

May 4, 2021

A Public Hearing for the Board of Trustees was held on the above date at 8:32 pm.

Present were Mayor Kevin M. Fitzgerald, Trustees Lynn Pombonyo, Archie T. Cheng, Frank J. Chiara, and Jennifer Stewart, Village Administrator Gerard M. Bambrick, Village Clerk Susan E. Walsh, Superintendent of Public Works Kevin Ginnane, Superintendent of Buildings Renee Marcus, Police Commissioner Stephen McAllister, Deputy Village Clerk Rosaleen Shea, Village Attorney John E. Ryan, Court Reporter Catherine Murphy, Applicant Vincent DiRico and Mario Vergara, Architect.

The application of The Harrison – 86 So. Tyson LLC/Vincent DiRico, owner of 86 South Tyson Avenue, Floral Park, NY is made in accordance with Article II, Section 99-10 B (1) of the Zoning Ordinance of the Incorporated Village of Floral Park, NY, which requires that when a building is used for a restaurant, diner, tavern, bar and grill, drive-in restaurant in a B-1 District, the use may only be authorized as a special use after a public hearing, The applicant proposes to utilize existing outdoor patio for expanded restaurant use.

The structure for which said Special Permit is applied is situated on the northwest corner of South Tyson Ave and Tyson Avenue extension and known as Section 32 Block 55 and Lot 16 on the Nassau County Land and Tax Map.

Trustee Pombonyo offered Resolution No. 2021-89 to reserve decision and close the public hearing.

The Resolution was seconded by Trustee Cheng and adopted on roll call as follows:

Trustee Pombonyo	- Aye
Trustee Cheng	- Aye
Trustee Chiara	- Aye
Trustee Stewart	- Aye
Mayor Fitzgerald	- Aye

The hearing was closed at 9:20 pm.

A copy of the transcript and a copy of the legal notice of public hearing is attached and made a part of these minutes.

Susan E. Walsh
Village Clerk

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M I N U T E S
OF THE MEETING
OF THE
PUBLIC HEARING
INCORPORATED VILLAGE OF FLORAL PARK
May 4, 2021
8:00 p.m.

P R E S E N T:

- | | |
|-----------------------|----------------------|
| KEVIN M. FITZGERALD, | MAYOR |
| DR. LYNN POMBONYO, | DEPUTY MAYOR/TRUSTEE |
| ARCHIE T. CHENG, ESQ. | TRUSTEE |
| JENNIFER STEWART, | TRUSTEE |
| FRANK J. CHIARA, | TRUSTEE |

ALSO PRESENT:

- JOHN RYAN, ESQ. Village Attorney
- GERARD M. BAMBRICK, Village Administrator
- SUSAN E. WALSH, Village Clerk
- RENEE MARCUS, Supt. Public Works & Bldgs.
- STEPHEN MCALLISTER, Police Commissioner

Catherine P. Murphy
Court Reporter

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1 MAYOR FITZGERALD: The next application is
2 for the Harrison patio for expanded restaurant
3 use.

4 Miss Walsh, would you please read the
5 notice of publication.

6 MS. WALSH: Thank you, Mayor Fitzgerald.
7 Legal Notice. Notice of Public Hearing,
8 Incorporated Village of Floral Park, New York.

9 Notice Is Hereby Given that the Board of
10 Trustees of the Incorporated Village of Floral
11 Park, New York will hold a public hearing at
12 Village Hall, One Floral Boulevard, Floral
13 Park, New York on May 4, 2021 at 8:00 p.m. in
14 relation to the following application:

15 The application of The Harrison, 86 South
16 Tyson LLC Vincent DiRico, owner of 86 South
17 Tyson Avenue, Floral Park, New York is made in
18 accordance with Article II, Section 99-10 B (1)
19 of the Zoning Ordinance of the Incorporated
20 Village of Floral Park, New York, which
21 requires that when a building is used for a
22 restaurant, diner, tavern, bar and grill,
23 drive-in restaurant in a B-1 District, the use
24 may only be authorized as a special use after a
25 public hearing. The applicant proposes to

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1 utilize existing outdoor patio for expanded
2 restaurant use.

3 The structure for which said Special
4 Permit is applied is situated on the northwest
5 corner of south Tyson Avenue Tyson Avenue
6 extension and known as Section 32, Block 55 and
7 Lot 16 on the Nassau County Land and Tax Map.

8 A copy of the application is on file in
9 the Office of the Village Clerk, One Floral
10 Boulevard, Floral Park, New York and may be
11 examined by any persons interested therein
12 during business hours Monday through Friday,
13 inclusive, except legal holidays from 8:30 a.m.
14 to 4:30 p.m.

15 Now Take Notice that all parties in
16 interest and citizens will be given the
17 opportunity to be heard at the aforesaid time
18 and place.

19 By Order of The Board of Trustees,
20 Incorporated Village of Floral Park, New York,
21 Susan E. Walsh, Village Clerk, dated April 23,
22 2021.

23 This legal notice has been published in
24 the official paper of the Incorporated Village
25 of Floral Park, New York and posted according

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1 to law and was sent to the Nassau County
2 Planning Commission and pursuant to Section
3 239-L&M of the General Municipal Law determined
4 to defer to the Village to take action as
5 deemed appropriate.

