

Approved
2/4/25

Village of Voorheesville
Planning Commission Meeting/Public Hearing
Village Hall, 29 Voorheesville Avenue
January 7, 2025

Present: Chairperson Kathy Fiero, Board members; Jessica Burns, Todd Curley, Michael McTague, Jason Molloy, Carrie Terraferma, Stephen Reilly, Building Inspector/Code Enforcement Officer Steve Mason, Attorney Rich Reilly, Trustee Jack Stevens and Deputy Clerk-Treasurer Francine Rychcik

Others: Applicant John Vilca (Director of Operations-Druthers), Stephanie Marotta-Johnson (Business For Good), Alan Kowlowitz, Richard Howard, P. Chris Howard, Sue Sheridan, Alice VanCleve, Robin and Bob Liberty, Steve Schreiber, Fern Pivar, Barbara Brundage, Sean Mulkerrin (Altamont Enterprise), Elizabeth Stewart, Rich Straut (Mayor), Philip Melnik, Karen Yezzi, Barbara Brundage and Daniel Wasserbach

On the agenda:

1. Public Hearing for the Site Plan Modification for a change in hours of operation for Blackbird Tavern (40 and 42 S. Main St.).

Chairperson, Kathy Fiero opened the meeting at 7:00 PM.

Minutes

The Board reviewed the minutes from the December 3, 2024 meeting. Upon a motion from Board Member Terraferma and a 2nd from Board Member Reilly, the Board unanimously approved the minutes from the December 3, 2024 meeting.

Public Hearing

Chairperson, Kathy Fiero opened the Public Hearing at 7:02 PM. She began by extending her sympathy for the loss of Brian Martell (one of the co-founders of Druthers Brewing). Mrs. Fiero noted that the public hearing is for a request by the applicant to change the initial hours of operation.

Original Hours Approved July 5, 2022

Monday-Thursday 4 PM - 9 PM
Friday 4 PM - 10 PM
Saturday 10 AM - 2 PM, 3 PM - 10 PM
Sunday 10 AM - 2 PM, 4 PM - 9 PM

Proposed Hours

Monday-Thursday 12 PM - 10 PM
Friday 12 PM - 11PM
Saturday 12 PM - 11 PM
Sunday 12 PM - 10 PM

Chairperson, Kathy Fiero invited John Vilca to comment on the request for the change in hours. Mr. Vilca noted that he manages the operations for all Druthers locations within the Capital Region and the request to change hours is to make the hours of operation consistent with all locations and the Druthers brand. He further noted that Druthers was not part of the 2022 Site Plan Review and was unaware of the hours that were approved at that time.

Karen Yezzi expressed concern over the requested hours and their impact on the neighborhood. The establishment has only been here for two months, and the neighbors are still trying to adjust.

Sue Sheridan would like to see the closing hours remain at 10 pm for the weekend. While the Tavern closes and the staff goes home for the night, the neighbors must deal with the rowdy patrons on the streets. The Village Ordinance states that quiet hours start at 11 pm, keeping the closing hour to 10 pm will provide more latitude towards the enforcement of this ordinance. She also expressed concern that noise pollution will get worse in the warmer months and that traffic will increase with the extended hours. It was also mentioned that the building lights are on throughout the night, and she would prefer it if they could be shut off when the door closes.

Fern Pivar mentioned that Voorheesville is a small rural community and that this location should be viewed differently than the other Druthers locations regarding hours of operation. If the hours are changed an increase in police presence should be provided, especially at the four-way intersection. She also mentioned that giving more leeway to one business can have a slippery effect in which other businesses will ask for an increase in hours. She lives near the laundromat and has first-hand experience with the effect a business can have on the neighborhood. The traffic, noise, safety and even the smell (laundry detergent) from the businesses have an impact on the neighbors.

