustilog. Intro 1194 would remove incentives for citizen complaints, our main resource for protection, given the City's limited resources.

Scientific studies have shown that noise takes a serious toll on the mental and even physical health of those subject to it. New York City needs every possible tool to keep noise at a reasonable level. These bills would make a difficult situation immeasurably worse.

I respectfully urge a NO vote on Intro 0160-2022 and Intro 1194-2023.

Nancy Pasley
Barrow St. 10014

Testimony

10/16/2023 meeting

Natalia Mehlman Petrzela

Hello, I am a resident on West 4th street between west 12th and Bank Streets. I signed up to testify at Monday's hearing and waited on Zoom for over an hour on a work day, but was not called. Reportedly, the public did not get to testify until several hours into the meeting, a situation so inconvenient that is tantamount to excluding public testimony.

I am writing because I strongly oppose any measures to weaken restrictions on commercial noise levels. Our block has four restaurants on one side and the noise they create makes it impossible to sleep. 311 never responds to calls, the restaurants don't answer their phones, and residents are left to deal with the fallout. These measures will make these significant problems even worse, and will give us even fewer resources to redress them.

During the 60 or so minutes I was able to listen to the council proceedings, several council members made reference to relevant histories dating back to the Bloomberg administration. Not one noted the most recent, and relevant, turning point of all: the arrival of now-permanent dining sheds. These structures are a blight on our blocks for many reasons to do with filth and pedestrian safety, but they have also created a severe noise pollution situation where before none existed. The restaurants on our block now have double, if not more, the amount of seating, and people congregate outside until very late. Bands play on the street to entertain these outdoor crowds. With the permanent dining shed order, this problem will only get worse.

These proposed measures are terrible for residents, and clearly yet another giveaway to the hospitality industry by our feckless elected officials. Please find some courage to defend the rights of your constituents and vote NO on these bills that will seriously diminish residential quality of life.

TO WHOM IT MAY CONCERN

Written Testimony of BOUNTY HUNTER NOISE SUMMONS

I am writing this testimony as a normal New Yorker, although I am indeed also a small business owner. I am writing in support of a neighboring business. A business that was unfairly targeted by this well-meaning but badly implemented Bounty Hunter rule. The general public are not law enforcement or a City agency. No business owner should be at the mercy of a single member of the public like I have witnessed.

I have had businesses in the Garment District for 20 Years. I have watched many things happen, one of which was dining establishments struggle in general and especially post pandemic. People forget that these small restaurants, coffee shops and delis are family run, not conglomerates and their families very survival is on the line.

I watched as Rami the owner of a coffee shop in the district was served a \$8,000 fine for Bird Noises he had outside his coffee shop. Surely a warning should have been issued prior to a Bounty Hunter ticket.

The point was to stop birds defecating on customers, stop homeless and drug users from sleeping outside the café and generally to create a nice atmosphere to go along with the nice décor. The audio has no speaking or music, was not advertising the business or trying to attract customers and didn't bother anybody on the block.

I have seen this Ticket, Hearing and Judgment stress this nice man out to no end and it's not right or fair.

I respectfully ask that you overturn this rule and let the DEP and City handle this issue around New York City themselves. Other Citizens enriching themselves on the backs of hard working small business owners is sad to see and I hope you can help to fix it

Thank you for your time today

Nicholas Cohen

Oct. 2nd 2023

nikcohen@gmail.com

**Testimony before the New York City Council
Committee on Environmental Protection, Resiliency and Waterfronts
On: Int 0777-2022**

A Local Law to amend the administrative code of the city of New York, in relation to requiring an after-hours variance for the removal of construction debris

Nicole Gelinias
October 16, 2023

The New York State constitution guarantees New Yorkers “environmental rights,” including “a right to ... a healthful environment.”ⁱ

An environment of excessive noise is not a “healthful environment.” Excessive noise severely harms physical and mental health.ⁱⁱ

Though I support all council efforts to reduce noise, including noise from restaurants and bars (and thus do not support any council efforts to discourage citizen involvement in reducing noise), I am here to talk about construction noise, specifically construction noise coming from after-hours construction-debris removal and on-site compression carting of such debris.

The future of the city, and dense Manhattan in particular, is “mixed use.”

If New York City is to recover from COVID-19 dislocations, the city will have to encourage more people to live close to where they work, including within walking distance of major office buildings and other commercial properties in Manhattan. This transition to the future involves conversions of Manhattan office towers into residential apartment complexes.ⁱⁱⁱ

Dense mixed-use neighborhoods only work if the city government is clear that the construction industry, and, more importantly, the office developers and office-management companies that the construction industry supports, abide by the hours-of-work and noise-control laws previously enacted by the city council to protect residents from excessive noise.

On paper, the city rules to protect residents from after-hours construction and excessive noise work quite well.

In practice, after-hours construction, and excessive noise from such construction, particularly from debris removal and compression carting, plague New Yorkers.

Developers and the construction industry will behave as responsibly or as irresponsibly as the city code and as city commissioners force it to.

Left to its own devices, like any poorly regulated industry, developers, office-building managers, and construction contractors will externalize all of the environmental costs of their noise onto residents and passersby, just as factories along the Hudson River, once left to their own devices, preferred to dump their pollution into the river itself.

The choice is whether New York wants to recover from COVID-19 as a livable, dense city -- or whether it wants to subject its residents to preventable harm from excessive noise.

To someone who lives far from a construction or renovation site, “debris removal” may sound innocuous.

We all have our solid waste (garbage) picked up every day. Streetside garbage collection is a transitory, innocuous activity, creating a few moments of noise, at most.

Construction-industry debris removal, by contrast, is the most harmful construction practice in the city.

As practiced in New York City, debris removal occurs on the public sidewalk and street, as construction workers remove debris from a building’s loading dock or from a construction site’s on-property construction perimeter.

Debris removal and compression carting consists of demolition workers (not provided with protective equipment) removing heavy, solid objects of metal, wood, fiberglass, and glass, dragging such heavy objects along the public sidewalk and street in heavy metal containers, and hurling such objects into a compression carting truck, where the objects are then compressed (crushed) in the truck on the public street.

To remove and compress heavy objects requires intense energy --which equals noise.

The idling compression truck and the compression itself cause construction-debris removal and compression, by definition, to exceed the city’s noise code.

In just one typical example from Midtown West, the city’s Department of Environmental Protection took a street reading from more than 35 feet away – adjacent to a nearby residence -- and found noise of 88db, exceeding the ambient noise (67db) by 21db, an unlawful level.^{iv}

This reading is an unsafe level: sustained noise above 80db is damaging to human hearing. This basic level of noise is compounded every few minutes by heavy objects hurled into the carting truck, metal on metal.

This activity is not a transitory activity, but happens for hours on end, days on end, and weeks on end, and even months and years on end.

Manhattan office buildings, even when fully completed, are always renovating floors for departing and new tenants; such renovation can require multiple days, weeks, or months, of debris-removal and compression carting.

I am surprised to learn that the council believes that in order to get the Department of Environmental Protection to enforce the construction noise code when it comes to this after-hours debris removal and carting, the council must amend the city’s administrative code, to add “removal of construction debris” to the formal definition of construction, thus requiring contractors involved in construction-debris removal to apply for an after-hours variance permit for such work.

Under the city’s current code, “debris removal” should already fall under the definition of construction work requiring a permit, including an after-hours permit.

All construction (with very limited exceptions) requires a permit, including an after-hours permit if applicable.

“Debris removal” falls under the plain-language interpretation of the city’s definition of a construction project, defined as “any construction, reconstruction, rehabilitation, alteration, conversion, extension, improvement, repair or demolition of real property.” “Building construction,” in turn, is further defined as “construction activities normally located in or on buildings, ***including work directly supporting these activities***” (italics mine).

Removal of debris originates from within the building-construction site and is inextricably linked to demolition.

You cannot demolish a building (or a floor of a building, or its contents) without removing the debris.

Further, even without “debris removal” defined as an activity requiring an after-hours variance permit, the city’s Department of Buildings can and does place limits on after-hours debris removal, as a condition of approving after-hours variance permits for internal work.

In approving internal (inside the building) work, the DOB regularly prohibits such debris removal and carting altogether or heavily restricts the hours in which such debris removal and compression carting can occur.^v

The city council adding “removal of construction debris” to the specific definition of construction that requires an after-hours permit will be effective -- but only if it goes along with a council and administration determined to apply the after-hours construction and noise-control laws as intended.

After-hours permits for on-street and on-sidewalk debris-removal and compression carting should be granted only under truly extraordinary circumstances.

A developer or contractor’s reason of “business interruption” should not be a valid reason. This stated reason, which the DOB often approves, is essentially the developer saying that he doesn’t want to inconvenience his own daytime commercial tenants with horrific debris-removal and compression carting noise, and thus would rather inflict the same horrific noise on evening and nighttime residential tenants and passersby.

A developer or contractor’s reason of “public safety” should not be a valid reason. The public sidewalks and streets must be safe, whether 100 people are walking by at any given time or one person. If it is unsafe to remove debris and crush that debris during the day, on an unsecured public sidewalk and street, it is just as unsafe to do it at night, on an unsecured public sidewalk or street. The argument that a construction accident will kill only five people at night vs. 10 people during the day is not a valid public-safety argument. Either debris removal and compression carting are safe activities to conduct as people are walking or driving by, or they are not – the number of pedestrians and drivers nearby does not matter.