6 MAYOR FITZGERALD: Thank you, Miss Walsh.
7 I would like to place on the record that the
8 applicant had previously filed an affidavit of
9 service indicating that all neighbors within a
10 200 foot radius of the dwelling had been served
11 with notice.

12 Additionally, I would like to announce
13 that the Board had previously adopted a
14 resolution determining that the application
15 does not have a significant impact on the
16 environment as defined by State Environmental
17 Quality Review or SEQRA.

18 Good evening. Welcome.

19 MR. VERGARA: Good evening, Mr. Mayor.

20 MAYOR FITZGERALD: So, when you get a
21 minute, present the application, what the
22 changes are, what is being asked for. While
23 doing so, if you can discuss how we got to this
24 point doing any permits needed and use to make
25 the appropriate changes that are on the

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1 diagram.

2 MR. RYAN: I think you should have
3 Mr. Vergara note his appearance for the record.

4 (Whereupon, Mario Vergara was sworn in.)

5 MR. VERGARA: Mario Vergara,
6 V-E-R-G-A-R-A, 200 Jericho Turnpike, Floral
7 Park. Good evening.

8 Before I begin, Mr. Vincent DiRico, part
9 owner, is here and will answer any questions
10 that I cannot.

11 Harrison Restaurant has transformed the
12 former Koenig's Restaurant into a fine dining
13 experience, attracting a mature customer base
14 and has done so since the inception several
15 years ago.

16 The application before you is requesting
17 permission to extend that experience to the
18 outdoors. If you refer to the drawing
19 provided, you will see the proposed outdoor
20 seating is situated in the northeast corner of
21 the lot, adjacent to the existing party room
22 and bounded by either building wall or a fence
23 providing privacy. We also note a reference to
24 a proposed service bar in the separate
25 structure adjacent to South Tyson Avenue.

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1 This structure originated as a fully
2 enclosed refrigerator, trash room and was built
3 under permit to do so, as well as the patio
4 area. In anticipation of an outdoor seating
5 area, it was necessary to install dry wells
6 below the patio to take additional storm
7 drainage from what would be impervious service
8 that was ground, so it was necessary to build
9 the thing up front and have done so.

10 Due to the anticipation that customers
11 would want to access alcohol service, it was
12 proposed to create an additional enclosure
13 adjacent and attached to the original
14 structure. That process was to shift the trash
15 to a newly created space and thus provide that
16 service bar.

17 Since the pandemic, however, it has become
18 clear that customers actually prefer the
19 outdoor experience and we are now requesting
20 permission to service customers at the bar by
21 providing ten seats. The use of the outdoor
22 seating bar area will be via private parties or
23 ala carte. Ala carte customers would need to
24 enter the restaurant and have a host or hostess
25 escort them to the outdoor area. There will be

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1 no direct access to the outdoor area from the
2 street. The hours of the outdoor area will
3 follow operating hours of the restaurant, 11:00
4 a.m. to 1:00 a.m. Sunday to Thursday, and 11:00
5 a.m. to 2:00 a.m. Friday and Saturday. I will
6 note, however, it has been the Harrison's
7 experience that they normally are closed by
8 midnight.

9 Once again, the Harrison would like to
10 stress that the customers base caters to a
11 mature adult seeking a fine dining experience.
12 To date, there have been no noise complaints or
13 police calls to the restaurant. I will be
14 happy to answer any questions I can.

15 MAYOR FITZGERALD: Thank you. So, you're
16 requesting to add 10 seats to the bar?

17 MR. VERGARA: 10 seats at the bar.

18 MAYOR FITZGERALD: Does that mean that the
19 48 seats is going to be reduced?

20 MR. VERGARA: Yes. So, the 48 seats will
21 be maintained and so in essence, 10 at the bar,
22 38 at the tables.

23 MAYOR FITZGERALD: So, the max is 48?

24 MR. VERGARA: Correct.

25 MAYOR FITZGERALD: Will the seats always

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1 be there? The concern is, will there ever be a
2 time where the seats will be removed and people
3 will be standing around having beverages, as
4 opposed to sitting, whether it be on a Friday
5 night or for an event?

6 MR. VERGARA: That's an operating question
7 that I will ask Mr. DiRico to come on up.

8 (Whereupon, Vincent DiRico was sworn in.)

9 VINCENT DIRICO: Vincent DiRico, 12
10 Commonwealth Boulevard, Bellerose Village, New
11 York 11001.

12 MAYOR FITZGERALD: Thank you for coming
13 in.

14 VINCENT DIRICO: Thank you for having me
15 here. Just to, based on what Mario was saying,
16 the seats will be there. They are not going to
17 be removed for people to stand and drink. It
18 will be a seated bar.

19 MAYOR FITZGERALD: Okay. The 38 seats
20 will always be seats that won't be removed for
21 another event or party, cocktail hour or?

22 VINCENT DIRICO: No. So, in other words,
23 so the seats will be there and the based on the
24 capacity we're talking about, we have to stick
25 within those parameters. We will stick with

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1 those parameters based on what type of event is
2 going on, per se.

