

TOWN OF CONSTANTIA
MINUTES – PUBLIC HEARING – PROPOSED LOCAL LAW #3 OF 2009 – AUGUST 18, 2009
7:30PM – CONSTANTIA TOWN HALL

Present: Andrew Kelsey – Supervisor
Daniel Buck, Richard Colesante, John Metzger and Frank Tomaino – Council Members
Clare Haynes – Town Clerk
Warren Bader – Town Attorney

Others Present: Wayne Woolridge – Highway Superintendent
Nancy Butler – Supervisor’s Clerk
Chuck Gilkey – Planning Board Chair

Mr. Kelsey opened the public hearing, and immediately turned the hearing over to the public for comment.

Debbie Kite: Board of Trustees for the Village of Cleveland, the concerns for her will be the time limit, the fact that the VFW and the VFD will be exempt, she feels the town should stop catering to the select few and support the businesses.

Randall Warford: Resident, Town of Constantia, received a copy of the proposed law and is concerned with the loudness, time is not the only issue. Another concern is there is no limit on the number of days a week there can be outdoor music. He would like to see a limit on the number of days or times a year.

Janet Warford: Resident, Town of Constantia, frequency of the music is the concern, every Friday thru Sunday is just too much, they have dealt with this since Memorial Day and now they understand that bands are booked right thru September. She feels it is limiting the use of their house and yard.

Durk Oudemool: Attorney for the Boathouse, questioned the purpose of the proposed law, is to regulate music/noise or any bar business. Mr. Kelsey responded, in theory, noise but all is coming from one source, trying to eliminate the nuisance, part type and volume.

Mr. Oudemool questioned if anyone has ever measured the sound. Mr. Kelsey is unaware if it has been done, but has in the past used the standard of the community, many of the councilmen have been called down by constituents to come and listen to the sound level.

Mr. Defuria owner of the Boathouse is willing to work with the board, this is his full-time occupation, he wants to be in the business.

Mr. Oudemool brought up some other questions in relation to the proposed law as follows:

- Same standards should apply to all, do not exempt anyone or business (VFW or VFD).
- What if problem is not amplified, if concerned with noise might want to change definition.
- Decibel readings are more concrete way to measure noise. Mr. Defuria did hire a independent sound service to measure decibels, report given to board, is on file at the Town Clerk’s Office.

Mr. Defuria and Mr. Oudemool do not question the right of the town to have a law, they just feel the current proposed law is unduly harsh upon Mr. Defuria’s business.

Mr. Colesante asked Mr. Oudemool if there is an acceptable decibel level, his answer is dependant if you are speaking about adults vs kids. Mr. Sakonyi read that the NYS Vehicle and Traffic law gives an unacceptable decibel level at 72-90.

Charles Kelsey: Resident, Johnson Road, he can hear the music at his house.

Mr. Colesante asked the residents to please state a time that would be acceptable to them for the end of the music/noise.

Ann Pierce: Resident, Town of Constantia, it does not matter to her when the music ends, she enjoys all kinds of music. When she purchased her property it was a peaceful and quiet place, she enjoys being outside but has been denied this privilege because of the noise. Her quality of life has changed, she can no longer entertain outside because of the noise but would like to work together to solve the problem.

Starr Parmley: Resident, Town of Constantia, gave the board a picture of a NYS sign giving the noise decibel limit at 90. Mr. Parmley referenced a letter that he gave to the Town Board Members on June 30, 2009. On two occasions he called the New York State Police to enter a noise complaint when he could not sleep. The actions of one business should not diminish the quality of life for the citizens surrounding that business. Mr. Parmley feels that 10:00 pm is a good time to stop the bands.

Jean Dupre: Resident, Town of Constantia, lives over one mile away and can hear the music, they must shut their windows to help with the sound levels. She does not know if the hours matter to her. There is no difference from last year.

Mr. Colesante made the motion to close the public hearing, seconded by Mr. Metzger.

Carried: Tomaino – Yes Buck – Yes Colesante – Yes Metzger – Yes Kelsey - Yes