The DOB’s reason of “traffic” during the day vs. at night should not be a valid reason. Commercial office buildings have internal loading docks as well as daytime loading and idling spaces to conduct their loading and unloading. If a commercial building needs to secure an outdoor loading space indefinitely during the daytime hours to conduct its debris-removal and carting activities, that building should apply for a DOT street permit and pay the going rate for such a street permit.

Finally, any approval of an after-hours variance permit for debris removal and compression carting should be accompanied with clear, consistent, transparent reasoning for the approval.

Currently, while the DOB has the authority to reject or set the terms of such permits, such permits and their parameters are rewarded inconsistently and opaquely, raising the risk and very real reality of public corruption.^{vi}

The Adams administration's first building commissioner had to resign his office after criminal allegations of public corruption, a temptation that is sadly greater when a commissioner appointed without the requisite knowledge or experience to do his or her job operates with great discretion under cover of inconsistency and opacity.^{vii}

Any contractor or developer proposing to do after-hours debris-removal and compression carting work should undergo a full audit of the building loading dock(s) to ascertain why the work cannot be done within the loading dock, thus minimizing noise and disruption to neighbors.

Modern office buildings have sufficient in-dock capacity to bring in and remove materials, including construction and demolition materials, without indefinitely using the public street. Rockefeller Center, for example, does all of its debris removal and compression carting from within its loading docks with minimal daytime, evening, and disruption to the public.

Any contractor or developer proposing to do after-hours work should undergo a full prospective noise audit of such proposed work, including an on-street real-world conditions decibel test advertised beforehand to the local community board.

Any contractor or developer embarking on an inherently noisy activity who cannot prove that he can fully comply with the city's noise code before his after-hours permit begins, not after, should have his permit rejected.

Finally, any change to the city's code and any welcome change to the city's interpretation and application of the code is meaningless if it does not come with robust enforcement.

Office-building owners, even marquee brand-name owners and managers who are brand-name state and city political-campaign donors and public figures, and whose construction managers are former city employees with reputations to uphold, whom one might think would uphold the highest internal and external corporate standards of integrity, honesty, and good neighborliness, will flagrantly lie on their after-hours variance permit applications (including making material false statements), and then will even exceed the scope of their fraudulently obtained permits if they think they can get away with it, which they usually can, due to slow and inconsistent enforcement.^{viii}

Only robust and consistent enforcement of a clear intent by the city council to minimize avoidable evening and nighttime noise will ensure public health and public safety when it comes to intolerable after-hours debris-removal construction noise that affects the physical and mental health of New Yorkers.

ⁱ <https://dos.ny.gov/system/files/documents/2022/01/Constitution-January-1-2022.pdf>

ⁱⁱ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6301087/>, <https://www.nytimes.com/interactive/2023/06/09/health/noise-exposure-health-impacts.html>.

ⁱⁱⁱ <https://www.nyc.gov/office-of-the-mayor/news/602-23/mayor-adams-dcp-director-garodnick-proposal-convert-vacant-offices-housing-through#/0>

^{iv} Violation #00267597M (upheld).

^v Example for job # 120837648 AHV, "NO DEBRIS REMOVAL, NO SITE CLEAN-UP, NO TRUCKS AT DEBRIS REMOVAL AREA;" example for job #M08037363-I1 AHV, "Carting of garbage to occur only from 6:00 PM - 8:00 PM."

^{vi} For example, compare the rejection of permit #M3224459 with the approval of permit #M2253435. No valid reason was given for this reversal despite voluminous email correspondence and FOIL requests. The contractor then proceeded to exceed the scope of his permits with no enforcement until after the permit was expired and the desired work was complete.

^{vii} <https://www.nytimes.com/2023/09/13/nyregion/eric-ulrich-surrender-bribery.html>

^{viii} OATH/ECB violation 35433187K (upheld).

Fusion Peruvian-Mexican restaurant

688 10th avenue New York 10019 Tf:212-956-0185

To City Council

Sub: Stop bounty hunters exploiting business with violation

To whom it may concern

My name is Noelia Ostos, owner of fusion restaurant located at 688 10th avenue New York 10019

I would like to give my testimony about the hardship I am going through with those bounty hunters.

For one year I could see that a masked person approaches to my indoor dining room desperate to find speakers and of course I don't have a speaker outside and well often 3 times a week last Sunday he arrived again masked and I had my indoor doors open, the weather was hot, I noticed that this person tried to enter the indoors in search of my speaker. I had clients in the bar and outdoors, causing that suspicious uncomfortable feeling. I approached him to ask him what he wanted, and he ran away.

I'm already tired of being harassed by this person, I can't work in peace.

We are a dad and mom restaurant we don't have live music we serve food and alcohol; I don't understand why this person bothers us taking videos and photos.

I received 6 summons

without having been notified without knowing what was happening or whether a new code law existed.

It is not fair this enforcement agency Eric Eisenberg is taking advantage of taking money from small businesses, sending citizens to spy on the businesses.

Please, you authorities stop this law.

We just survived covid trying to bring our economy back by working hard day by day paying rent, employees, vendors and utilities I can't not afford to pay those violations.

We do not have enough income; each summon is up of \$1,5000 to \$ 5,000. This is not fair

Please we want to work in peace not afraid to get more violations for not doing nothing. I feel intimidated by this person.

I and my husband immigrated from Peru and Mexico to realize our American dreams, being able to employ people who need work with dignity, we do not deserve to go through this situation.

On September 5, 2023, I had my first court, I took my evidence to the judge and won the case, but I have 5 more violations that are pending in December, January, February 2024, if the judge ruled in my favor and confirmed, I don't have any music playing, this person continues coming back again and again. My concern is I still have more hearings to deal with it for the same complain and the judge come in my favor

Gentlemen of the city council act on our request to repeal this law, we need help. I can also give my testimony in person, my email is noeostos@live.com

Thank you for your time

Sincerely

Noelia ostos

I'd like to voice my concern over these proposed bills, seems as though they are purposefully meant to further complicate New Yorkers' lives. Why not have reasonable parameters for noise? Why not fine those who deliberately break these parameters? Clearly a fine of \$5 isn't even worth the time to write - the cost of enforcement would outweigh the cost of the paid fine.

I'm a West Village resident and a Native New Yorker. A certain amount of noise comes with the territory. But these new proposed bills seem egregious, a slap in the face to those who live in this city and pay taxes.

Who benefits from these proposed bills? Not the citizens of this city. That's OBVIOUS.

Nora B. Killoran

From:

Patrick Schnell, M.D., FAAP, Brooklyn, NY Date: October 07, 2023, email: veloschnell@gmail.com

Re: Proposed Intro 0160-2022

Dear Council Members,

As a New Yorker and a physician, I am acutely aware of the deleterious health effects of excessive noise.

New Yorkers are already at a heightened risk of hearing damage due to excessive noise¹. The American Public Health Association summarizes the adverse health impact of noise as follows²:

Noise is unwanted and/or harmful sound, first recognized as a public health hazard in 1968. The Noise Control Act of 1972 declared that "it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare." The promise of that legislation remains unfulfilled 50 years later. Human exposure to harmful noise levels is widespread. Major sources include transportation, military aircraft and combat operations, noisy recreational vehicles, industrial machinery, recreational and leisure activities, outdoor power equipment, consumer products, and, possibly, wind turbines. Loud noise causes hearing loss and tinnitus and can contribute to non-auditory health problems. Chronic noise, even at low levels, can cause annoyance, sleep disruption, and stress that contribute to cardiovascular disease, cerebrovascular disease, metabolic disturbances, exacerbation of psychological disorders, and premature mortality. Noise interferes with cognition and learning, contributes to behavior problems, and reduces achievement and productivity. The health of more than 100 million Americans is at risk, with children among the most vulnerable. Noise-related costs range in the hundreds of billions of dollars per year. Yet, the United States has no federal standards for non-occupational noise exposure. Federal standards for occupational noise exposure from the 1970s address only hearing loss as an adverse health effect and do not apply to all workers (e.g., those in agriculture and construction). Calls for action have gone largely unheeded. This policy calls for national noise standards, enforcement, education, outreach, and action on noise as a public health hazard. They are long overdue.

It is entirely unclear why noise or music originating from indoors should be made exempt from Citizen Reporting. This noise is just as harmful as noise originating from anywhere else. Such an exemption would be directly opposed to the Council's mandate to protect New Yorkers from excessive noise. Further, the proposed significant reduction in compensation for Citizen Reporters would essentially lead to an end of any reporting by citizens, and given the lack of any enforcement by other agencies (such as DEP or NYPD), would result in a complete lack of enforcement of the existing laws. As such, I would like to voice my strong opposition to the proposed Intros 0160-2022 and 1194-2023.

Sincerely,

Patrick Schnell, M.D. FAAP.