3 So, we had an event recently, a couple of
4 weeks ago and they wanted to be outside,
5 weather dictated not, but the combined number
6 of people for the actual room and outside in
7 total was 40, which was less than 50 percent,
8 if not 30 percent capacity.

9 MAYOR FITZGERALD: Okay. Will there be
10 any music, live entertainment or recorded
11 music?

12 VINCENT DIRICO: So, we have no intention
13 of doing any DJ or that kind of music outside.
14 We had, right now, not doing it at all. Had
15 entertained the idea of possibly a small three
16 piece band outside just for music, but nothing
17 extreme.

18 MAYOR FITZGERALD: So, for the record, can
19 you state exactly what you are asking for with
20 the music? Are you asking to have a three
21 piece band or I'm a little confused?

22 VINCENT DIRICO: I guess to, what you're
23 saying is we would want maybe the capability.
24 It is not in the plans, but I guess I will
25 state it to have the capability to do so where

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1 it is not something we have done to this point
2 and not something we see. It is not a daily
3 activity or on a nightly basis. This is
4 something that we would like to entertain once
5 in a while. Yes, but, not something that is
6 done on a daily level.

7 MAYOR FITZGERALD: If you were to have up
8 to a three piece band, what time would that end
9 at? Will it still be the same time?

10 VINCENT DIRICO: We don't even -- from the
11 beginning, we never even inside closed anywhere
12 near the time we were allowed to operate.
13 Usually everything is done by midnight and even
14 so with outside will be done earlier than
15 inside anywhere.

16 MAYOR FITZGERALD: I'm concerned. Will
17 the live music be going to 2:00 in the morning?

18 VINCENT DIRICO: No. No. There's no
19 intention to do that.

20 MAYOR FITZGERALD: Can you state for the
21 record, are you requesting if we were to
22 entertain having outside music there --

23 VINCENT DIRICO: It will be no later than
24 11:00 p.m.

25 MAYOR FITZGERALD: I have a couple more,

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1 but I will turn it over to our Deputy Mayor Dr.
2 Pombonyo.

3 TRUSTEE POMBONYO: Thank you. Thank you
4 for coming in. Thank you for providing such a
5 wonderful restaurant in our community. It is a
6 great place to go. A lot of us stop there
7 frequently and go by frequently.

8 VINCENT DIRICO: Thank you.

9 TRUSTEE POMBONYO: It seems there has been
10 construction going on, on the north side of the
11 building where listening to the details about
12 what you envision for there. What kind of
13 construction has been going on there recently?

14 VINCENT DIRICO: So, the only construction
15 that has gone on there is getting ready for
16 footing for the proposed garbage area and also
17 for the fence and also just the opening because
18 the building, the brick structure, there is the
19 opening that is necessary to facilitate what we
20 want to do.

21 TRUSTEE POMBONYO: You talked about, I
22 guess, closing off that area so the people
23 won't have to go into your restaurant and then
24 received and brought outside. What is that
25 enclosure going to look like? Right now, it

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1 looks open.

2 VINCENT DIRICO: So, what it is going to
3 look like is exactly the way it looks on the
4 inside. The wooden fence that's already
5 existing will be extended out that additional 8
6 feet and then it will be returned with two
7 returns, with an emergency exit door on our
8 property line and when it extends 36 inches
9 out, it will still be on our property line but
10 it will maintain the same integrity of the
11 design that's already there. The only
12 difference is there will be an emergency door
13 to get out.

14 TRUSTEE POMBONYO: Would you expect a flow
15 of customers in and out of the restaurant into
16 the outside area and vice versa?

17 VINCENT DIRICO: I'm trying to understand
18 the question.

19 TRUSTEE POMBONYO: You have a very active
20 bar. Would you expect a flow of customers for
21 the indoor bar to go outside and to the inside?

22 VINCENT DIRICO: I don't believe so
23 because I think the way people usually come in
24 and history shows us the way people come in is
25 once they establish what they're going to do,

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1 they're set with what they are going to do.
2 So, it is not the type of operation we run the
3 client base and so forth. It is not a bar
4 where it is going to be the whole idea is for
5 it to be a nice environment, casual environment
6 to relax and enjoy yourself at the spot you're
7 enjoying yourself. So, it is not a situation
8 where we are doing dual bars for a bar scene.
9 We're not looking for a bar scene in that
10 sense. So even now, people are seated outside.
11 Nobody is standing there. It is not that kind
12 of environment and we're not planning on that
13 and we're not interested in that being that
14 kind of environment.

15 TRUSTEE POMBONYO: Thank you. I have no
16 more questions. Thanks.

17 MAYOR FITZGERALD: Trustee Cheng.

18 TRUSTEE CHENG: I'm a little confused.
19 When I saw the application, I saw the
20 application for a proposed outdoor seating for
21 48 people which was dated March 10th. On the
22 plans submitted, received by us on March 10th,
23 the proposed service bar was there. Now, the
24 service bar is being changed to actually being
25 a sit down bar. So why wasn't any of this

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1 disclosed to us?