Steve Schreiber noted that he lives on Pleasant St and has been a resident of the Village for over 47 years. He indicated that South Main St is mainly a residential street with single-family homes and apartment buildings on the west side and two apartment buildings and small businesses on the east side. He stated that he had eight comments that he has outlined to the Planning Commission opposing the change in hours as proposed (see attached). The following is an outline of the eight comments:

1. Will result in an increase in traffic.
2. Concern for children's safety; elementary school drop-off is at 3:20 pm.
3. Original terms were set as a reasonable response to community concerns about safety, traffic and quality of life of the neighborhood.
4. Tavern website hours of operation are not in line with the original approval.
5. Closing hours are in violation of original approval. Noted observation on January 3, 2025.
6. The Tavern website should be updated to state that "kitchen closes 1 hour before close" as the other Druthers locations note on their website. Is the omission accidental?
7. In operation for only two months and looking to modify original terms. Voorheesville location **should not** be treated like other Druthers locations. This establishment is not in line with the Village Plan.
8. Violation of original terms that were approved. Planning Commission should also require last call for bar service a half hour before closing.

Robin Liberty is concerned with the music playing on the patio, especially with the warmer months approaching.

Alice Vancleve indicated she lives right next door to the Tavern and is concerned with noise from the outside patio. She also noted that the truck deliveries and garbage pickup are very loud and startling. She would like to see if this could be remedied with the volume of the noise adjusted and the time the services are performed modified. She is concerned that the increase in the hours of operation will increase the number of deliveries, and the number of times garbage pickup will occur.

Elizabeth Stewart thanked the Planning Commission and expressed support to the Tavern for opening. She mentioned that Stewarts was noisy and with cars going in and out, traffic was more congested. The Tavern is an improvement.

Sue Sheridan mentioned that comparing the hours of operation of Druthers to Stewart's is not apples to apples. Stewart's was quick in and out whereas the Tavern people stay longer and with drinking going on to 11pm, it's a cause for concern. The neighbors must listen to the patrons even after the staff leaves for the night.

Board Member Reilly noted that with the original approval of the Tavern with Business For Good there was an extensive review process. He realizes that the comparison between a convenience store (old Stewart's) and an eating establishment is not apples to apples. However, for purposes of this Public Hearing if there are collateral issues as to why hours of operation should not be expanded, this is the focus. **Mr. Vilca** responded that he will address the patio noise issue with the audio guy.

Barbara Brundage mentioned that parking issues are still a concern. Patrons are parking on Pleasant and Center street, this not only causes a safety issue for the children at the bus drop-off, it's a nuisance for the neighbors. As President of Old Songs, she is also worried about the noise from the patio.

Alan Kowlowitz lives in the quail run neighborhood and noted that Smitty's was a good neighbor. The noise appears to be the number one concern from the neighbors of the Tavern. He suggested that lowering the music in the establishment could be one way to help mitigate this concern. If the music is lower it will have a ripple effect, the patrons will talk lower. There could be other items put in place to help mitigate the noise issue, rather than limit the hours of operation.

Rich Straut indicated he was speaking as a resident. The village went through a comprehensive plan in 2018 which entailed resident input. The request by the Tavern is consistent with the plan and the zoning requirements. The safety issues with traffic, although not perfect, have been greatly improved. The parking lot at the Tavern is much safer than the parking lot of Stewarts. In my opinion, the hours of operation as proposed are a reasonable request. The Mayor indicated that his understanding is that the Tavern is not subject to the Special Use Permit.

Board Member Carrie Terraferma indicated that the Tavern is a Permitted Use subject to Site Plan Review. The hours of operation proposed are not in contrast with the Village Zoning Law.

Phillip Melnik is concerned with the outside music.

Richard Howard is concerned with the enforcement of the new hours.

Attorney Reilly indicated that some of the issues with the hours not being followed with Blackbird Tavern are a result of being a new establishment and not being involved in the original approval process which was with Business For Good. There was an issue that needed to be addressed, modifying the original hours (opening at 3pm rather than 4pm) and it was recommended that the Tavern come before the Planning Commission. In regard to the proposed hours, it was suggested by the Village Attorney and the Code Enforcement Officer, that since the Tavern would be coming before the Planning Commission, they should contemplate what they want their maximum hours of operation to potentially be. He also mentioned that another consideration to address is whether outside areas of the establishment should be required to close earlier than the business as a whole. The Village Noise Ordinance should eliminate exterior noise disturbances.