References:

1. Neitzel RL, Gershon RRM, McAlexander TP et al:
Exposures to transit and other sources of noise among New York City residents
Environ Sci Technol 2012 Jan 3;46(1):500-8.
2. <https://www.apha.org/Policies-and-Advocacy/Public-Health-Policy-Statements/Policy-Database/2022/01/07/Noise-as-a-Public-Health-Hazard>

October 16, 2023

Pete Davies
Broadway ##
New York NY 10012

James Gennaro, Chair
Committee on Environmental Protection, Resiliency, and Waterfront
New York City Council
City Hall NY

Re: Int 0160-2022 & Int 1194-2023 – OPPOSITION

Chair Gennaro and Committee members –

Please note my opposition to these two bills related to NOISE, which include no apparent funding for enforcement and would actually lessen protections against excessive and disruptive noise for residents and others in neighborhoods across NYC.

I have lived in downtown Manhattan for over 40 years, where enforcement of noise violations from commercial operations has been an on-going problem. Lack of proper enforcement has resulted in little if any resolution due to lack of resources, including a dearth of inspectors from agencies and departments that are meant to oversee noise issues.

Noise is a pollutant. Noise negatively impacts the health and well-being of residents and communities.

I urge the committee to re-think these bills, and to support the health and well-being of residents across our City.

Thank you for your attention and consideration,

Peter Davies

I live on Walker Street halfway between Church and Broadway. As you are probably aware, it is a historical district made up of low-rise, low density, ancient formerly industrial buildings. There are two restaurants at the corner of Church and Walker right now: Belle Reve and Anejo. Even now with the existing ordinances in place, music and noise can be heard throughout the neighborhood into the evening hours. Of course, nothing could be worse than the M1-5 that closed during the pandemic. While that club was open, the neighborhood was in chaos into the morning hours where multiple police cars would need to be deployed to manage the situation. This owner showed open disdain for the neighborhood. Currently, there is a venue on the opposite side of the street over the former M1-5 space that the owner rents to event planners. Sometimes the music is so loud in the middle of the night that crystal and other objects in my house are shaking. Police are called in and they say that the noise level complies with existing requirements. It is appalling that at a time when the city is becoming more and more unlivable, that anyone would contemplate loosening noise regulations that are already too loose and rarely enforced anyway. It is as if local government sees no value to this city other than as a tourist attraction. They will certainly pay the price if these policies are allowed to continue.

Peter Soares

Philipp Engelhorn and Cameron Yates
Spring Street
New York, NY, 10012

October 16, 2023

Council Members Holden, Yeger, Ariola, and Vernikov
City Hall Park, New York, NY 10007

Subject: Opposition to Proposed Bills 160 and 1194

Dear Council Members,

I hope this letter finds you well. As an investor in the restaurant industry here in New York City, I wanted to express my viewpoint and concerns regarding the proposed bills 160 and 1194. I fully understand the importance of balancing the interests of both business establishments and the wider community, and I believe that these proposed bills may inadvertently tip the scales in one direction without adequately considering the needs and concerns of residents.

I would like to begin by emphasizing my appreciation for the vibrancy that outdoor dining and sidewalk cafes bring to our city. I, like many New Yorkers, have come to love and cherish these outdoor dining experiences, especially in a post-pandemic world. They not only enhance the ambiance of our neighborhoods but also offer a sense of community and togetherness that is uniquely New York.

However, I am also a parent and fully empathize with families who reside in the vicinity of these establishments. While I am fortunate to have the resources to noise-insulate my own space, I am acutely aware that not everyone in our city has that luxury. Even with noise insulation, the disruptive noise from rowdier venues late into the night can be extremely bothersome for families trying to rest and for individuals who are simply seeking some peace and quiet.

It's worth noting that studies conducted by reputable organizations like the EPA have shown direct links between noise pollution and health problems such as stress-related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, lost productivity, and even

shortened life expectancy. These are serious concerns that impact the well-being of our community members, and they deserve careful consideration.

While I appreciate the intent behind Proposed Bill 160, it seems to be leaning somewhat towards representing the interests of the business establishments alone. While supporting our local businesses is vital for the city's economy, it is equally important to strike a balance that respects the needs and quality of life of our residents, and the people working and frequenting the businesses.

Regarding Proposed Bill 1194, I must express my opposition to the idea of capping compensation for citizen complainants. Vastly reducing the rewards granted to those who take the time and effort to report noise violations may discourage individuals from pursuing justice when they genuinely believe there's a business behaving badly. By all but eliminating protections to residents, it seems clear commercial businesses are the only ones to benefit from this bill.

In conclusion, I kindly urge you, as our elected representatives, to consider the broader spectrum of perspectives and interests at stake here. Finding an amicable solution that works for both businesses and residents is essential to maintaining the vibrant and diverse character of our city. Let us strive for a harmonious coexistence where both economic vitality and the well-being of our community members are given the due consideration they deserve.

Thank you for your attention to these matters.

Sincerely,


Cameron Yates and Philipp Engelhorn

From: Phyllis Rosenblatt <prosenblatt84@gmail.com>
Sent: Tuesday, October 17, 2023 6:39 PM
To: Testimony;
Subject: [EXTERNAL] protection from unnecessary noise

To: City Council Member

I am writing to you of the importance of monitoring and controlling noise levels in the city: particularly [Int. No. 778](#) - in relation to establishing a photo noise violation monitoring device program for motor vehicles whether at a stop light, parked on the street, or moving. - and [Int. No. 1194](#) – in relation to citizen noise complaints: allowing for citizen enforcement of the NYC noise code.

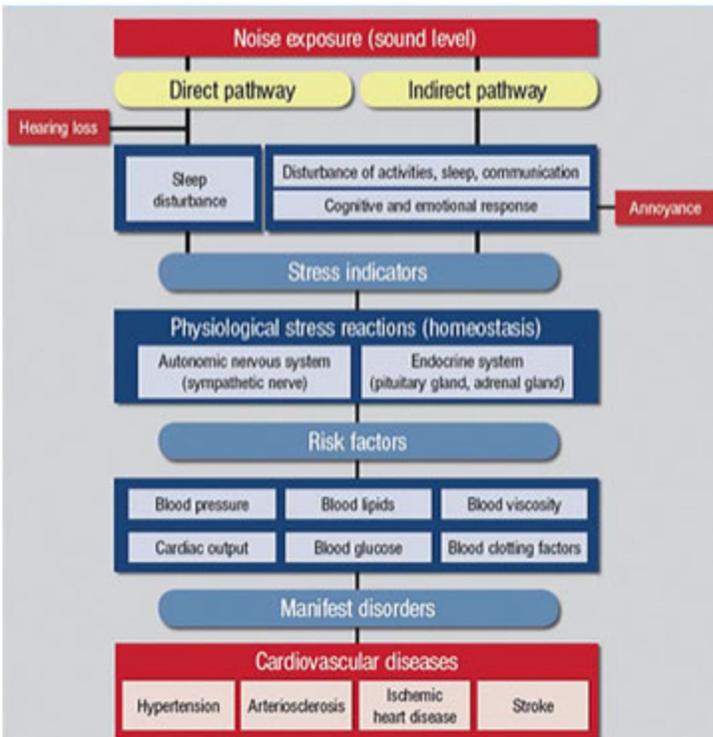
I am a resident of NYC for almost 50 years at this location : the intersection of Broome Street and Broadway - in Soho. This area in particular frequently reports unnecessary horn honking for the past 25+ years. Horns are most often pressed by drivers registering annoyance caused by cross road blockage with light changes. They are very rarely pressed for a road emergency. Horns are also pressed in annoyance at the congestion of traffic heading toward the Holland Tunnel,

This occurs relatively predictably: almost every Friday afternoon and evening and eves of every holiday even if those falling on a different day of the week. I have a log of phoning 311 for over 10 years without noticeable correction to the issue done permanently, or in a timely fashion in the moment of the extreme noise.

Congestion pricing does not seem to have made much difference to date. Waiting for this to be enacted seems a health hazard. Noise in the city is very old: it has been a reported issue since 1906 in NYC. The most recent discussion of traffic history into my local area runs back to 2004 at least. With increased population, this hazard has only gotten considerably worse.

How many lives have been shortened because of the slowness with which action is taken? How many loose their hearing? Develop high blood pressure, heart disease? I do not have the statistics. But I do know that many, many studies have been made.

Sound scales are logarithmic so increase is far more imposing and dangerous with each 10 points on the dB and dBA scale.



Below are some frequently heard sounds and their approximate decibel levels at common distances from the noise source. When designated as “dB(A),” as seen below, the measurement is weighted in the “A” scale to simulate human hearing.

Whisper	30 dB(A)
Normal Conversation/Laughter	50 – 65 dB(A)
Vacuum Cleaner at 10 feet	70 dB(A)
Washing Machine/Dishwasher	78 dB(A)
Midtown Manhattan Traffic Noise	70 – 85 dB(A)
Motorcycle	88 dB(A)
Lawnmower	85 – 90 dB(A)
Train	100 dB(A)
Jackhammer/Power Saw	110 dB(A)
Thunderclap	120 dB(A)
Stereo/Boom Box	110 – 120 dB(A)
Nearby Jet Takeoff	130 dB(A)

I do not know why having traffic officers has never been an option while waiting for a more lasting solution such as the *Congestion Pricing experiment*.

Rotating officers on 3 hour shifts would enable them to avoid suffering undue hearing damage and their control of traffic would **prevent unnecessary honking by preventing cars from blocking the cross streets at each light** which is the main cause of driver irritation. It would save lives, (drivers’ and surrounding residents’ and workers’), ensure greater productivity and ensure much needed reduction of noise. And it doesn’t need investment in technology and additional legislation. A temporary solution, but necessary for residents and workers in the area.

