



THE CITY OF NEW YORK
COMMUNITY BOARD 3
BEDFORD-STUYVESANT RESTORATION PLAZA
1360 FULTON STREET, BROOKLYN, NY 11216
TEL. (718) 622-6601 / FAX (718) 857-5774

ALCOHOLIC BEVERAGE CONTROL RETAIL LICENSE COVER LETTER (Form EDC02)

Date: _____

To: _____

Owner

Name of Business

From: Tywan Anthony, Committee Chairperson Marc Faissal, Co-Vice Chair Keith L. Forest Co-Vice Chair
Economic Development Committee – Community Board 3

Subject: **Request for Letter of Support for an Alcoholic Beverage Control Retail License**

We are in receipt of your request for a letter of support from Community Board 3. One of the goals of this Board is to promote and support quality businesses and services for the residents of Bedford-Stuyvesant. We are hopeful that your enterprise will contribute to the ongoing revitalization of our community.

In order to be considered for a letter of support from Community Board 3, the procedures outlined below and detailed in the attached documents, must be followed. The document entitled, *Application for a Letter of Support: Alcoholic Beverage Control Retail License* (Form EDC03), must be fully completed prior to a meeting with the EDC. If there is anything that you do not understand, please feel free to contact Community Board 3 during normal business hours at (718) 622-6601.

The overall assessment process will include:

1. Full completion and submittal of all documents
2. Development of a one page fact sheet about your establishment
3. At least one site visit to your establishment
4. A meeting with the Economic Development Committee of Community Board 3
5. A brief presentation before the full Community Board at one of the monthly meetings
6. The Board will vote on the Committee's recommendation

The date, time, and place of your meeting with the Economic Development Committee is as follows:

DATE: _____

TIME: _____

LOCATION: Offices of Community Board 3, 1360 Fulton Street

Our office is located in the second building of the Bedford-Stuyvesant Restoration Complex, on the second level. You may enter through the main building, at 1360 Fulton Street, and walk through the plaza.

THE ITEMS THAT MUST BE PRESENTED AT THE TIME OF YOUR INTERVIEW
ARE LISTED ON THE BACK OF THIS FORM. THE APPLICATION FOR A LETTER OF SUPPORT
IS ATTACHED TO THIS FORM.

ITEMS TO PRESENT AT THE ECONOMIC DEVELOPMENT COMMITTEE INTERVIEW

In order to be interviewed by the members of the Economic Development Committee, the following documents must be available for review:

1. Five [5] copies of the Application for Letter of Support
2. One [1] copy of your completed State Liquor Authority Application
3. Letter of Support [Letters of Support must be on official letterhead, with the telephone number of the person submitting the letter.]
 - a) At least one [1] letter of support from the block association of the block on which your establishment is located or **at least twenty-five signatures from residents of the block on which your establishment is located.** Please use the attached Form EDC04 (*Request for Community Support*), if you are collecting individual signatures (to be used when no block association exists)
 - b) Two [2] letters of support from businesses within a four block radius
 - c) Letter[s] of support from any school[s] within 200 feet of the establishment
 - d) Letter[s] of support from any house[s] of worship within 200 feet of the establishment
4. At least one [1] exterior photograph of the building
5. At least two [2] interior photographs or architect's renderings of the interior
6. One [1] copy of Page 5, **500 Foot Rule Statement**, from your SLA Application
7. One [1] copy of Page 6, **Section D, Statement of Area Plan**, from your SLA Application
8. At least five [5] copies of Alcoholic Beverage Control Retail License Application Applicant Summary (**Form EDC06**)

**PLEASE NOTE:
THE INTERVIEW WILL NOT TAKE PLACE IF THE ITEMS LISTED
ABOVE ARE NOT PRESENTED.
THIS MAY JEOPARDIZE THE ISSUANCE OF YOUR LICENSE.**



THE CITY OF NEW YORK
COMMUNITY BOARD 3
BEDFORD-STUYVESANT RESTORATION PLAZA
1360 FULTON STREET, BROOKLYN, NY 11216
TEL. (718) 622-6601 / FAX (718) 857-5774

