

Bedford Hills, New York
May 3, 2011

A public hearing was held by the Town Board of the Town of Bedford to consider the application from Willy Nick's Restaurant, 17 Katonah Avenue, Katonah, New York for a Special Use Permit for outdoor dining. The meeting was called to order at 7:30 P.M. by Supervisor Roberts.

Present:	Lee V. A. Roberts	: Supervisor
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Nina Kellogg	: Deputy Town Clerk
	Eric Gordon	: Town Attorney
	Jeffrey Osterman	: Director of Planning
	Amy Pectol	: Receiver of Taxes
Absent:	Peter Chryssos	: Councilman
	Francis Corcoran	: Councilman
	Lisbeth Fumagalli	: Town Clerk

and approximately four (4) residents/observers.

Present from Willy Nick's Restaurant were the owners, Andy Vitrone and Jeffery Goodwin.

Proof of publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on April 22, 2011.

Mr. Goodwin explained that they were before the Town Board for the renewal of their existing permit.

Mrs. Roberts opened the floor to public comment and there was none.

The Board noted that the Special Use Permit would cover dining on the public sidewalk, that the plan submitted was the same, with screens between the dining area and the sidewalk, and would allow for outdoor liquor service. Mr. Goodwin asked if the Special Use Permit could be issued for the same five (5) year term as was previously approved. The Board advised it was in favor of that time frame.

On a motion by Mrs. Roberts, seconded by Mr. Gabrielson, the following resolution was ADOPTED

Ayes:	Roberts, Gabrielson, Burdick
Nays:	None
Absent:	Chryssos, Corcoran

RESOLVED that the Town Board does hereby close the public hearing to consider the application from Willy Nick's Restaurant, 17 Katonah Avenue, Katonah, New York for a Special Use Permit for outdoor dining.

On a motion by Mrs. Roberts, seconded by Mr. Burdick, the following resolution was ADOPTED

Ayes:	Roberts, Gabrielson, Burdick
Nays:	None
Absent:	Chryssos, Corcoran

WHEREAS, Willy Nick's Café Inc., a domestic corporation maintaining its principal place of business at 17 Katonah Avenue, Katonah, County of Westchester and the State of New York (hereinafter referred to as "The Café") has submitted an application to amend the Special Use Permit dated April 4, 2006 granted to The Café; and

WHEREAS, on May 3, 2011, the Town Board of the Town of Bedford held a public hearing on the issuance of an amended Special Use Permit to The Café; and

WHEREAS, the Town Board wishes to grant the amendment to the Special Use Permit subject to certain conditions:

NOW THEREFORE BE IT RESOLVED THAT in consideration of permission from the Town for The Café to maintain outdoor tables for use of customers of The Café, on the sidewalk adjacent to The Café, the Special Use Permit is granted to The Café subject to the following conditions:

- (1) The Café will include the Town as an additional insured on its policy of liability insurance, with the limits of One Million (\$1,000,000.00) Dollars and will provide proof thereof to the Supervisor of the Town.
- (2) The Café may serve alcoholic beverages at said tables, but must be contained.
- (3) That the Café hereby agrees to hold the Town, its agents, servants or employees, harmless and indemnify said Town in full, for any claim for death, injuries to person or injuries to property, arising out of the use of the foregoing tables.
- (4) That The Café hereby consents to full and complete safety inspections by the Town, its agents, servants or employees, at any time.
- (5) That The Café hereby agrees to allow full pedestrian access.
- (6) The hours of operation for the maintenance of these outdoor tables are as follows: 11:00 a.m. to 9:00 p.m. Weekdays and 11:00 a.m. to 2:00 a.m. – Friday and Saturday night.
- (7) The Café is permitted to have eight (8) outdoor tables.
- (8) The use of low wattage lighting over the outside eating area is permitted.
- (9) Canvas stanchions will be used to define the outside area and alcohol must be contained to this area.

IT IS FURTHER RESOLVED that this Special Use Permit shall be valid for five (5) years from the date of this resolution.

The hearing was adjourned at 7:37 p.m.

Nina Kellogg, Deputy Town Clerk