

To the Village of Mamaroneck Zoning Board

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ND.3SP-2008 Molly Spillane's

I apologize for not been in attendance, this evening, as I will be Ireland, as my mother is not doing well. Stephen Carty will represent us, if Question's need to be answered. Thank you all for your time on this matter.

The History:

In June 2008, the board granted a special permit to Molly's for three years, to operate a Restaurant within C-2 Central Business District. The Village of Mamaroneck granted Molly's with a Cabaret License in 2008 as well, for the playing of live music, or canned music, a DJ as an example. In 2008 the Village also granted an outdoor patio permit, allowing us to have our windows and doors open. Total cost of the project and the permits was several million dollars. A substantial investment for a company of our size. Confident as we were, the return on our investment would be solid over the coming years.

2011, for the renewal less than eight residents, show up to the renewal and complained about intermittent noise emanating from the establishment. Normal operations from a restaurant, and bar, were people gathered to celebrate an event or a social occasion. At that time, I explained that it was physically impossible to hear loud music at the Regatta, and stay in the Restaurant at the same time, as that type of noise would seriously damage a person hearing. So I invited the board to come to Molly's do their due diligence and see for themselves or in this case hear for themselves, the actual truth about this issue. That invite still stands today, to the present board. We adhered to the stipulations of the special permit granted in 2011 at a financial burden.

None the less as a result, in a good faith effort to mitigate the issue, we had to hire extra staff just to close our windows and doors. We could not take the chance on forgetting to do this, as the door and window police were constantly waiting for an opportunity to show we left them opened, even on a Monday

night, the quietest night of the week. Singled out as the only restaurant on the Ave, as the Ave, was quickly becoming Restaurant Row. We were made close our doors and windows every beautiful spring and summer and fall night, as all of our fellow restaurateurs had theirs open, and were even playing music on the streets. At this time, people were beginning to shy away from Molly's, too much controversy people were saying. While the three people at the Regatta claimed they heard every bit of noise emanating from Molly's. People living within 15 feet of us, never complained, the house right behind us never complained the building directly across the street never complained. They had the simple understanding they too were part of the bustling downtown revival of the Village of Mamaroneck. The decibels levels were never taken a by an acoustical engineer, the same two people complained over and over again, every police man in the village was at the site of the complainant, yet they never issue us a ticket, as in their mind were not breaking any law. Over two hundred people live in the Regatta, we had the same two for the last six years. To prove that point only one person showed up in 2012, and not one stipulation was removed, I had to continue to suffer the financial consequences, one person in two years, as every other Restaurant could operate under no restrictions, I was monitored daily, belittle in every review site, and the village challenge me in every way, as to how to keep people quiet, in a Central business District. To the point signs were erected all around Molly's, telling people to be quiet, only outside Molly's, were they erected. Yet, we have over ten side walk patios in the village.

After the stipulation of the windows and the doors, the live music, the canned music, a group of people emanating from the Regatta, decided that was not enough, so decided to go after the patio at the rear of the Restaurant. The gather signatures and made a demand that the board, considered the documented history of noise complaints against Molly's which was always about music, never about people dining on the patio. So here we are the music has stopped, the windows and doors closed, the patio empty. Job's lost, tax revenue losses, people gone elsewhere. The only suffering the complaint had to suffer is? Are we supposed to co-exist, are the business people in the village the only people to continue to suffer.

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On the special permit, item 6, States the following, the Restaurant facilities' are used for celebratory events such as receptions and parties, that often utilize live music or DJ's. Should people who are celebrating a social event not be allowed music? What about Orienta Beach Club, Hampshire Country Club, , ever reception hall in Mamaroneck, all of which are of located in residential areas, Who are not being held to same standards as Molly's. Their patio's will never be closed, their windows and door never be closed. Their ability to operate in residential zone, will never be restricted. The same permits, different rules, even though I'm in the proper business zone, fair I don't think so. So frustrating, to believe when you apply for everything correctly, operate and you have no violations, you're doing business in the proper area chosen by others, yet I have been made feel like a criminal for operating a business in Central Business District. A district I'm proud to say, we have given too in so many aspects, Mamaroneck Shares, Scholarships, local schools, firefighters and numerous local charitable organizations.

Some bullet points:

I'm the only restaurant in village that have signs telling people to be quiet outside their Restaurant

I'm the only restaurant in the village that has to close its windows, at 11 PM

I'm the only restaurant that is required to buy Parking permits

I'm only restaurant that has to close its patio, at a certain time

I'm only restaurant that has to close its doors, at a certain time

I'm only person that has to apply for a special permit seven years in a row.

I'm only person that pays for a cabaret license, and is being restricted from using it.

I'm only restaurant that has to close its outdoor patio, at a certain time, even though I, pay for the license to use it, allowed by the State Liquor Authority, and on Private Property

I'm only restaurant that has ever been highlighted in history of America, that is been cited for using live music at a celebratory event.

I'm only person in the Village that has ever been cited for sporting events, that are been shown in outdoor area, and I Quote "and the customers observing the same, express their like or dislike of the events vocally" item 8 on the Special Permit. Since when is it illegal to root for the local high school team, since when it illegal to root for the Rangers

I'm only the person who cannot book a party, after midnight in this village

I'm the only person you cannot be on a portion of their private property after a certain hour.

I'm the only person who has a liquor license from a state authority, allowing me to operate till 4:AM, yet it been restricted to 11PM, on portion of my property.

Cost of the above items.

We here at Molly's pay \$45,000 in Property Tax

We here at Molly's pay \$139,000 a year in sales Tax

We here in Molly's purchase over \$3,000 in annual parking passes

We here at Molly's generate over \$50,000 in Parking Revenue, customers paying for parking, based on our customer count.

For that we receive nothing but restrictions on a special permit, for operating in the central business district. The complainant has not suffered, has not even had one restriction on them. The winters are too cold to use the patio, the summers too hot, the amount of times we get use it is only between May 1st and October 1st, and you can't use it during day, in July and August, the dog days of summer.

In Summary, This Special Permit application is the fifth such application in less than eight years. No other business has had such a burden. Not even the only business to have its special permit revoked by the Village in the last 10 years had such a burden (Mi Cabinita).

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The Zoning Board granted the last Special Permit for one year to have an opportunity to see if the restrictions in the permit would resolve complaints by the residents living in the C-2 zoning district. Accomplished in reducing the revenue of the business and as a result, a loss of employment and loss of taxes.

The restrictions of this permit are not placed on any other business in the central business district. The operation of a permitted use in a central business district should not be unnecessarily burdened because of a residential use in the central business district. People who chose to live in a central business district do so with the understanding that any and all permitted uses in that business district may, at some point in time, operate in the district. Where is the fairness, what restriction or hardship is has one resident faced, as a compromise could they close their windows, one night a week.

For all of the above, I sincerely ask this board to reinstate my original permit to allow me to operate a business as is that has no current, Village, County, or State Violations. I also ask, when this board decides on decision, this is it, please make this the last time I have to go for a special permit. I thank you all for your time.

Respectfully submitted, thank you for your time.

Michael G. Hynes