APPLICATION FOR A LETTER OF SUPPORT: ALCOHOLIC BEVERAGE CONTROL RETAIL LICENSE (Form EDC03)

1. TYPE OF SERVICE REQUESTED

a. Renewal_____ New_____

b. Class (as specified in the SLA application)_____

2. OFFICIAL NAME OF BUSINESS:_____

(Including DBA):_____

3. OWNERS, AS NOTED ON THE SLA APPLICATION

(Please add an addendum page, labeled Item #3, if more space is needed)

FULL NAME/TITLE	ADDRESS	ZIP	TEL. #	E MAIL

4. ADDRESS_____ a. Zip Code_____

b. Cross Streets_____ c. Block and Lot Number_____

d. Business Telephone Number, as listed in SLA Application_____

e. Owner of the Property

Name (Individual and Business)

Address/Zip

Telephone #

5. SERVICES

a. (List the types of services you will providing in the establishment)

b. Days and Hours of Operation_____

c. Age range of customers you intend to serve_____

6. STAFFING

a. Total Number of Staff_____

b. List the names and titles of all staff either presently employed or anticipated:

c. List any other businesses that you own.

(Please add an addendum page, labeled Item #6c, if more space is needed)

NAME OF BUSINESS	TYPE OF BUSINESS	ADDRESS	YEARS OWNED

7. NEIGHBORHOOD FACTORS

a. Briefly explain why you chose this location for your establishment.

b. What police precinct covers your establishment?

c. What security will you have in place to monitor late night activities?

d. What action will you take, if any, regarding any occurrences of daytime/evening loitering outside of your establishment?

e. What incidents have occurred either in or outside of the establishment during the past three (3) years?

(I affirm that I have checked with the local Police Precinct regarding this item: Yes___ No___)

f. What factors will make your establishment as asset to our community?

8. CONTACT INFOMRATION

NAME_____ TITLE_____

ADDRESS_____ ZIP_____

TELEPHONE # (DAYTIME)_____ EVENING_____

EMAIL_____ FAX_____

APPLICATION PREPARED BY_____

DATE_____



THE CITY OF NEW YORK
COMMUNITY BOARD 3
BEDFORD-STUYVESANT RESTORATION PLAZA
1360 FULTON STREET, BROOKLYN, NY 11216
TEL. (718) 622-6601 / FAX (718) 857-5774

APPLICATION FOR AN ALCOHOLIC BEVERAGE CONTROL RETAIL LICENSE

REQUEST FOR COMMUNITY SUPPORT (Form EDC04)

Dear Resident,

I am applying for an Alcoholic Beverage Control Retail License, for a

Bar_____ Restaurant_____ Lounge_____ for _____,
Name of Establishment

that I hope to open on _____, between _____
Street Name Cross Street

and _____.
Cross Street

Date of Petition_____

Please provide the information below, if you are in favor of my receiving a liquor license from the New York State Liquor Authority. Thank you.

PRINT NAME	SIGNATURE	ADDRESS
1.		
2.		
3.		

4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		



THE CITY OF NEW YORK
COMMUNITY BOARD 3
BEDFORD-STUYVESANT RESTORATION PLAZA
1360 FULTON STREET, BROOKLYN, NY 11216
TEL. (718) 622-6601 / FAX (718) 857-5774

APPLICATION FOR AN ALCOHOLIC BEVERAGE CONTROL RETAIL LICENSE (Form EDC05)

GUIDELINES FOR PRESENTATION AT THE PUBLIC MEETING OF COMMUNITY BOARD 3

To the Applicant:

A. The final step in the process for a liquor license is a presentation before the Community Board at a public meeting. We strongly suggest that you adhere to these guidelines.

