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

May 19, 2022

Edward F. Pincar  
Manhattan Borough Commissioner  
Department of Transportation  
59 Maiden Lane, 37th Floor  
New York, NY 10038

**RE: Additional Recommended Noise Mitigation Policies**

Dear Commissioner Pincar,

At the Full Board meeting of Community Board 8 Manhattan held on May 18, 2022, the board **APPROVED** the following resolution by a vote of 39 in favor, 0 opposed, 2 abstentions and 0 not voting for cause:

**WHEREAS;** amplified sound is not permitted for use under the emergency Open Restaurants program, and was not permitted for use at sidewalk cafes pre-pandemic; and

**WHEREAS;** Community Board 8 Manhattan is concerned about quality of life impacts of the proposed Permanent Open Restaurants Program caused by excessive noise, especially at night; and

**WHEREAS;** Community Board 8 Manhattan has established policies in place for sidewalk cafes regarding noise control; and

**WHEREAS;** the Permanent Open Restaurant Zoning Text Amendment Environmental Assessment Statement identified a series of reasonable proposed noise control measures;

**THEREFORE, BE IT RESOLVED,** that Community Board 8 urges NYCDOT to prohibit any amplified sound from being permitted for use under the Permanent Open Restaurant Program;

**BE IT FURTHER RESOLVED,** that Community Board 8 Manhattan requests the Permanent Open Restaurants Program rules require windows to be closed no later than currently permitted, and that determination of closure times be consistent with existing procedures and with input from Community Boards;

**BE IT FURTHER RESOLVED,** that Community Board 8 Manhattan supports noise control and mitigation measures identified in the Permanent Open Restaurant Zoning Text Amendment Environmental Assessment Statement to be implemented through the promulgation of rules in accordance with the City Administrative Procedure Act that incorporate the existing DCWP sidewalk café controls, including:

- Prohibition on amplified sound within roadway, sidewalk, and interior Open Restaurant spaces per 6 RCNY 2-53(f) and 57(b);
- Prohibition on excessive congregation within or immediately adjacent to Open Restaurant setups per 6 RCNY 2-51(a) and (b);
- Prohibition of exceedance of maximum occupancy within Open Restaurants areas pursuant to license requirements for seating and table limits per 6 RCNY 2-51(a) and (b); and
- Prohibition on party noise and disorderly conduct per 6 RCNY 2-57 (b), (e) and (f).

Please advise us of any action taken on this matter.

Sincerely,

*Russell Squire*

Russell Squire  
Chair

*Craig Lader and Charles Warren*

Craig Lader and Charles Warren  
Co-Chairs, Transportation Committee

cc: Honorable Eric Adams, Mayor of the City of New York  
Honorable Carolyn Maloney, 12th Congressional District Representative  
Honorable Mark Levine, Manhattan Borough President  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District  
Honorable Julie Menin, NYC Council Member, 5th Council District  
Honorable Keith Powers, NYC Council Member, 4th Council District