

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.

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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