1. You will be given five minutes for your presentation.
2. During your remarks, you should provide a visual presentation or PowerPoint slides containing basic facts about your business.
3. Include the following information in your presentation:
 - a. Name of the establishment
 - b. Location of the business, including cross streets
 - c. Name(s) of the owner(s), and any past experience
 - d. Type of business: bar, restaurant, lounge
 - e. Hours of operation
 - f. Number of staff you plan to hire
 - g. Arrangements for security
 - h. Locations of exits, according to Fire Department regulations
 - i. Interior plots or renderings
 - j. Exterior plots
 - k. Menu (if applicable)

B. The following will take place after your presentation:

1. The public is free to ask questions at the conclusion of your remarks.
2. The Chair of the Economic Development Committee will give the committee's report, that includes a recommendation regarding the issuance of the letter of support
3. The members of the Board will vote on the report.
4. The Board Secretary will announce the results of the vote on the report at the public meeting.

C. The final Board action will take place as follows:

1. A letter reflecting the disposition of your application will be sent to the New York State Liquor Authority no later than 5 days after the Board meeting.
2. You will be notified, in writing, of the Board's decision, no later than 5 days after the Board meeting.



THE CITY OF NEW YORK
COMMUNITY BOARD 3
BEDFORD-STUYVESANT RESTORATION PLAZA
1360 FULTON STREET, BROOKLYN, NY 11216
TEL. (718) 622-6601 / FAX (718) 857-5774

ALCOHOLIC BEVERAGE CONTROL RETAIL LICENSE APPLICATION (Form EDC06)

APPLICANT SUMMARY

To: Community Board 3

From: Richard Flateau, Chairperson, Economic Development Committee

Please be advised that the following establishment will be presented at the _____
public meeting.

SECTION A - PROFILE

1. Name of Establishment

2. Owner(s) of Record

a. _____

b. _____

c. _____

3. Location

a. Address _____/Zip _____

b. Cross streets _____

4. Type of Establishment (Bar _____ Restaurant _____ Lounge _____)

5. Hours and Days of Operation _____

6. Menu (Y/N) _____

7. Number of Staff _____

8. Security Plan _____

SECTION B – CHECKLIST (For Internal Use Only)

1. ___ Letters from block associations or petition from 25 residents

2. ___ Letter from two businesses

3. ___ Field Visit---Date Visited _____

4. ___ Compliance – 500 foot rule

5. ___ Compliance – 200 foot rule

“Measuring the Distance” The 200 and 500 Foot Rules

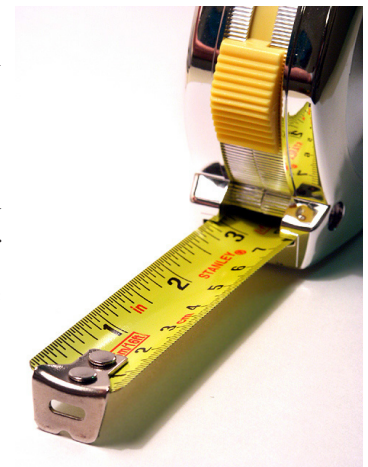


NEW YORK STATE
LIQUOR
AUTHORITY

DIVISION OF ALCOHOLIC
BEVERAGE CONTROL

The 200 Foot Rule

The Alcoholic Beverage Control Law prohibits certain licenses from being issued if the location of the establishment is on the same street and within 200 feet of a building that is used exclusively as a school, church, synagogue or other place of worship. This restriction is commonly called the 200 foot rule and applies to any retail establishment where liquor will be sold for on premises consumption and any retail establishment where liquor or wine will be sold for consumption off the premises.



Measurement of distance

The law provides that the measurement be taken in a straight line from the center of the nearest entrance of the school/place of worship to the center of the nearest entrance of the establishment. The distance is determined using only entrances that are regularly used to give ingress to (a) the students of the school, (b) the general public into the place of worship; and (c) patrons into the establishment. Emergency/fire exits, maintenance access, and doors to gain access to non-public areas are not used in the measurement. If the entrance is set back from the sidewalk by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk. For an establishment in a multi-story building, the building entrance at street level is used.



Corner locations

The statute refers to the school/place of worship being on the same street as the licensed premises. The buildings do not have to be on the same block. With respect to an establishment or school/place of worship on a corner lot, the building is considered to be on both streets, whether or not there is an entrance to the building on both streets.