2 VINCENT DIRICO: Because I think it is not
3 purposely done. It was not purposely done.

4 TRUSTEE CHENG: I understand.

5 VINCENT DIRICO: So for instance, so, just
6 like the progression of things, originally that
7 was supposed to be looked at as a garbage spot.
8 It is like, okay, why do this as a garbage spot
9 if we can build this as service bar especially
10 with my thought process more so for parties.
11 When people are looking to book events, the
12 idea of them knowing they have a space outside,
13 especially during the pandemic, to access, was
14 something that would be attractive. That's the
15 way it started.

16 So then, there's been a three month gap
17 between, almost three month gap between the
18 hearing and Zoning Board and this, my wheels
19 started turning. That's the honest answer. As
20 my wheels started turning, I say okay, what
21 about the experience might end up being nicer
22 if we have a few seats out here that people can
23 sit outside. That's how that happened.

24 TRUSTEE CHENG: Not to quibble, but the
25 drawings we received dated prior to March 10th

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1 application states March 10th.

2 VINCENT DIRICO: I'm not -- yes, I'm
3 not -- I'll check with Mario to go over.
4 Nothing was done intentional.

5 TRUSTEE CHENG: Again, it keeps being
6 changed. That's one of the questions the Board
7 has.

8 VINCENT DIRICO: I think just the truth is
9 things are always a evolving as far as what I
10 want to do.

11 TRUSTEE CHENG: So, you're successful. It
12 is not an argument. At some point it changed?

13 VINCENT DIRICO: That's exactly what
14 happened overtime, the thought process changed
15 month to month sometimes and I get an idea in
16 my head.

17 MR. VERGARA: Just to intercede. I get
18 numerous phone calls, as you can imagine, from
19 him saying my thought process was we're going
20 to go in tonight and lay it out the way it is.
21 Whatever the application says, I realize it
22 says service. That's why I brought it to your
23 attention. I don't remember the exact sequence
24 of events, but I can say it is fluid. We can
25 keep it out now and this idea of these seats at

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1 the bar was within the last week, as far as I
2 knew. There was no time to reapply.

3 TRUSTEE CHENG: There's always time.

4 MR. VERGARA: In my thought process, there
5 was no time to do that.

6 TRUSTEE CHENG: I ask Miss Marcus if there
7 was time to amend it to give us notice of that?
8 Let's go away from it.

9 How are supplies going to get to this new
10 proposed sit down bar? How are they going to
11 get in there? How are supplies getting in
12 there?

13 VINCENT DIRICO: So, first of all, in the
14 outdoor area, I just wanted to do all
15 disposable because it is just, from an
16 operational, an execution point of view,
17 honestly, the way the restaurant is set up, I
18 don't want to worry about, just like you're
19 saying, bringing things there and having to
20 bring them back and forth. So, my whole
21 concept for that area is disposable because I
22 feel once you are sitting outside, you know
23 that you are in a casual setting and in a
24 relaxed setting. So if you want formality, you
25 can go in the dining room, the outdoor dining

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1 room or the indoor bar. So, it will be
2 disposable. That's the way it will be dealt
3 with.

4 TRUSTEE CHENG: Do you plan to stop from
5 that emergency exit door on Tyson to come in
6 that way for the service bar or sit down bar?

7 VINCENT DIRICO: We won't need to. So, in
8 other words, the bar itself will be stocked and
9 then anything that we need for the most part,
10 it should be stocked for the night period. If
11 there's anything needed, we will go the way the
12 restaurant operates whether a busser or someone
13 going to the bar getting what the bartender
14 needs and going inside and getting it and
15 bringing it outside.

16 TRUSTEE CHENG: Food will be served
17 through the single open door or party room
18 accordion-type door?

19 VINCENT DIRICO: Yes. We also have a
20 double swinging door from the bar to the
21 outside also.

22 TRUSTEE CHENG: Yes, I see that. So how
23 will you be serving food into the outdoor
24 sitting area?

25 VINCENT DIRICO: Through the double swing

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1 door, which we may leave open all summer, but
2 it is meant to go back and forth just like an
3 operational door or we can, as you mentioned
4 with the French doors open, go through the
5 inside room and also back and forth through
6 that spot also.

7 TRUSTEE CHENG: What is the seating
8 capacity of the party room?

9 VINCENT DIRICO: The whole restaurant
10 itself is 240. And then right now, the party
11 room is 60.

12 TRUSTEE CHENG: 60? Do you envision
13 having affairs that would encompass both the
14 party room and outdoor seating area at one
15 time?

16 VINCENT DIRICO: Yes and no. The reason I
17 say yes and no is, to be honest with you, it is
18 not financially, there's no incentive for us to
19 give up both spaces. It is more we're not
20 booking that way because A, we can't weather,
21 we can't book somebody, we can't give someone
22 outside space and what if it rains and we book
23 the other room. Where will they go? We don't
24 book outside private only with the idea knowing
25 you book inside. If it is nice outside, then

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1 you can go outside, but we don't book the whole
2 space. It is really not, from a financial
3 point of view, we're not booking the room that
4 way because I'd almost rather have the space
5 for regular dining at times then to have both
6 spaces occupied. I would rather have regular
7 dining outside and people in the party room
8 versus having the whole thing.

