

Noisy neighbors: Turning up the volume against the uproar next door

BY Tripp Whetsell

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The full benefits of Mayor Bloomberg's updated 2007 noise code still haven't trickled down to many New York apartment dwellers.

So far this year, more than 127,198 tenants have complained to the city's 311 citizens-service hotline about residential noise pollution. That makes it the No. 1 quality-of-life grievance, ahead of street, bar and restaurant noise.

Although complaint numbers have dropped nearly 23% since the ordinance went into effect, experts say the new laws offer no direct provisions for restricting neighbor noise.

"New York is living in another century when it comes to dealing with neighbor noise," says Arline Bronzaft, an environmental psychologist who chairs the Noise Committee on the Environment of New York City. "For all the good it's done dealing with restaurants, construction sites and ventilation problems, its mandate can do little to remedy neighbor noise."

As a result, frustrated, sleep-deprived residents of older and newer buildings alike increasingly say they are feeling walloped for reasons ranging from external construction to the barking dogs, children and unruly air conditioners of internal neighbors.

Some, like Stephen Metts, even say they are being forced to choose between being good tenants and their own sanity.

"It almost feels like I'm being held prisoner," says the 42-year-old urban planner, whose noise-dispute trouble started two years ago after he and his wife began renovations on what they thought was their dream home in a prewar building on the upper West Side.

Almost immediately, they elicited complaints about structural damage from their upstairs neighbors. The real difficulty started after the couple moved in the following spring. Their neighbor's son took up playing the drums.

So far, Metts says, he's written over five letters to the building's co-op board, but all have fallen on deaf ears. What troubles him most is the impact it's having on his wife and 3-year-old daughter.

"Now my little girl can't get to sleep at night because she thinks there's a monster in the ceiling," Metts says. "My wife and I can't relax or have friends over because it feels like we're walking on eggshells."

Amid escalating real estate prices, domestic dustups like these are becoming ever more common throughout the city, according to experts.

"As prices have edged back up, people's threshold has gotten a lot lower, just as their expectations of quiet for their apartments have risen," says Luigi Rosabianca, a Manhattan real estate attorney who has represented owners as well as buyers. "The preface of this is that my rights end where yours begin, so something that was once a minor annoyance has become much more of an issue now."

At the same time, business is booming for architects and acoustical engineers — especially from some developers who are increasingly taking a more proactive stance on noise control at many newer properties.

Among those leading the pack is TF Cornerstone, at two of its recently completed rental buildings, 505 and 455 W.

37th St. in Hudson Yards. Here, apartments in both buildings are individually outfitted with thermafiber and fiberglass insulation between walls as well as sound-insulating caulk between every floor and ceiling. There also are silent fans, heaters and air conditioners.

The firm has just broken ground on its latest project, EastCoast 4, a 367-unit luxury rental complex in Long Island City that is slated for completion sometime in the fall of 2011.

"Every building has its own set of problems, and each one has its own set of tenants, and so over time you try and figure out what bugs people about noise and what improvements need to be made," says TF Cornerstone's director of planning, Jon McMillan. "We want people to stay in our buildings for as long as possible, and you kind of learn by trial and error over the years that in order to make that happen, you have to take the proper structural precautions to get it right the first time, even if it does cost more money."

Another developer that has adopted similar strategies and technologies is Matri Holdings. In June, it opened 500 Fourth Ave., a 156-unit luxury condominium in Park Slope — equipping each apartment with quarter-inch-thick, double-pane windows and elastic foam synthetic-layered hardwood floors. It also installed a Gen2 Otis elevator system that reduces external noise by almost 50%.

Measures like these and others have proven extremely popular among buyers, especially since older apartment houses often require extensive overhauls to meet updated building codes. Current laws mandate a minimum soundproofing for the level of normal conversation or laughter and similar ratings for structure-borne noise.

Nevertheless, there are a number of affordable options for residents of old buildings, says Manhattan acoustical consultant Alan Fierstein of Acoustilog, who uses a digital frequency analyzer to investigate sources of noise. He notes that prewar high-rise and walkup buildings are ill-equipped for noise reduction, and recommends that clients install a white-noise machine or fan and ask potential neighbors about noise levels.

"Resolving some of these issues can be as simple as wearing headphones at night or moving the television," Fierstein says. "But walls and floors can be much trickier, sometimes requiring multiple remedies such as heavier drapes, thicker carpeting and even putting in new walls and floors altogether. In many cases, the insulation can settle over time and contractors sometimes accidentally remove it during renovation."

"Most developers don't know what they're doing in terms of putting in the proper insulation to prevent impact noise," Fierstein says. "A thick wall takes up valuable real estate, so obviously there's an incentive to reduce costs by using the thinnest walls possible, even though it causes major problems later on from footsteps and dropping objects to scraping furniture."

Bronzaft of the Noise Committee at the Council on Environment in New York City agrees, but says the responsibility should be on landlords and managing agents to give tenants a noise-free environment under a lease's warranty of habitability, as long as requests are reasonable.

"One thing that frequently comes up is that managing agents and landlords ignore the problem until it's too late," Bronzaft says. "A second issue is that landlords and managing agents claim they can't decide who is telling the truth — the complaining tenant or the one who is being accused of making the noise — and yet they all arrive at this conclusion all too often without properly investigating the source."

New York City Councilman Daniel Garodnick believes that explicit lease stipulations would be more effective, but questions the city's role in enforcing them.

"Noise complaints among neighbors are the most difficult to address because they are essentially private disputes, and the rights associated with an apartment are determined by either a lease or shareholder agreement, so it makes it much harder for the city to take appropriate action," Garodnick says.

Until changes occur, tenants like Metts say they might have to sue or move.

"My wife and I don't want to do either," he says. "But right now, I don't know what else we can do unless our situation improves, and it doesn't look like it's going to get better anytime soon."

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