Exceptions to the rule *“Grandfather” clause*

If the 200 foot rule applies to a particular location, the Authority does not have the discretion to grant the application. Even if the school/place of worship consents to the issuance of the license, the Authority cannot approve the application. If the Authority discovers that an establishment has been licensed in violation of the rule, it cannot allow the violation to continue when the license comes up for renewal.

The statute does, however, provide for certain exceptions to the rule:

- establishment is in operation since December 5, 1933 (the end of prohibition);
- if the location was licensed before the school/place of worship existed, the Authority can renew the license and approve applications to transfer ownership;
- if a hotel has an existing “RL” [restaurant liquor] license, it may obtain a “HL” [hotel liquor] license;
- applications for a “CL” [club liquor] when the club is affiliated with the school/place of worship;
- a legitimate theater operated by a not-for-profit organization; and
- the Authority may permit the licensee to move a licensed premises that has an exception to another location within 200 feet of the school/church, as long as the new location is not closer than the old location.





Exclusive use as school/place of worship

While the law uses the phrase “building used exclusively” as a school/place of worship, the courts have adopted a test that looks to whether the building is used primarily as a school/place of worship. The building will still be considered a school/place of worship as long as any use is incidental to, and are not inconsistent with or detracting from the predominant character of the building as a school/place of worship.

In 2007, the 200 foot rule was amended to clarify that the use of a building for certain purposes would be considered incidental to its primary use as a place of worship. Those uses include, but are not limited to:

- the conduct of legally authorized games of bingo or other games of chance held as a means of raising funds for the not-for-profit religious organization which conducts services at the place of worship or for other not-for-profit organizations or groups;
- use of the building for fund-raising performances by or benefitting the not-for-profit religious organization which conducts services at the place of worship or other not-for-profit organizations or groups;
- the use of the building by other religious organizations or groups for religious services or other purposes;
- the conduct of social activities by or for the benefit of the congregants;
- the use of the building for meetings held by organizations or groups providing bereavement counseling to persons having suffered the loss of a loved one, or providing advice or support for conditions or diseases including, but not limited to, alcoholism, drug addiction, cancer, cerebral palsy, Parkinson’s disease, or Alzheimer’s disease; and
- the use of the building for blood drives, health screenings, health information meetings, yoga classes, exercise classes or other activities intended to promote the health of the congregants or other persons;
- and use of the building by non-congregant members of the community for private social functions.

In addition, the amendment also provided that a building would still be considered as “used exclusively” as a place of worship even when the not-for-profit religious organization occupying the place of worship accepts payments from those using the building to assist in defraying costs related to that party’s use of the building.





The 500 Foot Rule

Ordinarily, an application for an on-premises liquor license must be approved unless the Authority finds there is good cause not to issue the license. The Alcoholic Beverage Control Law, however, contains restrictions on the approval of certain on-premises liquor licenses if the location is within a 500 foot radius of certain other establishments with onpremises liquor licenses. The restrictions apply only in cities, towns or villages with a population of 20,000 or more. The restrictions are commonly referred to as the “500 foot rule”.

Establishments subject to the 500 foot rule

Applications for licenses under Section 64, 64-a, 64-c and 64-d of the Alcoholic Beverage Control Law are all, to some degree, subject to the 500 foot rule. These statutes provide for “full” (liquor, wine and beer) liquor licenses for the on-premises license.

A license under Section 64 can only be issued to a restaurant, hotel with a restaurant, catering establishment, club, vessel or aircraft. Establishments obtaining a license under this section must have a kitchen, with a chef, serving meals.

Section 64-a provides for the “special” on-premises license. The statute allows certain establishments to obtain an on-premises license without meeting the restaurant/kitchen requirement of Section 64. These establishments fall into two categories: 1) nightclubs, bars, taverns, etc, that do not have kitchen facilities and primarily serve alcoholic beverages rather than food; and 2) theaters and other entertainment facilities. Establishments obtaining a license under Section 64-a are not required to have kitchen facilities, but must regularly keep food (sandwiches, soups, etc.) available for sale to customers.