Thank you for your consideration of these factors.

Respectfully,

Phyllis Rosenblatt
Broadway
New York, NY 10013

1st District

To the Committee on Environmental Protection, Resiliency, and Waterfronts

October 16, 2023

RE: Int 0160-2022 and Int 1194-2023

My name is Renée Monroe. I am a longstanding resident of SoHo and an active member of my community. I am writing today to urge you to reject the proposed changes to the noise code, **Int 0160-2022** and **Int 1194-2023**.

My neighbors and I live on Broadway. This is a mixed-use area and to some degree inevitably noisy. Sirens, traffic noise and pedestrian conversations are a daily part of life that we accept. Recently, though, we have suffered an onslaught of illegal loud music from stores, food vendors, cafes and unlicensed musicians who operate with impunity. As we all know - or should know - persistent loud noise causes physical and mental impairment. Heart attacks, high blood pressure, anxiety and depression, among other illnesses, increase with constant exposure to loud noise.

As written, the new bills fail to deal with decibels which register bass. Bass penetrates walls and floors. Now that the new zoning text for restaurants allows them to keep their windows and doors open 14 hours a day, residents have little or no protection. Many of us live in earphones and earplugs and keep our windows closed all day, but even these do not block loud amplified music and base. Most of my neighbors are artists who work at home. We cannot function when noise and music are blasted into our apartments by scofflaws who thumb their noses at us. New York is a busy and loud city, yes, but gutting the noise code would be a failure of responsibility by the City.

The proposed changes to the noise code will also prevent residents from making direct complaints. While there appear to be one or two true “bounty hunters” in the city who make headlines in the press, my neighbors and I, as well as most New Yorkers, are simply trying to hold on to some quality of life.

The proposed changes to the noise code are clearly driven by the Hospitality Alliance and their desire for noise-for-profit. Please reject **Int 0160-2022** and **Int 1194-2023**.

Sincerely,

Renée Monroe
Broadway
New York, NY 10012

From: Richard Allon ra@richardallonarchitect.com
Subject:
Date: October 19, 2023 at 7:33 AM
To:



October 19, 2023

Dear City Council Members,

I am writing to very strongly oppose the 2 new bills - [Int 0160-2022](#) and [Int 1194-20](#) that were presented on Oct. 16th to the Committee on Environmental Protection. These bills will make the quality of life in mixed use neighborhoods such as the one I live in completely intolerable.

The laws that the City Council has already passed LU-0012-2022(Resolution 53) in 2022, and this last August passed Local Law 121 -have both significantly hurt the quality of our lives in residential neighborhoods such as mine near Union Square.

Ww deserve protection from businesses that are inconsiderate of the residents who live here.

And there are many right on this block on 17th St. between Fifth Avenue and Broadway that have shown absolutely no regard for us.

I have watched the quality of life here over the years get worse and worse with all the new restaurants, clubs, bars and outdoor dining sheds.

Loud crowds gather in front of the doors of our buildings, blaring music plays well into the early hours of the morning and rowdy crowds on the streets all night long.

These are the real life disturbances we live with every single day and every single night.

We, the many residential tenants of these neighborhoods, have the right to the quiet of our homes and protection from the scourge of noise pollution which so clearly affects everyone so badly.

Please do the right thing and work for the benefit of all of us, your constituents who live here and who pay our taxes inn NYC- and oppose the proposed bills.

They will continue to degrade the quality of life here. It is absolutely the right thing to do.

Thank you.

Richard Allon ##
East 17 Street
NYC 10003

10/7/23

Re: Intro.nyc/0160-2022 and Intro.nyc/1194-2023
Noise standard for commercial establishments is failing New York City residents

To: Environmental Committee

There's some serious cognitive dissonance going on in the NYC Council with regard to commercial noise issues.

The abject failure of our electeds in the NYC Council to properly legislate is why the public now needs to rely on our deputized attorneys and appointed intermediators to litigate against the self-dealing, Wild West taking of resident habitability rights. You- the City Council, have been derelict in respecting the scientific and medical evidence of the harm which comes from excessive, unremitting noise and damaging decibel levels.

What can Councilman Holden (whom I respect) be thinking of with this amendment he proposes: *“(c) This section shall not apply to music originating from an interior space in connection with the operation of any commercial establishment or enterprise”?*

The “Open Restaurants” hostage taking of sidewalks and streets where residents live and return to for respite after navigating expected urban noise in day-to-day commuting, has exacerbated a Wild West ‘taking’ of quality of life and frankly a disgust which will be reflected in upcoming voting. Commercial, unfettered, often mechanically elevated music coming from these restaurants and bars are not mitigated, are uncontrolled and these in your face “Noise Bills” are nothing less than an embarrassment to your stewardship as representatives of your constituents.

You seem to be choosing sides here...businesses’ rights to commerce stops when commercial retailers’ decibel noise harm enters my ear passages in my home-and you need to figure that out.

Here's some help:

<https://www.nbcnewyork.com/news/local/i-team-thousands-of-citizen-issued-noise-violations-prompt-nyc-reform/4462207/>

<https://www.nydailynews.com/2023/03/28/noise-complaints-are-on-the-rise-in-nyc-and-they-are-turning-deadly/>

<https://www.thrillist.com/news/new-york/most-common-noise-complaints-nyc>

<https://thevillagesun.com/opinion-anatomy-of-a-noise-complaint-trying-to-get-help-on-a-dining-sheds-din>

“As this law was not being enforced, I decided to take the problem to city agencies and my elected representatives. Two e-mails over two weeks got me nowhere; I was ignored or buried in red tape and requests for phone calls, even though I sent dates, times and videos of the band.”

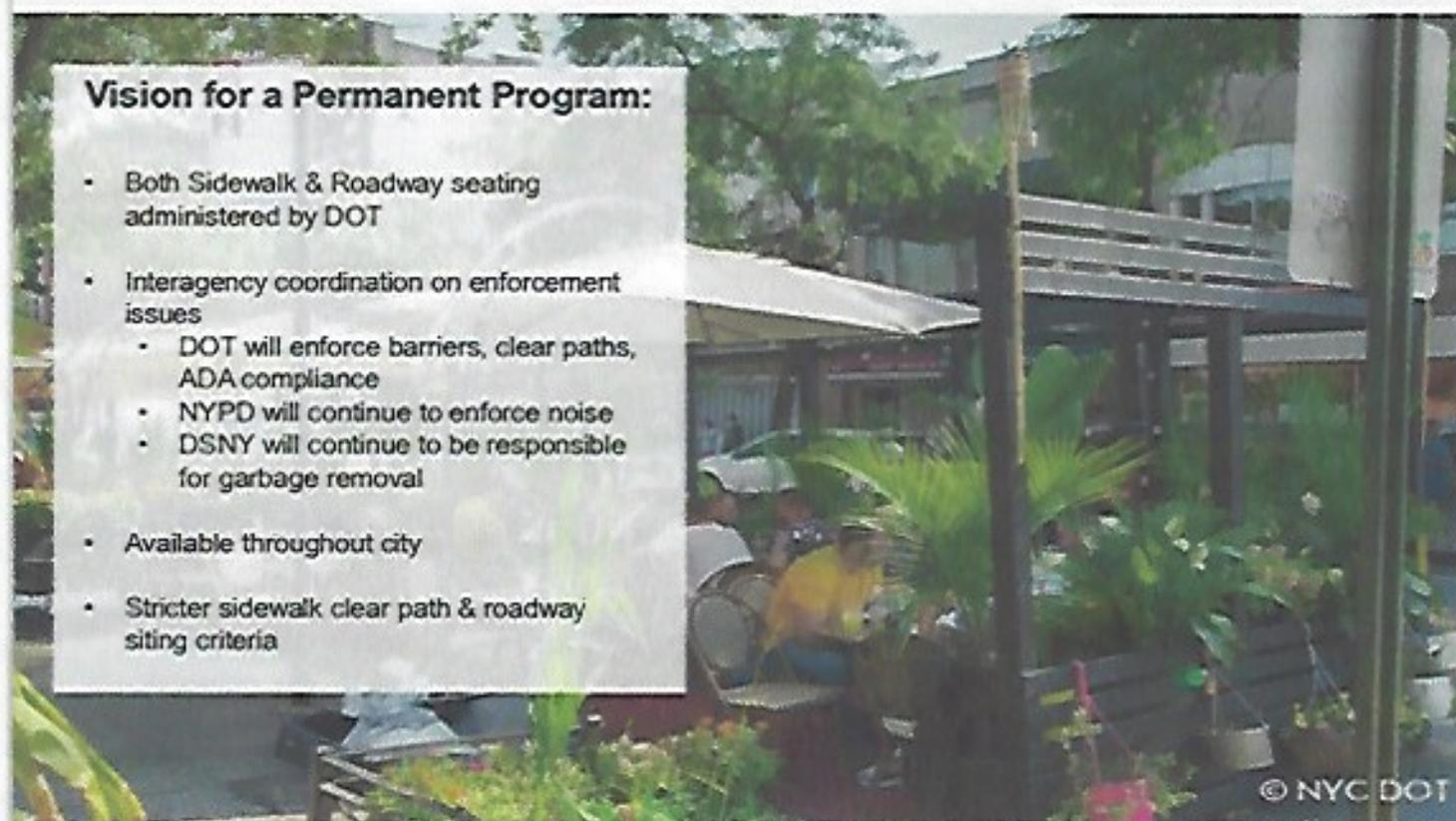
Finally: <https://www.nytimes.com/interactive/2023/06/09/health/noise-exposure-health-impacts.html>