9 From a financial point of view, it is
10 better to keep it separate. Not that it will
11 ever happen. If there's a request and -- for
12 the most part, it is more beneficial for us to
13 do it separately. We don't really get the
14 incentive. We had have an event but we did it
15 because of the new arena coming, they had an
16 event for employees and some of their clients
17 and we gave them, went out of the way and gave
18 them the whole space in and out for only 40
19 people, which was completely way over capacity,
20 but we did it for them for that specific day
21 because we want to keep them happy.

22 TRUSTEE CHENG: We understand. We want to
23 keep them happy. We understand. Thank you.

24 MAYOR FITZGERALD: Thank you. Trustee
25 Chiara.

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1 TRUSTEE CHIARA: So, the new proposed
2 refrigerator garbage enclosure seems to be
3 substantially smaller than the other proposed.
4 Is it going to be big enough to hold all your
5 garbage?

6 VINCENT DIRICO: Yes because the way we
7 were building it, I did it in conjunction with
8 our service, as far as our carting service, we
9 are building it first of all. It also has
10 height and we will do refrigerator and
11 everything else, totally enclosed. The door is
12 back service. So, when the whole structure is
13 built, we're going to do back service to have
14 bags in there and we're going to roll up the
15 door. When we roll out to take out the
16 garbage, we will be put from there into the
17 carting service trucks and sent it on its way.
18 It will be actually more than enough space when
19 you do it that way.

20 TRUSTEE CHIARA: How long does the garbage
21 service come?

22 VINCENT DIRICO: Five days a week.

23 TRUSTEE CHIARA: The heating inside, that
24 area you use propane heaters, where are you
25 going to store the additional propane that you

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1 need for the heaters?

2 VINCENT DIRICO: So right now, in
3 conjunction again with the Fire Marshal and
4 what they would like, we put an enclosure in
5 the -- across the street in the parking area in
6 an area on the front part of it. They were
7 happy with that with where we put a separate
8 enclosure in there. It is locked and we'll
9 keep it over there.

10 TRUSTEE CHIARA: So, how often do you
11 change those tanks when they go out? If there
12 are patrons in the facility and the heater goes
13 out, what happens?

14 VINCENT DIRICO: If the heater goes out
15 when they're there, we just, like old school,
16 take it out and go get one and put one in. And
17 that's the way we do it right now.

18 TRUSTEE CHIARA: Does that pose a danger
19 to the customers when it happens?

20 VINCENT DIRICO: I don't believe so. I
21 don't -- I think the way we do it, we take
22 things into account. My partner is an
23 ex-fireman. I also think he is really on top
24 of things that way. So, I think we have the,
25 you know, safety in our minds whenever we do

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1 anything and thankfully, we haven't had any
2 problems.

3 TRUSTEE CHIARA: Can you explain where the
4 fire exits are in the establishment? Now.

5 VINCENT DIRICO: Sure. So now, the way we
6 were doing things now with the area outside,
7 there's a fire exit, a fire door right on the
8 street at the end over there where you can walk
9 right out and there's an exit door right over
10 there. You're talking about from outside? Yes
11 outside, there will be two exits, one where
12 they can actually go right from outside, push
13 an emergency door right on to the street and if
14 they have to, we can also go from the secondary
15 exit emergency from the inside also.

16 TRUSTEE CHIARA: Do you have any other
17 fire emergency equipment in that area, like
18 fire extinguishers and stuff like that?

19 VINCENT DIRICO: Everything that --

20 MR. VERGARA: It is a code requirement
21 that fire extinguishers be placed at the exits.
22 So the -- when this application goes back into
23 the building, if it does, building department
24 for the work to be done to the garage bar, we
25 would necessarily, as part of the application,

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1 we have to do egress analysis, show the egress
2 point and follow the --

3 VINCENT DIRICO: You just gave me an idea
4 for garage bar.

5 MR. VERGARA: Please don't.

6 TRUSTEE CHIARA: Thank you.

7 MAYOR FITZGERALD: Thank you. Trustee
8 Stewart.

9 VINCENT DIRICO: Hi.

10 TRUSTEE STEWART: So, will you be serving
11 food at the sit down bar?

12 VINCENT DIRICO: So, the menu, from an
13 execution point of view, it will be yes. It is
14 food, but a simple menu, appetizers and light
15 fare entrees because for our own benefit, we
16 don't want to really be getting involved in,
17 you know, steaks and so forth. So, for the
18 most part, it will be appetizers and light fare
19 and disposable.

20 TRUSTEE STEWART: You talked about
21 disposable plates and stuff. That's only at
22 the bar. The seating area will still be --

23 VINCENT DIRICO: Yes.

24 TRUSTEE STEWART: So Mario, you stated
25 there were no complaints regarding noise to the

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1 Floral Park Police Department.

2 MR. VERGARA: That's what was reported to
3 me.

4 VINCENT DIRICO: No reports.

5 TRUSTEE STEWART: Has anyone come to the
6 restaurant and said I have a problem with A, B
7 and C? Not at all since you opened?