Steve Schreiber noted that Voorheesville is a small rural village and a Tavern in his opinion does not fit into the Comprehensive Plan.

Chairperson Fiero noted that surveys were sent out and residents were highly interested in having an eating and drinking establishment. She noted that nothing precludes a business from coming before the Planning Commission to ask for changes.

Mr. Vilca (Druthers) mentioned that he comes from a small town and that he understands the concerns. He noted that Druthers wants to be a good neighbor.

Stephanie Marotta-Johnson (Business For Good) indicated that at the time of the original approval, it was unknown that Druthers would be running the Blackbird Tavern.

The Code Enforcement Officer, Mr. Mason noted that there are no set hours of operation listed for a business within the village. The law mentions that proposed hours of operation should be identified, including days of the week and hours the facility will be open to the public. He also mentioned that the traffic has been greatly improved with the Blackbird Tavern layout and the Four-Way Stop Sign. The parking lot of the prior establishment (Stewart's) had two curb cuts with traffic going in and out in both places. The placement of the Blackbird Tavern lot, with one curb cut, is further down from the intersection of Center Street and S. Main St.

With no further public comment, Board Member Curley made a motion, with a second from Board Member Burns, to close the Public Hearing at 7:54 pm. The motion passed unanimously.

Board Discussion

Board Member Reilly inquired about the actual opening date of the Tavern. Mr. Vilca replied the Tavern opened on November 6, 2024. Mr. Reilly noted that the Tavern has not had a chance to experience patrons sitting outside.

Chairperson Fiero asked for clarification on the Taverns sense of time for music. **Mr. Vilca** indicated that the Tavern could close outside seating earlier than inside seating. It was noted that a permit process would be needed for any live outside music. Mrs. Fiero inquired about the lighting issue. **Mr. Vilca** said the front lights could be shut off, but he would like to keep the parking lot well-lighted.

Board Member McTague mentioned the music for outside seating could be cut off sooner as well.

Board Member Burns mentioned that the applicant should consider the potential hours of operation that would be needed by the Tavern. The extended hours could help in regard to private events. **Mr. Vilca** has indicated that the Tavern has been approached with interest in private events starting earlier in the day.

The Board discussed approval of the application as proposed with the following conditions:

1. The kitchen will close one hour prior to the Tavern closing.
2. The bar will stop serving one-half hour prior to the Tavern closing.
3. The outside patio will close no later than 9:30 pm every night and will stop seating on the patio by 8 pm every night.
4. The outside patio music needs to be turned off at 9:30 pm.
5. The outside lighting needs to be turned off when the staff leaves for the night.

Board Member Molloy, with a second from Board Member Burns, made a motion to approve the Site Plan Modification for a change in the hours of operation as presented by Blackbird Tavern with the conditions outlined in the board discussion.

The vote was Chairperson Fiero – Yes, Board Member Burns - Yes, Board Member Curley – Yes, Board Member McTague – Yes, Board Member Molloy - Yes, Board Member Reilly – Yes, Board Member Terraferma- Yes. The motion passed unanimously.

Other Business

Anthony’s by Romo’s is seeking to have the following proposed hours of operation approved:

- Monday- Closed
- Tuesday – Thursday 4 pm to 9 pm
- Friday – 4 pm to 10 pm
- Saturday- 12 pm to 10 pm
- Sunday- 12 pm to 9 pm

Anthony would like the ability to extend the hours of operation in the future.

Board Member Terraferma, with a second from Board Member Reilly, made a motion to approve the hours of operation as proposed for Anthony’s by Romo’s (112 Maple Ave).

The vote was Chairperson Fiero – Yes, Board Member Burns - Yes, Board Member Curley – Yes, Board Member McTague – Yes, Board Member Molloy - Yes, Board Member Reilly – Yes, Board Member Terraferma- Yes. The motion passed unanimously.