Section 64-c provides for the “restaurant-brewer” license. In addition to allowing the licensee to brew a limited amount of beer on the premises, the licensee must operate a restaurant at the establishment.

Pursuant to Section 64-d a “cabaret” license is required for any on-premises establishment that: (1) permits musical entertainment, singing, dancing or other forms of entertainment; and (2) has a capacity of 600 or more persons. This section primarily addresses large nightclubs. It should not be confused with the cabaret permit issued by the City of New York, which is required for certain establishments regardless of whether alcoholic beverages are served.



Exceptions to the rule

“Grandfather” clause

The 500 foot rule specifically excludes any licensed establishment that was licensed when the rule went into effect on November 1, 1993. If an application is received for an establishment at a location that has been continuously licensed since that date, it is not subject to the rule. “Continuously” means without interruption. If the location was not licensed for any period of time, it has not been continuously licensed. To obtain the protection of this exemption, it does not matter what kind of license was issued for the location, or whether it had been licensed to the same person or corporation.

Renewals

A renewal of a license cannot be denied because of the 500 foot rule. In addition, applications to approve corporate changes (new individuals taking over the existing licensed corporation) are not subject to the 500 foot rule since the corporation continues to hold the license.

Public Interest

If the location is subject to the 500 foot rule, and no other exception applies, the license cannot be issued unless the State Liquor Authority makes an affirmative finding that it is in the public interest to issue the license. This clearly creates a presumption that the license should not be issued. There is, however, no “public interest” exception for applications for a cabaret license.

The 500 foot rule requires that the Authority consult with the municipality or community board and conduct a hearing to gather facts to determine whether the public interest would be served by issuing the license. This is commonly referred to as the “500 foot hearing”. When considering whether it would be in the public interest to approve the application, the Authority may consider the following:

- the number, classes and character of other licensed premises not only in the area where the proposed establishment will be located but also in the particular municipality (or subdivision of the municipality);
- whether the applicant has obtained all other necessary governmental licenses and permits;
- the effect on vehicular traffic and parking in proximity to the location;
- the impact on the existing noise level;
- the history of ABC violations and reported criminal activity at the location; and
- any other factor specified by law or regulation that would be relevant to deciding whether public convenience and advantage, as well as the public interest, would be served by approving the application.

The hearing required by the 500 foot rule is conducted before designated staff in the Authority’s four offices. The Members of the Authority have delegated to specific licensing staff the ability to approve applications when, after the hearing is conducted, there is no community opposition and no other reason for disapproval. In cases where the application is opposed by the community, the matter is referred to the Members of the Authority for determination. However, the fact that the community opposes an application does not mean that the Authority must disapprove the application. Conversely, an application may be disapproved even if the community supports it.

When such matters are referred to the Members of the Authority, the applicant may come to an agreement with the “community opposition” on stipulations concerning the operation of the establishment. In such cases, the Members of the Authority may incorporate those stipulations into the approved method of operation of the licensed premises. These stipulations essentially become conditions of the license privilege. Failure to comply with those conditions subjects the licensee to disciplinary action.

A GUIDE TO NEW YORK CITY'S NOISE CODE

UNDERSTANDING THE MOST COMMON SOURCES OF
NOISE IN THE CITY



**Environmental
Protection**

Bill de Blasio, Mayor
Emily Lloyd, Commissioner



Visit us at nyc.gov/dep - like us on www.facebook.com/nycwater - follow us on www.twitter.com/nycwater

NEW YORK CITY NOISE CODE

The New York City Noise Code balances the important reputation of New York as a vibrant, world-class city that never sleeps, with the needs of those who live in, work in, and visit the city. In 2007 the City updated the Noise Code for the first time in 30 years to reflect the changing landscape and advances in acoustic technology.

Simply put, the Noise Code was created to reduce:

“The making, creation or maintenance of excessive and unreasonable and prohibited 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.”

