

Minutes of: January 8, 2014
Date Approved: Feb. 20, 2014
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January 8, 2014

TUCKAHOE ZONING BOARD AND BOARD OF APPEALS

TUCKAHOE VILLAGE HALL – 7:30pm

Present:	Ronald Gallo	Chairperson
	Nicholas DiSalvo	Member
	Steve Alfasi	Member
	David Scalzo	Member

Also in Attendance:

John Cavallaro	Village Attorney
Bill Williams	Building Inspector

Absent:	John Palladino	Member
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Pledge of Allegiance

Chairman Gallo announced the agenda of this meeting as follows:

Item #1 Approval of Minutes from the Regular meeting dated December 11, 2013

Item #2 173 Marbledale Rd Amend Special Use Permit

Item #1 Approval of Minutes from the Regular meeting dated December 11, 2013

Chairman Gallo motioned to approve the December 11, 2013 minutes, was seconded by Member Alfasi and carried with a vote of 4 – 0, with Member DiSalvo abstaining due to his absence.

Item #2 173 Marbledale Rd Amend Special Use Permit

Mr. Lyle LaMothe, owner of the Broken Bow Brewery, stated that the business has taken off nicely. He added that his family received a warm reception from the residents of Tuckahoe since the doors opened on August 17, 2013. He feels his business is now part of the community.

Mr. LaMothe noted that his business is a beer tasting room. It is not a bar. He does not want to operate as a bar. A tasting room allows for peanuts and pretzels to be served. As a result, almost daily, customers request food to go along with their beer purchases. He requested an amendment to the Special Use Permit to allow customers to bring in their own food to enjoy while tasting the beer. The surrounding restaurants can display their menus on the site for patrons to order take out from their restaurants.

John Cavallaro, Village Attorney, indicated that the Building Dept. received a complaint that food was being brought into the establishment. The business realities at the premises saw a need to change the Schedule A to allow food to be brought into the establishment.

Mr. Cavallaro noted that there have been no complaints on record with the Police Dept.

Chairman Gallo stated that this is a win-win for everybody. The patrons are happy to dine while they taste the beer. The surrounding restaurants that normally would not have had those customers call for takeout, now are calling for takeout while sitting at the Broken Bow Brewery.

Chairman Gallo motioned to open the public hearing, seconded by Member DiSalvo and carried unanimously.

No Public Comments

Chairman Gallo motioned to close the public hearing, seconded by Member DiSalvo and carried unanimously.

Member DiSalvo motioned to adopt a negative declaration pursuant to SEQR, seconded by Chairman Gallo and carried with a vote of 5 – 0.

Member DiSalvo offered the following Resolution in the form of a motion:

In the matter of the Application of Broken Bow Brewery, 173 Marbledale Road, Tuckahoe New York.

A resolution and decision from the Village of Tuckahoe Zoning Board of Appeals amending conditions numbered 1 and 2 to the Findings of Fact, Conclusions of Law and Decision, dated October 10, 2012, for the application of Broken Bow Brewery for the premises 173 Marbledale Road, Tuckahoe, New York, Section 39, Block 4 and Lot 8 on the tax map of the Village of Tuckahoe (the “Premises”).

Amendment of Conditions

Condition number 1 from the Findings of Fact, Conclusions of Law and Decision, dated October 10, 2012, of the Zoning Board of Appeals of the Village of Tuckahoe shall be amended and restated as follows:

1. The subject building and Premises shall operate as a micro-brewery and tasting room with the permitted sale of Applicant’s own beer. The subject building and Premises shall not operate as a restaurant but food shall be permitted to be brought into the subject building from outside third party vendors/restaurants for consumption at the Premises. Food shall not be prepared at the subject building on the Premises.

Condition number 2 from the Findings of Fact, Conclusions of Law and Decision, dated October 10, 2012, of the Zoning Board of Appeals of the Village of Tuckahoe shall be amended and restated as follows:

2. The subject building and Premises shall not operate as a 24-hour facility and shall be permitted to operate with hours of operation from 5 a.m. to 12 a.m. seven days per week.

All other terms, conditions and provisions of this Zoning Board of Appeals' Findings of Fact, Conclusions of Law and Decision, dated October 10, 2012, with conditions numbered 1 through 6 with conditions numbered 1 and 2 as amended herein are restated, reaffirmed and incorporated by reference herein as if restated herein. See annexed hereto, made a part hereof and incorporated by reference herein the Findings of Fact, Conclusions of Law and Decision, dated October 10, 2012, of the Zoning Board of Appeals of the Village of Tuckahoe.

SEQRA

In connection with this Application, this Zoning Board of Appeals of the Village of Tuckahoe adopts a Negative Declaration pursuant to SEQRA and its implementing regulations in connection with this Application.

Chairman Gallo seconded the motion, and upon roll call was carried with a vote of 5 – 0.

Chairman Gallo and the Board members wished Mr. LaMothe continued success. He added that the Feb. meeting may have to be changed due to a conflict.

There being no further comments from the public or business before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.