

Topless bar trial nearing

By Larry Dublin
Staff Writer

For nearly two years, the Diamond Club topless bar has side-stepped Port Chester's attempts to take it to court for violating a village ordinance against dancing before 10 p.m.

Now, the trial may be about to begin.

U.S. District Court Judge Barrington Parker has turned down the Midland Avenue bar's request for a restraining order, which would have delayed the case further. But a preliminary injunction, which would achieve the same goal, could still be granted.

The case is scheduled for village court on May 28, said Anthony Provenzano, Port Chester's special prosecutor.

Parker said he was disappointed the case had taken so long to come to court, said James L. Fischer of London Fischer, the Manhattan law firm representing the village. The judge said the club had not yet provided enough information to back its claim that the village and unfairly singled out for prosecution, Fischer said.

Gerald Padian, the Diamond Clubs attorney, did not return telephone calls seeking comment.

The club opens at noon each day. the village served it with a violation in May 1994, nine months after the club opened. If the clubs owners are found guilty, they could be liable for up to \$350 per day since the violation was served, totaling about \$250,000, Provenzano, said.

The diamond club took advantage of a variance that was granted to an earlier occupant of the premises, and the Pathmark shopping center, Upper Deck, a sports bar, received permission from the Zoning board of appeals for "social dancing" after 10 p.m.

Goldie Soloman, one of the dozen residents to take it to the diamond club from 10 to 11 PM every day, said she was encouraged by Parker's ruling.

"If they're allowed to overturn zoning laws, every community is dead," she said.

Salomon spent an hour and 50 minutes Wednesday in White Plains law office, responding to questions from Padian and Fischer during a deposition.