8 VINCENT DIRICO: It never happened since
9 we opened.

10 TRUSTEE STEWART: What about the people in
11 the apartments, do they have sound proof
12 windows, do you know?

13 VINCENT DIRICO: We were installing. I
14 don't know if it was actually followed through
15 as far as the sound proofing of one apartment.
16 But for the most part, with everyone who has
17 been in there, no one has complained about any
18 noise. The only complaint we got from one of
19 the tenants has nothing to do with noise or
20 people speaking outside. If anything, it has
21 got to do with one of the exhaust fans, trying
22 to make sure the exhaust fan doesn't give any
23 noise, but not actual seating or customers.

24 TRUSTEE STEWART: Have you rectified that
25 situation?

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1 VINCENT DIRICO: We're continuously
2 working on it. It is not necessarily perfect.
3 We don't really have any issues with it. But
4 it is something that we're cognizant of and for
5 our own sake, we always take that into
6 consideration. We want to make sure our guests
7 or our tenants are as comfortable as possible.

8 TRUSTEE STEWART: The theory is 48 people
9 outside and little bit of live music. Will the
10 noise be louder than it has been?

11 VINCENT DIRICO: Right. Again, I don't
12 want to take this live music to a level. I
13 want to -- we haven't done it yet. I'm not --
14 I am putting it out there just in case.

15 TRUSTEE STEWART: But as you said earlier,
16 when your wheels start turning and all these
17 things get amended.

18 VINCENT DIRICO: That's true.

19 TRUSTEE CHENG: You have outdoor T.V.s
20 already bolted in on the fence?

21 VINCENT DIRICO: Yes.

22 TRUSTEE CHENG: If you get noise from
23 bands but you will have --There's.

24 VINCENT DIRICO: You get no sound on the
25 T.V. We don't put sound on.

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1 TRUSTEE CHENG: There will be no sound?

2 VINCENT DIRICO: No. Because to me as a
3 restaurateur, I don't want -- that's not the
4 kind of place we have or we run. So I don't
5 like the esthetic of sound on the T.V. When
6 people go outside, they're use to it like the
7 bar and restaurant use to have the T.V. without
8 sound.

9 TRUSTEE CHENG: But you can envision
10 Saturday afternoon for the Kentucky Derby or a
11 baseball game or world series.

12 VINCENT DIRICO: Yes.

13 TRUSTEE CHENG: I would like to envision
14 it. Football games?

15 VINCENT DIRICO: I can understand what you
16 are saying. I would say, based on my
17 conversation, 95 percent of the time, there's
18 no sounds. If there's that moment we have a
19 championship game on and someone wants to hear
20 something, we might do it, but I don't think it
21 will be anything to be concerned about.

22 TRUSTEE CHENG: I only want to have that
23 going on. The Rangers, of course, they have no
24 chance this year.

25 VINCENT DIRICO: Yes. Yes. But if they

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1 wanted to come that night and --

2 TRUSTEE CHENG: Thank you.

3 TRUSTEE STEWART: What time -- we talked
4 about the garbage and garbage pickup. I'm sure
5 this is a set schedule. When does your garbage
6 get picked up?

7 VINCENT DIRICO: In the morning.

8 TRUSTEE STEWART: 2:00 a.m. 5:00 a.m.?

9 VINCENT DIRICO: No, not that early in the
10 morning. Usually between 9:00 and 11:00 a.m is
11 the usual time that the garbage gets picked up.

12 TRUSTEE STEWART: Again, the truck backs
13 up into that spot on Tyson and pickup the
14 garbage from there?

15 VINCENT DIRICO: Yeah. Right now, they're
16 getting it from the parking lot, but when we
17 do, they won't even have to. The way we will
18 do it, it will not be necessarily back up.
19 They will roll in front, bags get dropped into
20 the truck and on they go. There won't be a
21 container.

22 TRUSTEE STEWART: It is important to us.
23 I'm sure as you're aware, there's a school down
24 the block. If they come and pick up the
25 garbage at 8ish, that can cause some danger.

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1 VINCENT DIRICO: I understand. If there's
2 any concern about that, when we opened up, we
3 made sure to even talk to our food purveyors to
4 make sure they weren't coming in during school
5 hours to pick up. We don't want the parents to
6 worry about that.

7 TRUSTEE STEWART: So, your liquor license,
8 is that effective by the outside bar?

9 VINCENT DIRICO: I don't believe so. Not
10 that I'm aware of because I would say it is --

11 TRUSTEE STEWART: You may have addressed
12 this, but are you going to have doors to get to
13 the outside from Tyson or everything be
14 funneled through the restaurant?

15 VINCENT DIRICO: Everything will be
16 funneled through the restaurant. From an
17 operational point of view, I wouldn't want
18 people to have the ability to come in one way
19 and out the other. We have to man two
20 stations. Everything gets funneled in the
21 restaurant and goes out that way because I
22 don't want to be even, from an operational
23 point of view, I wouldn't want to be -- people
24 dealing with different entrances, coming in
25 from different entrances.

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1 TRUSTEE STEWART: Thank you.

