

April 18, 2019

Dear Members of the Board of Education and Village Trustees,

We are Scarsdale residents who have previously expressed concerns about the impact on us, as neighbors of the high school, of the proposal to install lights on Butler Field. We have attended many meetings, written many letters, and last week several of us met with the Athletic Director Ray Pappalardi at a community meeting. We appreciated the opportunity to speak with him directly about various issues of concern, including noise. As you know, the neighbors already have issues relating to noise, which most of us have tolerated without complaint because the noise is mostly during the daytime and at a handful of special evening events.

Here are some examples of the types of noise already affecting residents (outdoors and also within our homes):

- Many residents can hear loud music played during games, and also at practices. This sound is extremely loud, audible within homes.
- Noise from the field travels surprisingly far and is audible even on Kent Road, approximately one-half mile away. Yet the extent of the noise has not been studied or quantified.
- Many of us can hear announcers on the loudspeaker during games.
- Some neighbors hear cheering/shouting at games and other events.
- Some of us hear repeated blasts of whistles not just during games, but also during practices.
- Some of us have older parents who come to Scarsdale for extended visits; these senior citizens are highly sensitive to noise in the evenings and go to bed early.
- Separate from the Athletic facilities, many of us hear special events such as graduation (daytime) and Carnival (daytime and nighttime, plus breakdown early morning Sunday).
- Separate from the Athletic facilities, some of us hear, throughout the day, the school bell system that was installed in Fall 2017.

Many of us have students who are or were student-athletes, or were high school and college athletes ourselves, or are Scarsdale High School alumni. Some of us have supported Scarsdale athletics by coaching teams and donating to Maroon & White. Maroon & White volunteers and donors are our friends and neighbors. Therefore, perhaps to varying degrees since we are a large group, most or all of us would like to support this project as an enhancement to the community, provided we have firm assurance that the existing noise issues will be addressed and not made worse by the lights. We all share a reasonable concern that noise does not extend into evenings and at night, especially on weeknights, in a manner that would violate community norms.

At the meeting last week, we had a productive conversation about the need for

enforceable usage guidelines for the lights, and what those rules might look like. The Rye High School light guidelines provide a helpful framework for how our District might clarify the appropriate use of field lights in a residential neighborhood. As we explained to Ray, the lack of specifics so far has created anxiety and deep frustration for the neighbors, as we see the project otherwise moving forward quite rapidly. We look forward to reviewing a written proposal containing specific curfews (weekend versus weeknight), the number of permitted evening events with a possible schedule (games versus practice, and weekday versus weekend), permitted number and type of exceptions to the foregoing rules, enforcement provisions, and consequences for violations. We also look forward to hearing details about a possible new sound system to address some of our concerns. However, until it is installed, we cannot know how well it will work, and what level of noise will remain. Therefore, this suggestion is encouraging but not completely reassuring.

We believe that many of the issues being discussed are covered by existing Village Noise Ordinances. We think those rules would certainly apply if loud noise were to continue in the evenings and at nighttime, especially during the week. For that reason, we are increasingly concerned that the District has not responded to several requests over the past month to clarify the application of the Village Noise Ordinances to the School's field activities. In fact, Mr. Pappalardi continues to state at meetings that the noise ordinances apply only after 11 pm, based on his advice from counsel.

We respectfully suggest that this advice is incorrect and contrary to the plain language of the relevant ordinances. It is also deeply concerning in that it suggests the Administration believes the norm in Scarsdale would permit a baseline curfew of 11 pm, with any earlier curfew presented as a generous concession by the District beyond what it is required to do by law. In contrast, we believe Scarsdale residents share a common understanding and expectation for quiet in the evenings, much earlier than 11 pm, and that this expectation is already codified in Village ordinances. We are simply asking the District to comply with the law.

For example, Section B of the Noise Ordinance prohibits "the using, operating or permitting to be played, used or operated any radio receiving set, musical instrument or instruments, phonograph or other machine or device for the producing or reproducing of sound **in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto.** The operating of any such set, instrument, phonograph, machine or device between the hours of 12:00 midnight and 7:00 a.m. in such manner as to be plainly audible on adjacent properties shall be prima facie evidence of a violation of this section." (emphasis added).

This law has no time restrictions, and obviously, evening and nighttime activity, especially on weeknights, is more likely to disturb the "peace, quiet and comfort" of residents.

In addition, Section D of the Noise Ordinance prohibits "yelling, shouting, hooting, whistling or singing on the public streets or any public place, particularly between the hours of 11:00 p.m. and 7:00 a.m. **or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.**" (emphasis added). Again, this ordinance expressly contemplates that noise before 11 pm might "disturb the quiet, comfort or repose" of neighbors.

We believe Scarsdale residents are entitled to peace and quiet inside their homes and on their property, especially in the evening and nighttime hours. We are also entitled to assurance that the District intends to comply with local law, and to reach a common understanding of what that will mean. It is unfair for the District to proceed with this project without providing firm assurance to the neighbors that our rights and interests will be respected.

We appreciate your continued consideration of our concerns, and hope we can reach agreement on a proposal and guidelines that support our students without imposing unreasonable burdens on neighbors, consistent with shared community values.

Very truly yours,  
(In Alphabetical Order)

Charles Hellman, 68 Wayside Lane  
Susan Kohn, 20 Carstensen Road  
Janet Korins and Joseph Kaufman, 49 Ogden Road  
Mark and Deidre Michael, 22 Carstensen Road  
Andrew and Vlasta Odell, 36 Wayside Lane  
Stephen Sabba and Claudine Gecel, 10 Kent Road  
Eric and Julie Weinstein, 9 Harcourt Road  
Julie Zhu and Yadong Liu, 11 Harcourt Road