



September 23, 2009

## Yorktown asks court to stop winery fundraisers

*Brian J. Howard*  
*bjhoward@lohud.com*

YORKTOWN - The town has asked a justice to bar winery owner Tom DeChiaro from continuing a slate of 18 political fundraisers he has planned every weekend through Election Day.

The town didn't cite him for the first two events, Sept. 4 and 5, at the Winery at St. George in Mohegan Lake, even though the town maintains they violate zoning codes and a July restraining order. That may be because the \$65-a-head events have yet to draw the kind of crowds that have raised the town's ire in the past.

In a Sept. 3 brief filed with state Supreme Court Justice Orazio Bellantoni, the town accuses DeChiaro of trying to cloak "illegal actions under the 'penumbra of political expression.' "

Advertisements for the fundraisers seek to attract as many people as possible, the town argues, despite a 25-person limit allowed by the court now weighing a permanent injunction against any public events at the winery.

The fundraisers are commercial events, in the town's view, aimed at currying public favor. "Defendants' politics boil down to their simple displeasure with the zoning limitations applicable to the premises," the brief says.

In a response to the court, DeChiaro's attorney, Andrew Campanelli of Long Island, accused town officials of acting out of political self-interest. The fundraisers are sponsored by the political action committee DeChiaro formed in May to support candidates who oppose town officials.

They are no different from those that elected officials regularly host at their own homes, Campanelli wrote. DeChiaro has a residential certificate of occupancy for the winery.

Ads for the events note space is limited, he said, disputing the town's charge about seeking unlimited attendees. He said none will exceed 25 people, though he maintains he would be within his rights to allow more.

"I think they're kind of making my case for me," DeChiaro said of the town's stance. "They're just proving they have a vendetta against me personally." He has scaled back the number of events.

Attorney Daniel Pozin of White Plains, who represents the town, said he hoped for a quick ruling on the permanent injunction.

---