Sincerely,
Sandy Reiburn-Fort Greene

Affidavit of Sandy Reiburn

Sandy Reiburn, being duly sworn, deposes and says:

1. I live at 100 South Elliott Place, Brooklyn, NY 11217, and my affidavit is submitted as an unequivocal objection to the ongoing effort by New York City and Mayor Bill deBlasio in its attempt to make the emergency and temporary 'Open Restaurants' program permanent.
2. While there are any number of reasons to object to it, I want to be specific in stating that the noise impacts, already oppressively felt, presuppose an ongoing danger to the health of those residents living adjacent to or atop the extended noisy restaurant 'street and sidewalk sheds' should they be allowed to remain ad infinitum.
3. I'm the President of Preserve Our Brooklyn Neighborhoods, on the Board of Humanscale Alliance, on the Board of Preserve BAM's Historic District, one of the founders of the Friends of Fort Greene Park and a 35-year resident of Fort Greene –a low-rise residential historic community adjacent to Downtown Brooklyn. I'm well schooled in the harmful aftermath of negative decibel consequences –as the daughter of deaf parents-it has been of interest to me both personally and scientifically.
4. The NYC Department of Transportation ("DOT") has stated that it is the NYC Police Department ("NYPD") which will, "continue to enforce noise". Herewith Page 7 screen shot from the DOT's own "vision" for administering the permanent "Open Restaurant" as shared with Brooklyn's Community Board 2 :



5. I hope to disabuse the fanciful idea that the NYPD has either the time or is equipped to oversee the DOT's presumption of noise management. They have never done so thus far in my community and the alleged expectation that they will in the future is disingenuous. We are told to contact 311-an

empty directive. While the NYPD does issue permits for amplified speakers and the NYPD does designate hour limits -the **NYPD HAS NO DECIBEL LIMIT GUIDELINES nor does the NYPD HAVE DECIBEL MONITORING EQUIPMENT.**

6. NYC noise complaints have increased dramatically during the Covid emergency -a report issued in July 2021: **NYC Noise Complaints Increase 279% in Just 4 Months**
<https://www.apartmentguide.com/blog/new-york-noise-complaints>
7. Also from July 2021:
<https://nypost.com/2021/07/24/nyc-outdoor-dining-a-noisy-dirty-nightmare-for-residents-fighting-expansion/>
"We have some really big offenders, restaurants that are just totally disregarding the fact that community members live there by hosting amplified music and hosting things outside," Phipps said. "When you walk by, you see the inside is totally empty."
8. The NYC Regulation Code #10-180 purporting to regulate sound devices could not have been enforced in our community where loud restaurant and Bar music and major sports events are amplified from within and onto the open sheds & sidewalk extensions ad nauseum. The high decibel assaults pervade our apartments and homes and quality of life, beyond the usual and tolerable ambient noise expected by those of us living in an urban environment. But, without a decibel monitor-without specific and clear coded decibel restaurant limits- how could the NYPD even fine a business flouting the so-called regulations? They can't and they don't. These are open ended and arbitrary regulations in residential communities felt for example, at 4 AM on any Saturday or Sunday morning in a resident's bedroom on Fulton St or Lafayette Avenue.
https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYAdmin/0-0-0-6027#JD_10-108
9. **Noise mitigation reality check:-Comptroller DiNapoli 2018 Report:**
<https://www.osc.state.ny.us/files/reports/special-topics/pdf/health-noise-in-nyc-2018.pdf>
"Reporting complaints using 311 often does not bring relief from noise, according to the public record of noise complaints on the NYC Open Data website. Our review of responses to 1.6 million noise complaints found that agencies could not confirm that noise was occurring in most instances."
10. Begging your indulgence, some data...scientific facts...white papers and medical journal reports that must inform any decision to allow 'Open Restaurants' to proceed permanently via the Land Use rezoning text amendment process underway:
 - a. <https://www.medicalnewstoday.com/articles/noise-pollution-health-effects>
"According to a 2018 review, there is evidence that short-term exposure to noise pollution can temporarily raise blood pressure and increase blood viscosity. There is also an association between long-term exposure to noise and higher rates of cardiovascular disease"
 - b. https://www.researchgate.net/profile/Hiral-Jariwala/publication/319329633_Noise_Pollution_Human_Health_A_Review/links/59a54434a6fdcc773a3b1c49/Noise-Pollution-Human-Health-A-Review.pdf
"Noise produces direct and cumulative adverse effects that impair health and that degrade residential, social and working environment with corresponding real (economic) and intangible (well-being) losses.
Noise represents an important public health problem that can lead to hearing loss, sleep disruption, cardiovascular disease, social handicaps, reduced productivity, negative social behavior, annoyance reactions, absenteeism and accidents. It can impair the ability to enjoy one's

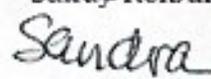
property and leisure time and increases the frequency of antisocial behavior. Noise adversely affects general health and well-being in the same way as does chronic stress."

- c. <https://www.bu.edu/sph/news/articles/2019/when-sound-becomes-noise/>
"At only 65 decibels—about as loud as a car going by for someone standing on the side of the road—research has shown that people begin experiencing increased risk of hypertension and heart attack. But not all sound is equal, Walker says. Someone's favorite music could be playing at 120 decibels, and, for that person, the sound is enjoyable. If their neighbor hates hearing that same music—even if only at 65 decibels—it is noise, and may have more of an impact on the neighbor's health than on the health of the person playing the music, Walker says."
- d. <https://thehill.com/opinion/healthcare/447529-noise-can-adversely-affect-human-health-and-quality-of-life>
"According to the World Health Organization, the health effects of even short-term exposure include sleep disturbance, stress and anxiety, while long-term impacts include increased risk of ischemic heart disease, cognitive impairment among children, stress-related mental health risks and tinnitus (chronic ringing in the ears)."
- e. <https://www.newyorker.com/magazine/2019/05/13/is-noise-pollution-the-next-big-public-health-crisis>
"I said that documentation like that would be useful in New York, where the police often ignore noise complaints or respond to them days later.
Studies have shown that people who live or work in loud environments are particularly susceptible to many alarming problems, including heart disease, high blood pressure, low birth weight, and all the physical, cognitive, and emotional issues that arise from being too distracted to focus on complex tasks and from never getting enough sleep."
- f. <https://www.who.int/docstore/peh/noise/Comnoise-3.pdf>
Adverse Health Effects Of Noise:
Noise-Induced Hearing Impairment
Sleep Disturbance
Cardiovascular and Physiological Effects
Mental Health Effects
Effects of Combined Noise Sources
- g. <https://www.brainfacts.org/thinking-sensing-and-behaving/diet-and-lifestyle/2018/noise-pollution-isnt-just-annoying-its-bad-for-your-health-062718>
"Adrenaline and another stress hormone called cortisol bring on physiological changes, including a spike in heart rate and blood pressure... chronic exposure to noise keeps this stress response activated continuously."

Sworn to before me this
11th day of October 2021.


Notary Public


KAMAL P. SONI
Notary Public, State of New York
No. 01SO6089949
Qualified in Kings County
Commission Expires March 31, 2023


Sandra Reiburn


A Tale of Two Codes

Over the Covid-19 period, the restaurants/venues on 46th street (Restaurant Row, a landmark street) and all the restaurants, musical venues, clubs of NYC have suffered greatly. Many of them were forced, sadly, to close. Between ridiculous rents and inflation, it's been a genuine, daily struggle on so many levels. All one needs to do is walk up and down 46th street and the surrounding neighborhoods. So many empty buildings that used to be home to authentic and vibrant New York of yesterday.

And now the businesses that have managed to stay afloat, face another threat. Sadly, ***one that the city has allowed.***

I have spoken with many people, news outlets, restaurateurs, council members and other city officials. No one seems to have a clear understanding as to what is really happening.

Hopefully, this can simplify and offer a better understanding of what is currently happening with citizens like Dietmar Detering and Eric M. Eisenberg, both of whom have profited hundreds of thousands of dollars from the taxpayers and business owners. It's pretty sick what they are getting away with.

Basically, there are 2 codes for noise in NYC. **Both are written by the DEP.** *BOTH are on the website.* **One code is CORRECT.** It allows clearly for music and ambient settings in restaurants, patios, bars, nightclubs and a certain level of outdoor sound. It can be found here below, just click your link and read pages 5 & 6, please:

<https://www.nyc.gov/assets/dep/downloads/pdf/air/noise/noise-code-guide-summary.pdf>

(See Page 5 & 6) This is the correct code that has always been followed.

Amazingly, no one has addressed this code *that the city has written.* **Does the DEP acknowledge - understand their own code?** It states *we are, in fact, allowed to have music.*

The code reads:

MUSIC FROM BARS & RESTAURANTS

Overview

New York's world-renowned entertainment industry provides *billions of dollars in revenue to the city's economy.* The Noise Code attempts to balance this vital economic necessity with residential quality-of-life concerns through a flexible and responsive process.

