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**The City of New York
Manhattan Community Board 8**

April 19, 2018

Heather L Bermingham, Deputy Director of Licensing
Licensing Department
Department of Consumer Affairs
42 Broadway
New York, New York 10004

RE: Coliemore Inc dba Five Mile Stone 1640 Second Avenue– New Sidewalk Café Application for an unenclosed sidewalk café with 15 tables and 32 chairs. DCA Due Date: April 20, 2018

Applications will only be approved based upon the applicants' agreement to the following stipulations:

1. **The applicant will abide by the bicycle guidelines and will ensure that any third party delivery provider that it contracts with shall abide by the bicycle guidelines.**
2. **The applicant will not use electric bikes or contract with third party delivery providers who utilize electric bikes.**
3. **The applicant will keep the front of the establishment clean.**
4. **The applicant will be denied if they participate in bar-crawls.**

At the Full Board meeting of Manhattan Community Board 8 held on April 18, 2018, the board **disapproved** the following resolution by a vote of 34 in favor, 4 opposed, 0 abstentions and 0 not voting for cause:

WHEREAS this is a new application for a sidewalk cafe; and,

WHEREAS there were several members of the public that objected to the application, both in person and via messages to the board office; and,

WHEREAS the members of the public present were concerned about noise that could potentially increase with the addition of the sidewalk café; and,

WHEREAS there have been previous issues with noise from a sidewalk café from this establishment; and,

WHEREAS the applicant provided a petition with many signatures in support of its application for a sidewalk café; and,

WHEREAS given the prior concerns about noise the applicant agreed to the following stipulations for its sidewalk café as follows: 1) The applicant agreed that it will ensure that all doors and windows of the establishment will be closed by 9pm daily (this includes the 2nd floor balcony doors and windows); 2) the applicant agreed to clearly mark the legal footprint of the sidewalk café; 3) the applicant agreed to have security present on weekends (Thurs-Sat) to limit potential noise from patrons that might congregate outside

the establishment and also to ensure any smoking is not in front of the establishment; 4) the applicant agreed that it will take in all the sidewalk café furniture (tables and chairs) and secure them inside the establishment every night; 5) the applicant agreed that under no circumstances would it store or allow any other furniture or obstruction to be stored outside the establishment or block the sidewalk; 6) the applicant agreed not to lower any furniture or other objects from the 2nd floor balcony to the street level; and 7) the applicant agreed to make the owners telephone number available to the community in the event of any future concerns; and,

WHEREAS the applicant has agreed to Community Board 8's stipulations concerning delivery bikes and bar crawls;

WHEREAS notwithstanding the forgoing a majority of board members remained very concerned with the noise issues previously experienced, as well as by the complaints of community members that noise complaints continue to be an issue even though the establishment doesn't currently have a sidewalk café; therefore,

BE IT RESOLVED that the application is **DISAPPROVED**. Please advise this office of any action taken regarding this matter.

Sincerely,

 (WB)

Alida Camp
Chair

 (WB)

Abraham Salcedo
Chair, Street Life Committee

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District