In order to enforce this objective, the New York City Department of Environmental Protection (DEP) and the New York City Police Department (NYPD) share duties based on the type of noise complaint. To report a noise complaint, call 311 and they will direct your grievance to the appropriate agency.

This booklet is designed to provide an overview of the Noise Code and some of the most common sounds of the city. For more detailed information about noise in the city and the law itself, please visit: www.nyc.gov/dep and follow DEP at www.facebook.com/nycwater.

SOUND MEASUREMENTS

Overview

The decibel (dB) is the universal unit of sound measurement and is measured with a meter that registers sound pressure and displays these readings on a sound level scale. Decibels are a logarithmic unit, which means that a noise measuring 30 decibels is actually 10 times louder than a noise registering at 20 decibels.

One challenge of measuring sound in the city is that there is a high level of ambient sound, or background noise in an area. For example, Times Square has high ambient sound levels, making it harder to distinguish the source of a sound. The same sound in a residential neighborhood may be easier to measure because there is less ambient sound.

Sounds of the City

Sound levels vary depending on one's distance from the noise source. 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)

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.



Highlights

Noise Mitigation Plans

- Contractors must develop a noise mitigation plan prior to the start of work.
- Every construction site must have a noise mitigation plan on location.
- If noise complaints are received, an inspector will ensure the contractor has posted the plan and that it is being followed. This will determine whether or not the plan needs modification.
- When construction activity is planned near locations such as schools, hospitals and houses of worship, the party responsible for construction is expected to design their noise mitigation plan to be sensitive to its neighbors.

Containers and Construction Materials

- Noise that exceeds the ambient sounds level by more than 10 decibels as measured from 15 feet from the source as measured from inside any property or on a public street is prohibited.
- Sounds that occur abruptly for a short duration, called impulsive sounds, are restricted.
- A reduction of only five decibels usually makes a noticeable difference to most complainants.

Construction Hours

- Construction may occur between 7:00 am and 6:00 pm on weekdays.
- Alterations or repairs to existing one- or two-family, owner-occupied 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.

ANIMAL NOISES

Overview

Owning a pet in New York requires increased responsibility to ensure that pets are not disruptive. The Noise Code holds pet owners accountable for their animals' noises, and owners must do their best to limit noises so that their pets do not disturb their neighbors.

Animal noises such as barking may indicate distress, danger, or an emergency situation, the Noise Code is designed to be flexible, and first complaints of excessive animal noise may lead to education. Information about reducing or better-controlling noise from an animal is mailed to the pet owner's residence. When complaints persist, further action can be taken.

Highlights

Animal noise that is unreasonable and plainly audible from within nearby residential property may call for enforcement action if the noise occurs:

- After 7:00 am and before 10:00 pm for a continuous period of 10 minutes or more
- After 10:00 pm and before 7:00 am for a continuous period of five minutes or more

FOOD VENDING VEHICLES

Overview

Ice cream trucks traveling on city streets are a summer tradition, but their repetitious jingles can create a community nuisance and disrupt nearby residents. Because enforcement can be difficult as trucks travel from neighborhood to neighborhood, DEP works with the Department of Consumer Affairs, which licenses vendors, to remind drivers of their responsibilities under the Noise Code.

Highlights

- The Noise Code prohibits the playing of jingles while any type of food vending vehicle is stationary. Vehicles may only play jingles while they are in motion.

AIR CONDITIONERS & CIRCULATION DEVICES

Overview

Poorly maintained air conditioners can generate unnecessary, disruptive noise. Commercial and industrial air conditioners can be particularly noisy due to their size and location on rooftops near residential buildings. The Noise Code restricts the decibel levels created by air conditioners and other types of circulation devices.

Highlights

Restrictions:

- A single circulating device may not produce noise levels in excess of 42 decibels, as measured three feet from the noise source at an open door or window of a nearby residence.
- To account for the cooling needs of new construction or shifting building populations, the Noise Code limits buildings with multiple devices to a cumulative noise level of 45 decibels, as measured per the above standard.

Qualified inspectors may need to take several readings before enforcement can be deemed necessary.

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.

Highlights

- 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
- 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).

