

Minutes
City of Lancaster Noise Control Board
May 9, 2017

The public hearing of the City of Lancaster Noise Control Board was called to order at 4:00 p.m. in the Mayor's Conference Room, City Hall, on May 9, 2017.

Board members present: Kenneth Hammel, Gary Hufford, and Sam Wilsker

Board members excused: C. Clair McCormick and Jason Wynne

City staff: Paula Jackson, Chief Planner

Applicants: Kevin O'Mahony and Jon Reapsome, Tellus 360; Michael Geesey and Aimee Kuhns, Marion Court Room

Acting Chairman Hammel asked if there were any corrections or additions to the January 10, 2017 minutes. Hearing none, the minutes were approved as written.

NEW BUSINESS

There were two appeals submitted to the Board for action, one from Tellus 360 and the other from Marion Court Room.

The Tellus 360 appeal sought a variance of Chapter 198. Noise, in order to have live, amplified music on the rooftop one night per month, April to October, from 10:00 p.m. to 12:00 a.m. [Note: Section 198-4 prohibits noise disturbances, which include playing of musical instruments, amplified sound, and other sound sources between the hours of 9:00 p.m. and 8:00 a.m.]

No citizens were in attendance to comment on this appeal.

Kevin O'Mahony and Jon Reapsome stated that they were seeking approval for music Sunday through Thursday until 10:00 p.m. and Friday and Saturday until midnight April through October. In response to a question from Mr. Hufford, the applicants stated that Tellus 360 has decibel readers and can control the volume. Mr. Hufford recommended that the speakers be directed away from the East King Street garage.

Mr. Hammel noted that what was being requested verbally is not the same as the written application, which has been advertised. Therefore, the Board can act only on the variance requested on the application, which is one night per month, from 10 p.m. until midnight, April through October. If additional days and hours are desired, a new application must be filed.

On a motion of Mr. Wilsker, seconded by Mr. Hufford, the Board approved a variance of Chapter 198, permitting live, amplified music on the Tellus 360 rooftop one night per month, April 1 to October 31, 2017, from 10:00 p.m. to 12:00 a.m., with the conditions that the Zoning Officer will monitor complaints filed by citizens and that the speakers will be turned away from the Lancaster Parking Authority garage.

The Marion Court Room appeal sought a variance of Section 198-4.B. to exceed allowable time of operation. Specifically, the application requested a variance from May 1 through October 31, 2017 for karaoke on Saturdays, from 9:00 p.m. to midnight.

Citizens present to comment on the Marion Court Room request were the following:

- William Buss, 110 N. Duke Street
- Faye DeBerdine, 110 N. Duke Street
- Laura Hager, 110 N. Duke Street
- Terry Scott, 110 N. Duke Street
- Jon Walker, 110 N. Duke Street

Mr. Hammel stated that the only appeal is for the Saturday night karaoke from 9:00 p.m. to midnight. The other request listed on the application was for live music on Fridays, May to October, from 5:00 to 9:00 p.m. However, Section 198-4.B permits live and amplified music until 9:00 p.m.; therefore, a variance of Friday night music is not required. If neighbors believe that the noise is excessive prior to 9:00 p.m., they can report a noise disturbance to the Bureau of Police.

Mr. Buss, who identified himself as a spokesperson for the residents of 110 N. Duke Street, stated that he has filed three noise complaints with the Bureau of Police. He stated that at times the volume of music is intolerable. Other residents voiced their objections to the volume of both the Friday night bands and the Saturday night karaoke, commenting on the negative quality of life impacts. Loud music on other nights of the week in April may have been associated with the Launch Music Festival. Mr. Geesey offered to give Mr. Buss his cell phone number so that he could contact him directly to report excessive noise. Discussion followed on the impacts of the new enclosure possibly amplifying the sound, the direction of the speakers, and Mr. Geesey's efforts to instruct bands to lower the volume.

Mr. Hufford commented that Mr. Geesey has worked with neighbors to address the noise issue. He also suggested that Mr. Buss contact his Police Sector officers directly if he has not yet done so, as this approach has been effective for Old Town residents disturbed by noise.

Mr. Geesey requested continuing the appeal until the June 13, 2017 Noise Control Board hearing to allow Mr. Geesey an opportunity to work with the neighbors to address their issues. A one-month continuation would allow Marion Court Room to continue to operate as per the variance approved on March 8, 2016, permitting karaoke to occur on Saturdays until 1:00 a.m. On a motion of Mr. Wilsker, seconded by Mr. Hufford, the Board continued the appeal until the June 13, 2017 hearing, allowing the prior approval to remain in place until that time.

With no further business for Board consideration, the meeting was adjourned at 4:55 p.m.