While DEP will often respond to residential complaints and schedule an inspection appointment to take meter readings, NYPD is more readily equipped to respond to complaints in a timely manner due to its existing presence in local communities.

All non-emergency noise complaints should still be directed to **311.**

The best way to reduce noise disturbances is to encourage businesses to change any offending operational practices. Getting an offending business to come into compliance can be a challenge because compliance may include physically changing a business's operation or modifying sound equipment.

As an incentive for commercial noise violations to achieve compliance, the Commissioner may recommend to the Environmental Control Board that no penalty be imposed for a first offense if the

business certifies that it has corrected the condition and provides satisfactory and verifiable evidence of the correction. If the offending condition is not remedied, multiple violations may result in penalties or sealing of the sound equipment.

****Commercial establishments that play music *must limit the level of unreasonable or disturbing noise that escapes into the streets* or is heard in nearby residences by requiring that *sounds levels may not exceed:***

- 42 decibels as measured from inside nearby residences, AND
- 7 decibels over the ambient sound level, **as measured on a street or public right-of-way 15 feet or more from the source, between 10:00 pm and 7:00 am** (*Please Note the TIME* most citations are in the early evening, before 10 pm*)

*****Sometimes residents are disturbed by pervasive bass sounds that resonate and can be felt physically by a person.**

****Bass sounds measurements are weighted in the "C" scale and may not exceed 6 dB(C) above the ambient sound if the ambient sound is greater than 62 dB(C).**

*******That is the correct code. *******

Now, Eric M.Eisenberg and Dietmar Detering, troll nightly up and down the streets holding their cell phones out and stepping onto the properties with no oversight. Sticking their cell phones directly into speakers or up to windows. Yelling at hosts, wait staff and customers. Disrupting and videoing diners on the property. There are multiple videos, witnesses, etc.

They do not care that they are not addressing this properly. They say the city backs them up. The law is on their side. *Well, that is factually incorrect.* You wrote the code – it clearly states otherwise. They are in fact, not allowed to walk onto the property. It's 15 feet away or more from the source. Your DEP code. So WHY are they allowed to break this code daily and issue false fines??

Fines to the tune and range of up to \$5,000. Every time they step onto a property and are allowed to **issue a false fine**, they have committed FRAUD! They are also mailing these citations (often not signed by anyone official) from their home address/ P.O Box, in fact not a city agency. How does that happen? This is going on daily.

New York is better than this. We have to be. If we can't help out our hospitality industry and music community then why do people want to come to New York?

Dietmar Detering who lives in Queens came onto the patio of Swing 46 Jazz & Supper Club in Manhattan and issued 2 fines within one minute of each other. (Over \$3,000) He sticks his phone in the speaker (not a calibrated official, legal device to test sound) and you take his word for it? Why? He's not a trained sound engineer or trained city employee.

The sound is an ambient background for the diners. Do you realize if these businesses actually paid these bogus fines, they would all have to close their doors eventually. Losing even more of the character and charm of authentic, old school New York. What / who would replace these precious businesses? More pop-up cannabis shops, banks and fast food chains?

There is no oversight. Who can afford this? And he is not doing this to be a "good citizen". He made **over \$650,000 dollars last** year from issuing citizen citations. That's a lot of money... How is he allowed to do this, you may well ask?

Well, below is the **2nd Code. Written by the DEP.** It was originally meant to do with idling trucks and other noises.

This is the loophole code that Dietmar Detering and Eric M. Eisenberg are using, along with other "citizen enforcers" to line their pockets with Taxpayer money. At the same time the city is collecting half of these fines.

§ 24-244 Sound reproduction devices.

(a) Except as otherwise provided in section 10-108 of the code,

No person shall operate or use or cause to be operated or used any sound reproduction device in such a manner as to create unreasonable noise.

(I would like to know their definition of unreasonable noise)

a) SECTION 10-108 It shall be unlawful for any person to use or operate any sound device or apparatus in, on, near or adjacent to any public street, park or place, for commercial and business advertising purpose.

****Code 2** - That is incorrect for the restaurants/music venues but is being used as a loophole for these "enforcers"**

What happens when restaurants, clubs and musical venues close? *The City will then have to pay UNEMPLOYMENT* – so how does this add up to be beneficial? Meanwhile, this takes valuable time out of the business, lawyer fees, court time? Taxpayer money wasted...Shouldn't the courts be reserved for legitimate complaints and cases?

This is something that could and should be addressed and remedied IMMEDIATELY, please. If the DEP read and explain these NYC codes, a special meeting could be called and this could be sorted. Offer the clarity, stop these people and let's move on and get back to civility, hospitality and welcoming tourists into our vibrant communities, restaurants and neighborhoods.

Noise Pollution or Ambiance?

Thank you for taking the time to read and consider this long email on a very frustrating and dire matter. Please help the small business owners, the heart of New York.

Very Sincerely,

Sarah Hayes

Entertainer and concerned citizen
Swing 46 Jazz & Supper Club

Sharon Treanor

RE. DEP's Management of Noise Complaints

My name is Sharon Treanor and I am a concerned bookkeeper for eight bars & restaurants in Manhattan which have accumulated over 87 noise violations.

I am testifying how unfair it is that civilians can write up their own noise violations and get paid for it creating "bounty hunters" and I feel like Bars and restaurants are being targeted.

I am also testifying that the rules are unclear as it states "Unreasonable noise from sound reproduction device for commercial/bus. Advert. Purposes"

Meanwhile business was not advertising but simply playing some music.

As I mentioned before, our 8 locations have received over 87 violations.

We started receiving violations & summons in the mail of March 2023 – for dates occurring as far back as August.

This was the first time we had received any sort of noise violation and as soon as we received the first one, we actually took down our speakers.

The problem did not stop there. We began to receive them week after week in the mail. Some dated two days apart and some one week apart – All ranging from an August 2022 to March 2023.

So, these violations were being held for over six months before being sent out.

As a matter of fact, I am still receiving some dated from October 2022 but yet they are only being mailed late sept/ early October. Nearly a whole year later.

I believe this is an attempt to rack up as many "offences" as possible in order for maximum penalty payout.

Some of the violations have even gone in to default because we never even received them and only found out about them when we got a default letter.

Some of our managers have even witnessed these "bounty hunters" going write up to the speaker to take a video. Or take videos of music playing inside an establishment.

May I add there is two individuals in particular responsible for 95% of these and neither of them live in the vicinity. They are going out with the intention of finding speakers playing to make money.

We were not advertising but I do admit we did play music at a low level, but I can assure you it wasn't loud and you can still hear people talking.

What is the point in paying for outdoor seating permits and even music royalties if we can not give our customers the same ambiance outdoor as indoors.

Customers would prefer not to sit in silence and would rather hear a bit of background music than the city honking horns and sirens.

Before now we had never received complaints from either passers-by or tenants living upstairs or next door to our establishments

I feel the need to testify today because I am genuinely worried about how we are supposed to pay all these fines if sustained on top of having to pay legal representation.

Some businesses will not survive this.

We are still recovering from the repercussions of Covid and we never got back to where we were before Covid and this is just creating more stress for us.

- I would like to suggest that civilians do not get paid for reporting noise complaints.
- also suggesting that all noise violations be dismissed.
After the first violation we should have been given the chance to cure it just any other violation.
We weren't given this chance and that is why all the violations were racked up.
How can you fix a problem if you are unaware about it in the first place.
- I'm suggesting that establishments be allowed play music outside at a reasonable decibel.

I want to say thank you the committee hear today for hearing my testimony.
Your time and consideration of these matters are very much appreciated.

Sharon Treanor

streanor@dfallied.com



Dear Members of the Committee,

Re: [Int 0160-2022](#) and [Int 1194-2023](#) - A Concerned Tenant's Testimony

I hope this letter finds you well. My name is Shira Kresch, and I am writing to express my deep concerns regarding Int 0160-2022 and Int 1194-2023, which seeks to further amend the New York City noise code. As a tenant residing in New York City, I am compelled to share my experiences and thoughts on how this bill could potentially worsen the already distressing noise pollution issues that many of us face daily.

My personal experiences with noise disturbances are distressing. On numerous occasions, I have had to leave my apartment because the noise levels from nearby businesses and street activities have become unbearable. Excessive amplification has made it almost impossible to find solace and relaxation in my own living space during disruptive events. The noise has taken a toll on my mental and physical well-being, and it has negatively affected my ability to work from home and get adequate rest.

I believe that any changes to the noise code should prioritize the well-being of residents, ensuring that we can find relief from excessive noise within our homes. I urge you to keep the well-being of tenants in mind as you deliberate the future of our city's noise code. Thank you for your attention to this critical matter, and I look forward to a future in which all residents of New York City can enjoy their homes without fear of excessive noise disruptions.

Sincerely,

Shira Kresch

From: Stephen Belida <stephenbelida@icloud.com>
Sent: Thursday, September 28, 2023 12:08 PM
Subject: [EXTERNAL] Gennaro and Holden Bills

Dear Committee Members,

These bills that effectively eliminate any enforcement for bar and restaurant noise pollution from the Community should not be passed. The Community should not have their hands tied regarding noise emanating from local establishments.

These two bills will effectively give these local establishments free rein to disrupt neighborhoods.

