

Mayor Veron and Village Trustees
Scarsdale Village Hall
1001 Post Road
Scarsdale NY 10583

June 16, 2021

Dear Mayor and Trustees;

On behalf of the Overhill Neighborhood Association (ONA), we write to request that the temporary permit (the Permit) for live music issued to Jackie B's restaurant be revoked because of repeated violations of the Permit by the Restaurant and because of their violations to Village Code 205-1.

As a neighborhood association adjacent to the Village, we are supportive of activities in the Village that are conducted in such a way as to be respectful of our laws, the Village code and the surrounding neighbors. Jackie B's has demonstrated on multiple occasions that they choose to defy the terms of the Permit issued on multiple grounds and during multiple instances. Furthermore, ONA hopes that the Village will continue to protect the interests of its residents, uphold our laws and not create a situation where our peace is in jeopardy.

Facts:

1. Prior to obtaining the Permit Jackie B's was playing live music outdoors. There were calls from ONA members to complain.
2. On May 6th the ONA reached out to the restaurant owner as a matter of goodwill. He requested that the residents complain to him directly rather than to the Police.
3. On May 28th, Jackie B's was issued a Special Event Permit by the Village, with terms and conditions. **The terms of the permit for Jackie Bs include** but are not limited to the following:
 - a. Live music can take place ONLY twice a week (Thursday and Sunday) at specific times.
 - b. The Permit is subject to a review at the end of June.
 - c. The Permit can be revoked at any time.
 - d. Noise is supposed to be at an acceptable level to the community and can not be excessive
 - e. Music is to be **primarily acoustic** guitars and or keyboard and electric with "**low-volume amplification**".
4. The Village did not request input from the ONA in advance of issuing the Permit.
5. ONA has reached out multiple times to the Police and to Jackie B's to report violations to no avail.
6. Jackie B's **violated the terms of the Permit** on numerous occasions as well as the Village code. Over the last three weeks, we have record of the following:
 - a. 7 individual dates in which there were multiple complaint calls made.
 - b. 3 dates on which Jackie B's had live music on **days other than provided** in the Permit;
 - c. 4 dates that included loud music and included **loud music from a drummer**. The Permit is specific in that music is to be **primarily acoustic** guitars and or keyboard and electric guitars with "**low-volume amplification**".
 - d. The restaurant has advertised on their Facebook page for dates and times that are not in accord with the Permit. The examples of the music they advertise and dates

are not consistent with the Permit and are clearly designed to draw people to their restaurant with promises that violate both the Permit and the Village code.

Details of Violations and the Music

We have maintained a log of our calls, of the violations and also videos and photos that can be provided. Below are **links to recent videos** at Jackie Bs that are representative of what is going on (also images of advertisements for music including non-permitted days is appended):

https://www.youtube.com/watch?v=bv_-1wTNzok

https://www.youtube.com/watch?v=NETj_EspPfA

<https://www.youtube.com/watch?v=wte8PG5cbE4>

Our neighborhood has many longtime residents who can attest to the fact that there has NEVER been an instance in which such disrespect towards neighbors occurred and on a regular basis from a proprietor in the Village.

Applying the Village Code

The Permit can not and does not supersede the Village Code. Section 205-1 of the Village Code is entitled Unnecessary Noise.

205-1 section B provides in relevant part that musical instruments either with or without electronic amplification shall not produce or reproduce sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are voluntarily listener thereto.

205-1 section C prohibits musical instruments, whether amplified or not, “for the purpose of commercial advertising or attracting the attention of the public to any building or structure.”

Jackie B’s has repeatedly violated both subdivisions both under the terms of the temporary Permit but also outside the terms of the Permit. As a result, the Permit should be revoked and Jackie B’s should be cited under Section 205-4 of the Village Code that provides for penalties or fines up to \$250 per offence and/or imprisonment for up to 15 days per offence upon conviction.

Respectfully,

Overhill Association Board

CC: Steve Pappalardo

Attachments: 3



Vincent Piazza ▸ Jackie B's

June 3 at 3:03 PM · 🌐

This Friday! 6/4. 6:30 to 8 :30 PM.
Be there!!

<https://fb.me/e/TNCcVIRi>



FRI, JUN 4

Vin & Tom's Acoustic Bliss

☆ Interested

Jackie B's Facebook announcement. Please note that "Acoustic Friday" is not permitted according to the Permit.

Downward Spiral @ Jackie B's June 06 2021

Compose

ACQUINO FRIDAY IN THE TENT WITH WILLY AND GAIL



American Band | Oh Canada | HBD Budgie

93 views · May 21, 2021

4 0 SHARE SAVE



Artie Dillon
111 subscribers

SUBSCRIBE

Check out this excerpt from our Storytellers gig at Jackie B's for a hilarious story of post-gig crooning and a bi-lingual bystander! And by all means, wish our good friend - also Ace Frehley and Leslie West alumni - Steve "Budgie" Werner a hearty Happy Birthday!!!