2 VINCENT DIRICO: You're welcome.

3 MAYOR FITZGERALD: I have a couple of
4 quick questions. The service bar, typically
5 when you get these, choose where the seats will
6 be, so I assume the five seats are on each
7 corner?

8 VINCENT DIRICO: Yes, like that. Yes.

9 MAYOR FITZGERALD: Also, I assume the
10 service bar will need probably need plumbing
11 and electrical work to be operational?

12 VINCENT DIRICO: It just going to have
13 electrical for the refrigeration, for the
14 refrigerators and just going to be one sink and
15 one ice maker.

16 MAYOR FITZGERALD: You have to get
17 appropriate permits for that.

18 VINCENT DIRICO: We will make sure
19 everything gets done the way it is supposed to
20 be done before anything else.

21 MAYOR FITZGERALD: Trustee Cheng.

22 TRUSTEE CHENG: So I understand, you said
23 you believe do not need liquor license
24 amendment?

25 VINCENT DIRICO: To the best of my

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1 knowledge, I don't. I will double check with
2 my liquor attorney to make sure about that. I
3 do not believe so, but I will double check.

4 TRUSTEE CHENG: Last thing I want to ask
5 you and I'm not trying to be argumentative
6 here, but you did the accordion door or that
7 door. Did you obtain a permit for that?

8 VINCENT DIRICO: Yes.

9 MR. VERGARA: Yes.

10 TRUSTEE CHENG: Do you have it -- wait
11 wait. I have the Building Superintendent
12 trying to find out.

13 MS. MARCUS: There's a permit application
14 in. No permit.

15 TRUSTEE CHENG: No permit was issued but
16 there's an application?

17 MR. VERGARA: The history of this, the
18 type of door was confusion on my part and it
19 effected egress from the space. You can't
20 egress through an accordion door. There's an
21 egress door in the room, but in discussion with
22 Miss Marcus about ADA access through that
23 egress door, we had to make or propose
24 modifications so you in fact have two means of
25 egress but going through the accordion door, so

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1 yes. The application was filed. There was
2 structure involved. There were comments back
3 from Miss Marcus addressing her comments. The
4 permit has not been issued. Yes.

5 TRUSTEE CHENG: The area working on as far
6 as the service bar, is the permit issued for
7 the work done there?

8 VINCENT DIRICO: No.

9 TRUSTEE CHENG: Can you tell me why?

10 VINCENT DIRICO: That's my fault. See,
11 ignorance is not a good answer. The zoning
12 happened in February. My thought process was
13 the gap between February and May, I thought
14 that -- I never had the intention of opening
15 anything up. I thought I will get some of the
16 leg work done, and taking a chance it would get
17 denied, I would just have invested the money
18 and it would have been denied. But I didn't
19 realize what I was supposed to do.

20 TRUSTEE CHENG: Except the wheels started
21 changing to make the area a service bar. It
22 wasn't as soon as they made their decision.

23 VINCENT DIRICO: Bottom line again, it is
24 not a good answer. There was no malice
25 intended. It falls on me without a doubt.

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1 TRUSTEE CHENG: I appreciate it. We're
2 seeing more buildings and things being done in
3 the Village without a permit and people say mea
4 culpa, mea culpa. I'm sorry I did that. We
5 have a Building Department here. They're here
6 not just to be bad people. They're here to
7 protect the residents and their structures and
8 the public and that's why some of us get upset
9 about this.

10 VINCENT DIRICO: I completely understand
11 and I think I understand completely. I need to
12 do, with anything moving forward because the
13 time, there was time elapsing anyway. So it
14 wasn't like I didn't want to do it "on
15 purpose". But as far as, again, I completely
16 understand what you are saying. I completely
17 understand the position that everyone is in and
18 their concerns and concerns for the community.
19 We want to definitely do what is necessary to
20 meet --

21 TRUSTEE CHENG: We appreciate that. Thank
22 you.

23 TRUSTEE STEWART: How long do you expect,
24 would weather force you to close the patio like
25 in February?

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1 VINCENT DIRICO: Well, I think the
2 pandemic changed everything, without a doubt,
3 especially for restaurant operations. I think
4 we do it on, based on people's level of --

5 TRUSTEE STEWART: If someone, on a 30
6 degree day comes in, would you let them sit
7 outside?

8 VINCENT DIRICO: Yeah. I'm amazed how
9 many people want to sit outside in that
10 temperature. In a practical sense, what I
11 learned is once it hits 60, it is like 90. 60
12 degrees is the new 90 because you feel warm
13 enough to sit outside. We definitely see a
14 drop off anyway. Even if I want to open year
15 round, the customer dictates. We start to drop
16 off December, January and February. They're
17 not good months.

18 TRUSTEE STEWART: My question about that
19 was, where you have something like 10 to 15 of
20 those tanks, where do you store them or do they
21 stay outside, the actual heating element?

22 VINCENT DIRICO: The heating element stays
23 outside. It just, it is outside.

24 TRUSTEE STEWART: And just to circle back
25 to the garbage again. I never thought I would

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1 VINCENT DIRICO: Yes. The carting company
2 cop does that and if they -- we always make
3 ourselves available if there's any issue, ever.
4 If they say it is a little too much for them,
5 we have no problem helping them if we have to.
6 I would say 95 percent.