Thank you,

Steve Belida

Co-Chair HK 49-54 Block Alliance

Sent from my iPhone

Dear Council Members:

Thank you for hearing my testimony. I am Susan Dixon, a New York City resident for 25 years and I encourage you to vote NO on Intro 1194 and NO on Intro 160.

Passing these two bills will make life miserable for millions citizens. These bills would roll back decades progress by gutting the popular citizen enforcement provisions of the City's Noise Code. The citizen's complaint program fills a gap left by underresourced city agencies like DEP and NYPD which have demonstrated little ability to enforce quality of life regulations.

But, citizen noise enforcement works! Noise complaints are down substantially this year alone, after citizens successfully used this program to hold commercial noise polluters accountable. Citizen enforcement is popular—no one wants to be assaulted by deafening speakers as they walk down the streets. Noise has a drastic impact on mental and physical health. A recent NY Times article notes, "mounting research suggests that the relationship between noise levels and disease is eerily consistent: A study found that, starting at just 35 dB, the risk of dying from cardiovascular disease increased by 2.9 percent for every 10 dB increase in exposure to road traffic noise. The increase in risk of dying from a heart attack was even more pronounced: Also starting at just 35 dB, it increased by 4.3 percent."

Right now, the law empowers citizens to file complaints and receive a modest percentage of any penalty collected as an incentive to appear at a hearing and do the associated paperwork. DEP Commissioner Rohit Aggarwala is deeply disingenuous when he states, "it's disappointing that a small group of people are abusing the system to terrorize local businesses for personal profit under the pretense of protecting the environment," the "terrorized" businesses are only fined if found in violation (Read: they are guilty of noise pollution) and the citizen only receives an award (Read: they receive a benefit for performing a service DEP and NYPD are unable to) *after* the the business is found in violation *and* pays the fine. The easiest way for businesses to avoid a fine is to not violate the law.

Don't let lobbyists and special interest groups and their propaganda derail efforts made by ordinary citizens to support ordinary citizens in their quest to peacefully enjoy their communities and maintain healthy lives.

Please vote NO on Intro 1194 and NO on Intro 160.

Susan Dixon

I am amazed that NYC is considering allowing more noise in our neighborhoods. Noise is the number one complaint here in the West Village- noise from cars, trucks, rowdy drunks, restaurants, parties, etc. We all live in low rise buildings, so we are always immersed in the noise(s) from the streets and sidewalks.

And now, the Hospitality group wants to destroy our lives. If having disgusting dining sheds that cultivate rats and garbage isn't enough, now they want no noise restrictions. The restaurants already abuse the leniency of NY and break so many rules established by the Liquor Authority and NYC- we residents of the West Village spend a lot of time complaining to 311, and sometimes we even get some help.

My life savings are invested in this historic and landmarked community and I might be forced to leave when environmental situations make my life so miserable.

Can I sue the Hospitality group? They are hurting.

Susan Ginsburg

October 19, 2023

Dear City Council Members,

I and my partner strongly oppose two new bills - [Int 0160-2022](#) and [Int 1194-2023](#) - that were presented on Oct. 16th to the Committee on Environmental Protection. These bills will completely gut all noise restraints for restaurants, bars, outdoor dining sheds and clubs with crazy low fines on “noise-violators” that will reduce any kind of enforcement to a bad joke.

Isn't it enough that the City Council passed LU-0012-2022 (Resolution 53) in 2022, and this last August passed Local Law 121? These laws absolutely erode the quality of life for those of us who live and work in NYC.

We demand protection from businesses who callously demonstrate a lack of regard for how they affect our lives from business owners who don't live in our communities.

I am a residential condo owner on East 17th Street near Union Square in Manhattan where I have lived and worked for many years. I have lived in my loft since 1980 and in an apartment around the corner on Fifth Avenue and 17th Street for several years before that and have experienced an ever-degrading quality of life here over the years with the arrival of noisy, smelly restaurants, outdoor dining sheds attracting rats and homeless people sleeping inside them, and noisy clubs and bars. Two examples: Laut, a few doors down from me does not have a waiting area inside the restaurant and attracts hordes of loud people gathered on the street to get in. Neighbors can't access their front doors because of the crowds and the loud noise on the street is audible from all our apartments, disrupting our sleep and wellbeing. Lilies, the bar even closer to me is open until 2 am regularly blaring loud music with its doors wide open to attract customers. The noisy, drunk, smoking patrons yell on the street at all hours showing no consideration for the people who live here. The music and the patrons make it impossible to sleep and to even pass by the establishments. Now a new restaurant will be

opening in my building whose owners have a terrible reputation for noise issues at their uptown location. They have made their upstairs neighbors lives a misery and are unresponsive to noise complaints, this going on for several years.

Those of us taxpayers and voters who live in mixed use neighborhoods in New York City have the right to quiet use and enjoyment of our homes.

We have the right to be able to sleep at night.

We have the right to our health.

Noise pollution is a well-documented health hazard.

I am aware that as City Council members you are tasked with representing the interests of your constituents.

Thank you for serving our city and your constituents.

Please demonstrate that you work for the benefit of us - the tax paying residents of NYC - not for the for-profit hospitality and tourist industry, by opposing these proposed bills.

Thank you.

Sincerely,

Susan Shacter

Peter Reznikoff

Susan Shacter
East 17th Street
New York NY 10003

Email: studio@susanshacter.com
<http://www.susanshacter.com/>

October 18, 2023

Re: NEW YORK CITY COUNCIL HEARING - COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY, AND WATERFRONTS - 10/16/23- 1 PM - COUNCIL CHAMBERS

Dear City Council Members:

As a 21-year resident of Watts Street, I am writing this testimony regarding the unbearable level of noise emanating from vehicles traveling through our residential neighborhood surrounding the Holland Tunnel entrance. While there is a grave safety issue here, there is possibly an even greater impact on residents' mental health and quality of life. The noise has steadily increased in duration and volume over the last decade and more severely since the pandemic.

The problem:

- Vehicles, including large hauling trucks are allowed to honk their horns incessantly for hours each day beginning at about 3pm and often until 9pm and later. These are vehicles using our residential streets for daily travel to New Jersey.
- The hauling trucks constant honking is so loud, even from Canal St, that it interferes with everyday life – reading, working, learning, listening to music, and just having conversation.
- With all windows closed, we cannot deafen the sound.
- Vehicles are defying city noise ordinances and allowable decibel levels.

The impact:

- Living in this residential neighborhood has become incredibly stressful and just about unlivable due to the constant ear-piercing noise.
- Residents are over-stressed due to the noise and are angry that there has been no effort on the part of the city to manage the negative impact of drivers heading to New Jersey.
- Long-term residents are contemplating leaving which is very difficult in this housing market – this is not positive for the neighborhood overall and is a hardship on residents.

The cause:

- There is negligible traffic management in this area. It is a free-for-all.
- There is no enforcement of current traffic laws that would maintain proper flow of traffic to prevent blockages that encourage the rage and honking from drivers.
- There is no consensus or collaboration between the various stakeholders, and each seems to point the finger at the other including DOT, Port Authorities of NY and NJ, NYPD.
- There is no penalty for honking.

Specifics on the traffic issues leading to much of the congestion and resulting honking:

1) Canal Street:

- There is currently nothing physically dividing the Holland Tunnel lanes from the Eastbound Canal Street through lane. Why does this matter? Vehicles are using Watts, a residential street, to “cut into” the Holland Tunnel lanes. In doing so, these vehicles block eastbound traffic on Canal Street further inhibiting traffic flow to the Tunnel and back up Canal Street traffic from Watts Street all the way back to West Street. This results in loud honking all the way west on Canal Street and west on Watts Street.
 - **Solution: Install permanent lane separators on Canal St. eastbound -from West Street to 6th Avenue** to physically separate the Holland Tunnel entrance lanes from the eastbound Canal St. through lane

2) Canal / Greenwich Streets

- There is no traffic enforcement at Canal/Greenwich Streets. Vehicles ignore the red traffic light signal and sit in the intersection blocking Greenwich St southbound travel – causing incessant honking.
 - **Solution: Install police officers that can ticket and enforce current laws**
 - **Bring back signs and penalties for Honking violations.**

3) Watts Street:

- There is nothing currently diverting traffic away from Watts Street at West St. Watts Street becomes clogged by up to 3 lanes of traffic, blocking northbound traffic on Washington St, eastbound traffic on Watts St and southbound traffic on Greenwich St. crossings at Greenwich St and at Canal Street resulting in the honking.
 - **Solution: Close off Watts Street to non-local or all vehicular traffic at West and Washington Streets or at least have police officers directing traffic away from Watts from 3-10pm.**
 - **At the very least, have police officers manage the number of vehicles allowed onto Watts St as is done at Canal/West Streets**
 - **Signage on West Street “No Holland Tunnel access from Watts St”**
 - **Coordinate with Apple/Google Maps/Waze to stop directing Tunnel traffic to Watts**

This neighborhood is being overrun by unmanaged traffic accessing the Holland Tunnel and is in desperate need of enforcement to alleviate the resulting incessant honking. We need the Council’s help in obtaining personnel with the ability to ticket drivers to enforce current traffic laws such as: blocking the box, and honking. Ticketing can help change driver habits. The additional common-sense adjustments noted above can alleviate the traffic back-ups and therefore the unbearable honking noise from these drivers. This needs your attention and action. Residents of this city deserve at least a bare minimum of a quality of life that is not currently being afforded to us.