Attachments

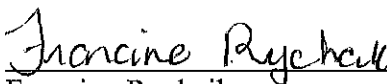
- Blackbird Tavern/Druthers hours of operation
- Resident written email concerns-Steve Schreiber and Mallorie Smith
- Hours of Operation for Anthony’s by Romo’s

At 8:40 PM upon a motion by Board Member Burns and a 2nd by Board Member Terraferma, the meeting was adjourned. All agreed, motion passed.

Schedule of Upcoming Meetings and Events

Date	Day	Time	Event
February 4, 2025	Tuesday	7:00PM	Meeting

Submitted Respectfully,



Francine Rychoik,
Deputy Clerk Treasurer
Date: February 4, 2025



**Blackbirds Tavern
Restaurant Hours
42S Main Street- Voorheesville NY
Date: 1.7.25**

- Monday through Thursday 12pm-10pm
- Friday and Saturday 12pm - 11pm
- Sunday 12pm- 10pm

Regarding the Blackbirds Tavern

Good Evening. My name is Steven Schreiber. I live at 4 Pleasant St. and have been a resident of Voorheesville for 47 years.

1. South Main Street is mainly a residential street with single family homes and apartment buildings on the west side, and two apartment buildings on the east side. The commercial activity on the street consists mostly of small businesses, some by appointment only. The Old Goat Wood Shop and the laundromat generate modest traffic. This is also true of the businesses that occupied the two presently vacant commercial sites.
2. The elementary school bus drop-off at the corner of South Main and Center Streets is 3.20 pm Monday – Friday. There is significant concern on the part of parents regarding safety at that location, noting that while the 4-way stop at South Main and Center Streets is an improvement, many drivers do not come to a full stop and many, in general, exceed the Village speed limit. You have received a letter from a parent of elementary school children regarding this issue.
3. It is not my intention to rehash the appropriateness of the location of the Blackbirds Tavern on South Main Street. The hours of operation specified in the Special Use Permit were suggested by the applicant and were a reasonable response to community concerns about the impact of the Tavern on the safety, traffic and quality-of-life of the neighborhood. Druthers is a sophisticated organization that manages six taverns; we can assume they know what a Special Use Permit is and understood the terms under which they would be required to operate in Voorheesville.
4. The weekday hours of operation approved by the Special Use Permit for the Tavern are Mon-Thurs 4pm-9pm and Friday 4pm-10pm. The opening hours, stated on the Tavern's website, clearly violate the Permit.
5. The closing hours, as observed by the Tavern, also violate the Special Use Permit. On Tuesday December 31, 2024, I entered the Tavern at 9 pm, which is the closing time called for by the Special Use Permit. I asked a waitress, who was carrying food to the dining room, what time they closed. She said the kitchen closes at 9 o'clock. Asked when the Tavern closes, she said "about 10." At 9 pm there were 25+ customers in the dining area and a dozen at the bar. At 10 pm there were 7 customers in the dining area 12 customers at the bar. At 10:15 dining area was empty; 12 at the bar. Staff were straightening chairs and appeared to be closing up. The Friday approved closing hour is 10 pm. On Friday January 3, 2025 at 10:30 pm I observed 6 patrons in the dining area and 3 at the bar.
6. The websites of the Druthers restaurants in Saratoga Springs, Albany, Schenectady, and Clifton Park all contain the words "Kitchen closes 1 hour before close." Why isn't this language also on the Voorheesville Druthers-Blackbirds website? It is beyond belief that such an omission is accidental.
7. The Tavern is now requesting, after slightly more than a month of operation, that the permitted operating hours be changed to those of its other sites. All of these sites are in heavily trafficked commercial areas that are not remotely similar to a small village like Voorheesville. Instead of coming before us to apologize and say they will follow the rules, Druthers now proposes to essentially eliminate the rules.
8. The Planning Commission should insist that the Druthers follow the existing Special Use Permit. It should also stipulate, going forward, that the hours advertised for the Tavern must state that kitchen closes 1 hour before closing. Also, the Planning Commission should require that the "last call" for service at the bar should be made 30 minutes before closing to assure the Tavern will be completely vacated by closing time except for staff.