7 TRUSTEE STEWART: It is generally their
8 responsibility?

9 VINCENT DIRICO: Yeah.

10 TRUSTEE STEWART: That's it.

11 VINCENT DIRICO: Not a problem.

12 MAYOR FITZGERALD: I have two more.
13 They're quick. Commissioner McAllister, to the
14 best of your knowledge, there have not been any
15 complaints there that Mr. DiRico said?

16 COMMISSIONER MCALLISTER: No, he is
17 correct. We had no calls for disturbances. We
18 had some individual who had some acting out
19 episodes, but nothing to do with the
20 restaurant. It is an individual we had some
21 problems, some issues.

22 MAYOR FITZGERALD: Thank you. Then I
23 think you mentioned the total capacity was 240
24 people. The document we have, it says indoor,
25 159 and outdoor, 48. Is this the official

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1 document?

2 VINCENT DIRICO: I'll double check that.

3 I physically see it everyday on the wall, 240

4 people maximum, so I don't know why that says

5 that. I am going on what is actually on the --

6 we can reproduce it and go over it.

7 MAYOR FITZGERALD: The number is?

8 VINCENT DIRICO: I see it everyday. I

9 didn't make it up. It is not something I drew

10 up. It is there. It says 240 occupancy.

11 MAYOR FITZGERALD: But the capacity will

12 be whatever the Zoning Board approved.

13 VINCENT DIRICO: Yes.

14 MAYOR FITZGERALD: That's where I was

15 going. Thank you.

16 MR. RYAN: Mario, if I might, in view of

17 the modification of your proposal, Mayor, you

18 have to submit a modified floor plan to depict

19 what you're actually proposing.

20 VINCENT DIRICO: Absolutely.

21 MR. VERGARA: Absolutely.

22 MR. RYAN: Thank you.

23 MAYOR FITZGERALD: Thank you.

24 JERRY BAMBRICK: 2/18, you worked with the

25 Village to agree to have restrictions on a

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1 liquor license. Would you be amenable to
2 having restrictions on the outdoor bar too?
3 Absolutely.

4 VINCENT DIRICO: Absolutely.

5 JERRY BAMBRICK: Earlier hours?

6 VINCENT DIRICO: Absolutely. I'm not
7 worried because we don't have that type of
8 operation anyway. So we found, we just closed
9 earlier anyway that even the stated hours we
10 have, even on the inside, we close earlier and
11 I kind of figured out we like going a little
12 earlier anyway, so it kind of works.

13 JERRY BAMBRICK: Thank you.

14 MAYOR FITZGERALD: Thank you. Anyone in
15 the audience here present that has anything to
16 say in favor or against the application?
17 Seeing none, is there anyone on Zoom, if you
18 want to raise your hands or put it in the chat.
19 Seeing none, thank you, Mr. Vergara.

20 TRUSTEE POMBONYO: I have a comment. I
21 wanted to follow up on Trustee Cheng and make
22 some additional comments.

23 You certainly have one of the very
24 successful businesses in our community. We
25 knew that. I remember going back to the

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1 special hearing we had when you first got the
2 idea of what your vision would be. As time has
3 gone on, and Trustee Cheng mentioned, we have
4 noted on the, especially recently, it is Covid
5 time, so we know that there's businesses that
6 are suffering and how many owners suffering but
7 a little more freedom with building things that
8 the building department is not necessarily
9 completely familiar with or have the permits
10 for and you mentioned that explain. We
11 appreciate it.

12 I just want to reiterate for everybody,
13 I'm sure all my fellow Trustees do that in
14 other cases that very often lead to dangerous
15 situations, including, we had a larger than
16 usual numbers of fires this year, some blamed
17 on electrical issues. We want to get it out
18 there that that permit process that we have is
19 really, really important in insuring safety.
20 You might have a great architect and you
21 wouldn't be in that situation. Others, when
22 they see it, tend to say this one did it, that
23 one did it. We have to put a stop through our
24 leaders in our community to that happening
25 because it does impose, in many cases, a

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1 danger.

2 VINCENT DIRICO: I completely understand.
3 I respect where you come from. I apologize and
4 I would like to say honestly moving forward
5 that we will not take that lightly and will
6 respect the building department and the
7 community in general. So, I completely
8 understand.

9 TRUSTEE POMBONYO: We appreciate that.
10 Thank you.

11 MR. VERGARA: For the record, for whatever
12 it is worth, when I become aware of these
13 things, as I tell Vincent, I'm not a cop, but
14 this makes no sense to me. I tell him to cease
15 and desist for all the reasons we spoke about
16 because obviously it is a lot more difficult
17 for me, number one, to come behind and try to
18 figure out what you did. Number two, as you
19 say, sometimes you make mistakes and unless we
20 flush all this out in the beginning, it is no
21 good. I had this very heated discussion with
22 Vincent. He understands. This is not going to
23 happen again. Thank you.

24 TRUSTEE POMBONYO: Thank you.

25 MAYOR FITZGERALD: Thank you. So, as I