REFUSE COLLECTION VEHICLES

Overview

Though the collection of refuse is critical to the health and safety of city residents, noise from this process can be disruptive to local communities. To limit such disruptions, the Noise Code sets a more enforceable standard in order to reduce unreasonable noise coming from refuse collection vehicles.

Highlights

- Maximum sound levels may not exceed 80 decibels when measured at a distance of 35 feet or more from the compacting unit of the vehicle when it is not engaged in compacting a load of refuse.

AND

- Maximum sound levels may not exceed 85 decibels between the hours of 11:00 pm and 7:00 am within 50 feet of a residential property when measured at a distance of 35 feet or more from the vehicle when the compactor is engaged. This standard will be reduced to 80 decibels in July 2012.

MOTOR VEHICLES & MOTORCYCLES

Overview

Each day more than one million vehicles move through New York City's streets. The Noise Code addresses noise coming from vehicles, including motorcycles, and defines excessive sound.

Highlights

- The Noise Code prohibits excessive sound from the muffler or exhaust of motor vehicles operating on a public right-of-way where the speed limit is 35 mph or less.
- Excessive sound is:
 - Plainly audible at a distance of 150 feet or more from vehicles of less than 10,000 lbs. (cars); and
 - Plainly audible at a distance of 200 feet or more from vehicles of more than 10,000 lbs., (trucks); and
 - Plainly audible at a distance of 200 feet from a motorcycle.
- The use of vehicle horns is illegal, except as a warning in situations of imminent danger.
- Residents may request an evaluation to determine if a "No Honking" street sign would help.

COMMON COURTESY

Overview

A majority of the city's noise complaints are reported as "noise from neighbor." By taking the few simple steps below, you can help create a more livable atmosphere for your community.

- Be sensitive to your neighbor's space and remember that one person's ceiling is another person's floor; try to keep noisy and disruptive activities to a minimum.

- Keep cell phone conversations to a minimum in public spaces, especially in confined areas like public transit.
- Keep equipment levels down. Televisions, stereos, musical instruments should be used at a reasonable volume, to avoid disturbing neighbors, especially at night and in the early morning.
- Use power tools at appropriate times. Do as much as possible to stifle their noise and check specific regulations for their use.

Highlights

- The Noise Code specifically restricts the volume of car stereos in the public right-of-way.
- Certain machines, such as lawn mowers and leaf blowers, may only be used between 8:00 am and 7:00 pm (or until sunset, whichever occurs later) on weekdays; and between 9:00 am and 6:00 pm on holidays and weekends.

To report a noise complaint, call 311. For more detailed information about noise in the city and the law itself, please visit: www.nyc.gov/dep and follow DEP at www.facebook.com/nycwater.

The New York City Noise Code is award-winning!

Check out some of our recent awards:

1. 2010 Safe-in-Sound Award
2. 2009 ACEC Award for Engineering Excellence
3. 2007 Noise Pollution Clearing House Award



Government Information and Services for NYC



New York City Department of Environmental Protection
Bureau of Environmental Compliance
59-17 Junction Blvd., 11th Fl., Flushing, NY 11373





Noise Control for Nightclubs, Restaurants, Bars, and Cafes Product and Services Guidance Sheet

The following list is intended to provide owners of nightclubs, restaurants, bars and cafes who play music with information on a range of acoustical products, vendors, and professional services available to help control sound and vibration in their establishments and buildings. When applied properly, these acoustical tools may be helpful in reducing sound and vibration, and in achieving compliance with the New York City Noise Code, rules and regulations.

While the general approach to noise control is the same for most buildings, the specific measures and solutions should be carefully selected and implemented correctly. In general, noise control measures can be applied directly at the source, along the pathway, or at the receptor. However, amplified music from nightclubs and establishments has very strong low frequency components (e.g., the “thump” of a bass guitar or drums), which are the most difficult sounds to isolate and control. For these reasons, it is highly recommended that establishment owners discuss their particular noise condition with a qualified acoustical consultant as early as possible in the design or renovation of a prospective building or location. It is always more cost-effective to design for good acoustics from the beginning of a project, rather than to rely on retrofit solutions when noise becomes a problem in the future.