Respectfully Submitted,
Steven Schreiber
4 Pleasant St
Voorheesville, NY 12186

From: Richard Straut <mayor@villageofvoorheesville.com>

Sent: Tuesday, January 7, 2025 8:03 AM

To: Steve Mason <building@villageofvoorheesville.com>

Subject: Fwd: Concern about Druthers time adjustment and street violations

Rich Straut

Mayor

Begin forwarded message:

From: Mallorie Smith <malloriesmith91@gmail.com>

Date: January 4, 2025 at 7:03:44 AM EST

To: fieroka@gmail.com, jessstewart2004@hotmail.com, tcurley@cbcprime.net, Mcirish1954@gmail.com, ExtraPint@yahoo.com, Stephen.reilly.aia@gmail.com, carrieterraf68@gmail.com, archdeaconharvey@gmail.com, Richard Straut <mayor@villageofvoorheesville.com>, rreilly@gdwo.net

Subject: Concern about Druthers time adjustment and street violations

To whom it may concern,

My name is Mallorie Smith and my husband is Spurgeon Smith we live on Pleasant street and our kids attend Voorheesville Elementary School.

We are excited to see new businesses coming into the village and are more than happy to frequent them and give them our business. However as parents of children who use the bus stop on the corner of Center street and Main Street. We have been appalled by the amount of people not stopping all the way or blatantly driving through the stop signs even when our children are standing there on the curb waiting for the bus. It was stated before that Druthers: Blackbirds Tavern would not be opening till 4pm and now they are opening at 3pm, that's 15 minutes before our children get off the bus at 3:15. That's an increase in traffic not only for the intersection of Center and Maple street but the parking

lot next to Blackbirds Cafe where people tend to park to access the Tavern and where our kids walk up and down that sidewalk to get to and from the bus stop.

As far Blackbirds Tavern Extending their hours, we chose to live in a quiet little village not have it become downtown Albany or Troy. I feel that 10 o'clock is more than suitable for Blackbirds Tavern to stay open to on weekends and not any later. We are a small family focused town and they shouldn't have picked the center of Voorheesville if they wanted to extend their hours longer and welcome a more rowdy crowd.

We love living in Voorheesville and as I said previously we love that new businesses are coming to town, we just wish they would stick to the proposed plans they had said they were going too, instead of changing them as soon as they move in.

-Sincerely,

Mallorie Smith

ANTHONY'S HOURS OF OPERATION

MONDAY- CLOSED

TUESDAY- 4PM – 9PM

WEDNESDAY- 4PM – 9PM

THURSDAY- 4PM – 9PM

FRIDAY- 4PM – 10PM

SATURDAY- 12PM – 10PM

SUNDAY- 12PM – 9PM



Attendance Sheet

Committee PC
Meeting Date: 1-7-25

Please clearly print name

- 1 Alan Kowlowitz
- 2 RICHARD HOWARD 37 SWIFT RD V'VILLE
- 3 P. Chris Howard ← class of '69 " "
- 4 Sue Sheridan 31 S main Vville
- 5 Alice Van Cleve 40 Voorh. AVE
- 6 Robin + Bob Liberty 33 V'vo Av
- 7 Steve Schwenke 4 Pleasant St
- 8 Sen Mulken
- 9 Clayton Stewart 35 Scotch Pipe Dr
- 10 Phil Stewart 29 Claremont Dr.
- 11 Philip Melnik 27 S. MAIN ST
- 12 Karen Yezzi 27 S MAIN ST
- 13 Barbara Brundage 33 Pleasant St.
- 14 Daniel Wasserbach 27 Scotch Pipe Drive
- 15 _____
- 16 _____
- 17 _____
- 18 _____
- 19 _____
- 20 _____