Many thanks for your attention to this important matter.

Trina Quagliaroli

Dear Honorable Members of the Environmental Committee,

I am writing to express my **strong opposition to Intro. No. 1194.**

Reducing the awards sends the message that the city does not value the enforcement of its own laws.

- The small flat fees will remove the incentive for citizens to enforce the noise law, rendering the noise laws unenforced.
- Calling 311 for noise complaints is useless, and the DEP has historically never, if ever, themselves issued noise citations.

Noise laws have never been enforced.

- The DEP has historically shown little to no enforcement of this regulation.
- To the best of my actual knowledge, DEP has issued no noise violations themselves.

New Yorkers care about noise.

- There are over 500,000 311 noise complaints this year per OpenData.

Excessive noise is scientifically linked to increasing the risk of a myriad of health issues

- including chronic stress, sleep disturbances, cardiovascular diseases, and even cognitive impairments in children.
- By allowing businesses to freely use sound reproduction devices for advertising, we exposing our citizens to a constant barrage of noise with lasting negative health impact.
- Sources:
 - **Harvard Health Publishing, Harvard Medical School** - [Too much noise: Bad for your ears and for your heart:](#)
 - **World Health Organization (WHO)** - [Compendium of WHO and other UN guidance on health and environment](#)
 - **New York Times** - [How Noise Can Take Years Off Your Life](#)

Unfair for businesses that comply with the law.

- It is unfair to allow businesses to gain an edge by flouting the rules, especially when the consequences of such actions impact the health of the community.
- Most businesses observe the law and refrain from using outdoor speakers for advertising.
- These businesses are at a competitive disadvantage, missing out on potential customers as they strive to adhere to regulations.

Business's concerns can be addressed with a more responsive DEP.

- Businesses will say they face huge, accumulated fines.
- Instead of removing the incentives, DEP's processes should be streamlined to allow for businesses to be promptly notified of violations.

The proposed changes will lead to a surge in noise pollution and diminish the quality of life for residents and visitors alike. Instead of disincentivizing citizen enforcement, the city should focus on improving its own enforcement mechanisms and supporting those who take active roles in upholding the city's laws.

I urge the committee to not move forward with intro 1194. Thank you for your attention to this matter.

Sincerely,
Wanfang Wu
District 1

I live in New York and am concerned about the threat to our environment caused by noise pollution. Studies show it hurts our health and wellbeing when noise pollution persists. For instance please refer to study PMID: PMC9832265 at The National Library of Medicine.

Noise in New York is not a new issue, and based on the New York Times article from 2019 (New York Is a Noisy City. One Man Got Revenge) it seems that no other way except citizen enactment is effective to address the issue. Therefore, I am gravely concerned about the proposed introduction of bills 1194 and 160 which would effectively take out the incentive for most citizens to actually hold those commercial establishments who violate the rules accountable.

Citizen noise enforcement works! Noise complaints are down 13% this year alone, after citizens successfully used this program to hold commercial noise polluters accountable. Citizen enforcement is required, no one wants an increased stress level and shorten life expectancy by deafening speakers as they walk down the streets, or simply try to rest in their own homes but loud commercial activity in the neighborhood prohibits that. Right now, the law empowers citizens to file complaints and receive a modest percentage of any penalty collected as an incentive to appear at a hearing and do the associated paperwork.

I think it is fair to expect all establishments to follow the existing regulation, and as such not pollute neighborhoods with loud music etc. If you introduce bills 1194 and 160, you effectively stop enforcing the rules. The result of that is not only that the existing polluters “win”, but that the ones who are currently abiding by the rules see there is no penalty to also start with loud music to entice potential customers. The result is an exponential increase in noise pollution, something I am sure no New Yorker wants.

Please side with science and do what you can to ensure we reduce, not increase, the noise pollution in a densely populated area like New York.

Please vote NO on Intro 1194 and NO on Intro 160.

Thank you.

wessel.peder@gmail.com

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: Mark Page

Address: NYC DEP

I represent: Exec. Dir. Bureau of

Address: Environmental Compliance

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: Alyssa Preston

Address: NYC DEP

I represent: Dir. Air+Noise Policies

Address: Regulations and Enforcement

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: Angela Licata

Address: NYC DEP

I represent: Dep. Comm. Sustainability

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: JONATHAN RINALDI

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/16/2025

(PLEASE PRINT)

Name: Rawl Rivers

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: Nikolay Gergov

Address: 54 W 39th str. NY, 10018

I represent: Pando 39

Address: 54 W 39th str. NY, 10018

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 160, 194 Res. No. _____

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: David Sheldon

Address: W 107 St. 10025

I represent: South Street Seaport Coalition

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1194/160

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joel Kupperman

Address: W. 107 St NY NY

I represent: PENNY JUSTICE INITIATIVE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 194 Res. No. 1194/160

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: John Correy

Address: 352 37th Ave NY NY

I represent: Mustang Harbys

Address: 352 37th Ave NY NY 10001

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Noise violations Res. No. _____

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: SHARON TREANOR

Address: ABNER PLACE, YONKOS, NY, 10704

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1194 Res. No. 2023

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Norma Cote

Address: BANK ST NYC

I represent: nycd + nyshob

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0160202 Res. No. _____

in favor in opposition

Date: 10.15.2023

(PLEASE PRINT)

Name: Peter Gibson

Address: Prince St

I represent: nycd

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1194 Res. No. _____

in favor in opposition

Date: OCT 16, 2023

(PLEASE PRINT)

Name: YOAV EREZ

Address: GOLD St. Brooklyn NY 11201

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Murphy Fitzpatrick

Address: Mount Prospect rd. Far Hills NJ

I represent: Myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0160-2022 Res. No. _____

in favor in opposition T2023-4002

Date: _____

(PLEASE PRINT)

Name: LESA ROZMAREK

Address: 1501 BROADWAY

I represent: NEDERLANDER ORGANIZATION

Address: 1501 BROADWAY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: FRANK T. McLELLAN

Address: 2166 125th ROAD JONKOPUS

I represent: TITO MURPHY'S

Address: 346 West 48th STREET

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1194 Res. No. 160

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: Robin Warren

Address: W. 85th St 10024

I represent: Self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alex Stein

Address: 2509 Equid Rd

I represent: Myself

Address: 11

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sandra Felandanga

Address: 45-17 Greenpoint Avenue

I represent: Flowers by Georgie

Address: 45-17 Greenpoint Avenue Sunnyside, NY 11074

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/16/2023

(PLEASE PRINT)

Name: Vanessa Ore

Address: 47-02 Queens Blvd

I represent: Romantic Depot Queens

Address: 47-02 Queens Blvd

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/15/23

(PLEASE PRINT)

Name: Brittney Mayorga

Address: 47-02 Queens blud

I represent: Romantic Depot

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JOHN CASATI

Address: 102 CARROLL ST.

I represent: OATH

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 160 Res. No. _____

in favor in opposition

Date: 6/10/2023

(PLEASE PRINT)

Name: GREGORY GUARINO

Address: QUEENS

I represent: ACOUSTILOG, INC

Address: 19 MERLER ST, NY NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/16/23

Name: LIAM MALANACHY (PLEASE PRINT)

Address: WALL ST

I represent: JUNIORS

Address: 1575 BROADWAY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 16091104 Res. No. _____

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: MAX BOOKMAN

Address: _____

I represent: NYC HOSPITALITY ALLIANCE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 16091104 Res. No. _____

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: ROBERT BOOKMAN

Address: _____

I represent: NYC HOSPITALITY ALLIANCE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 16091104 Res. No. _____

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: ANDREW RIGIE

Address: _____

I represent: NYC HOSPITALITY ALLIANCE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 160,1194 Res. No. _____

in favor in opposition

Date: Oct 16, 2023

(PLEASE PRINT)

Name: Kathleen Reilly Irwin

Address: New Korn Rd Albany NY

I represent: NYS Restaurant Association

Address: " "

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: Katelyn Mooney

Address: 147 W 40th St.

I represent: The Independent

Address: 147 W 40th St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/14/23

(PLEASE PRINT)

Name: Amy Slick

Address: 66 John St

I represent: OATH

Address: 66 John St

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0160-2022 Res. No. _____

in favor in opposition

Date: 10/16/23

(PLEASE PRINT)

Name: CORMAC FLYNN

Address: W 8 ST New York NY 10011

I represent: MYSELF

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 160/1194 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Jacobs

Address: 270 Lafayette Street, New York NY

I represent: Corner Table Restaurants

Address: 270 Lafayette Street, New York NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1194 Res. No. _____

in favor in opposition

Date: 10-16-23

(PLEASE PRINT)

Name: A.M. Riccitelli - (Comp)

Address: 16 E 17 ST NY 10003

I represent: 17th St Coop - Co-op

Address: 14-16 E 17 ST NY 10003

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Theresa Sigler
Address: Cliffwood Ave Keyport, NJ 07730
I represent: Pig N Whistle
Address: 58 W 48th St NY NY 10036

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0160 Res. No. _____

in favor in opposition

Date: 10-16-23

(PLEASE PRINT)

Name: A. M. Ricciardi (Board President)
Address: NYC 10003
I represent: 175th W 4th Corp - Co-op
Address: 14-16 E 175th St NY 10003

Please complete this card and return to the Sergeant-at-Arms