To aid in the selection of an acoustical consultant, links to several national professional are provided. (See also, http://www.nyc.gov/html/dep/pdf/noise_consultants_list.pdf.) It is suggested that the proprietor, or the consultant, determine where the nearest receptor dwelling is located. It is also suggested that the proprietor utilize the following controls [or equivalent] to block, absorb or limit sounds migrating to those and other receptors.

The information provided here is not an exhaustive list of noise control products and vendors. It is ***intended for guidance and informational purposes only***, and should not be construed as an official endorsement of any product, vendor, or consultant by the City of New York.

Acoustical Consultants

- Acoustical Society of America <http://acousticalsociety.org>
- Institute of Noise Control Engineering <http://inceusa.org>
- National Council of Acoustical Consultants <http://ncac.com>

Ceiling and Wall Sound Isolation

Products designed to mechanically isolate or add mass to walls and ceilings in order to increase acoustical isolation performance.

- | | | |
|--------------------|--|--|
| • Acoustiblok | Acoustiblok, Acoustiblok-Wallcover | www.acoustiblok.com |
| • AcoustiGuard | GenieClip, Mass Loaded Vinyl, Barrier Material, Iso-sill | www.acoustiguard.com |
| • Green Glue | Noiseproofing compound, sealant, and clip | www.greengluecompany.com |
| • Kinetics | Model ICC, KSCH, IsoGrid, IsoMax, PSB, KWSB, Wallmat, IPRB | www.kineticsnoise.com |
| • Mason Industries | 30 and 30N Series, NPS, DNSB | www.mason-industries.com |

Floor Sound Isolation

Products for the design of floating or vibration-isolated floors.

- | | | |
|--------------------|--|--|
| • Acoustiblok | Acoustiblok, Acoustiwool, Acoustipad | www.acoustiblok.com |
| • AcoustiGuard | OT 4005 & 4010, Duraoustic, Barrier Material, Iso Sep 25HD, | www.acoustiguard.com |
| • Kinetics | Model RIM, SR Floorboard, Soundmatt, FC, Isolayment BR | www.kineticsnoise.com |
| • Mason Industries | Type FS, RIS, EAFM | www.mason-industries.com |
| • Vibro-Acoustics | Isolation pads, Form work floor system, Jack-up floating floor | www.vibro-acoustics.com |

Sound Absorptive Wall Treatments

Products designed to mount on interior walls and ceiling surfaces in order to absorb acoustic energy (note - only useful for reducing reverberant noise).

- | | | |
|---------------|------------|--|
| • Acoustiblok | QuietFiber | www.acoustiblok.com |
| • Acoustical | Wall Panel | www.acousticalsurfaces.com |

Surfaces

- Eckel Industries Model EFP, FFP, ALP, DAP www.eckelusa.com
- Industrial Acoustics Absorption Panels www.industrialacoustics.com
- Pyrok, Inc. Acoustement Plaster www.pyrokinc.com

Acoustical Doors and Windows

Doors and windows specially designed for high acoustic performance.

- Acoustical Surfaces Noise S.T.O.P. Doors and Windows www.acousticalsurfaces.com
- Krieger Specialty Products Acoustical and SCIF Doors and Windows www.kriegerproducts.com
- Overly Door Company Acoustical Doors www.overly.com

Audio Compressors and Limiters

Signal processing equipment used to control the dynamic range and limit the peak output level of amplified sound.

- Alesis Model 3632 www.alesis.com
- Behringer PRO-XL MDX Series www.behringer.com
- dBX Models 160, 162, 166, 1046, and 1066 www.dbxpro.com

Directional Loudspeaker Arrays

Loudspeakers arrays designed to focus amplified sound towards specific audience areas and limit excess sound projected elsewhere (note – only useful for reducing community noise levels when used at outdoor venues).

- EAW KF Series www.eaw.com
- JBL Vertec Series www.jblpro.com
- Mackie HD Series www.mackie.com