

Nobody Likes Noise Law

By Kitty Merrill

An amendment to the noise ordinance brought a number of speakers to East Hampton Town Hall last Thursday night. No one who spoke during the public hearing embraced the draft zoning code revision, but opposition to adoption came from . . . um . . . opposite ends of the spectrum.

Business owners felt it was too strict, while others thought it was too lenient.

Attorney Jeff Bragman spoke for the second segment. The current code takes into account ambient noise when gauging whether noise exceeds a certain decibel level. Under the proposal, ambient noise would be discounted and to trigger a violation, noise would have to be a certain level above the ambient sounds. The code amendment makes no distinction between commercial and residentially zones neighborhoods.

Bragman disparaged the measure, calling it "a race to the bottom." He said that discounting ambient noise levels is comparable to saying mean "wherever the most noise is being made, we'll make it more noisy." As proposed, the code revision would "legalize an escalation of noise," Bragman reasoned. It looked as if it was written for defense attorneys, he quipped. The attorney noted that East Hampton's current law is consistent with dozens of statutes across the country.

Bragman reviewed the code at the behest for former town councilwoman Deb Foster. "This is not what you want," she told the town board, predicting "a continuing vortex of escalating sound."

On the other side of the community coin, attorney Larry Kelly, who represents a number of local restaurants, reported that the whole reason why the revision was proposed was because the current law was unenforceable and the town kept losing court cases. He spoke specifically of a temporary restraining order against the Sloppy Tuna in Montauk that was denied.

When Town Attorney John Jilnicki said he didn't believe there was a written judicial opinion stating what Kelly claimed, Supervisor Bill Wilkinson directed him to review the case and give the town board an update at a later work session.

Kelly complained that no one from the business community had been part of the discussion leading

up to the crafting of the draft. He wanted to see the board include feedback from business owners in the writing of any subsequent revisions.

Laraine Creegan, executive director of the Montauk Chamber of Commerce, felt the same way. She worried proposed changes could have a negative impact on business, while Margaret Turner, the executive director of the East Hampton Business Alliance, characterized a number

of definitions and provisions in the law as "a little vague." Both women felt proposed penalties were too high.

Speaking as president of the chamber, the CEO of Gurney's Inn, the group Montauk Citizens Voice, and as a patron of local establishments, Paul Monte said he, too, believes input from the business community would be valuable in revising the revision.

Chris Pfund, who does the sound systems for a few places in Montauk, said he was heartened by the direction the law is taking — using ambient noise as a baseline — because the current code has

created an environment where it is impossible to comply.

A couple of speakers talked of noise other than that coming from music at clubs. Ann Maegli said she is more bothered by the crowd noise than music at Ruschmeyer's near her home. Tom MacNiven wants officials to consider curtailing the hours contractors can work in residential neighborhoods. He said he understood the season of long days is short for them, but it's short for backyard barbecues, too.

Prior to the meeting, flyers from a group called "ban the blowers" were distributed.

kmerrill@indyestend.com