

June 1, 2021

SPECIAL USE PERMIT PUBLIC HEARING MINUTES
6-8 Verbena Avenue – Swing the Teapot

At 8:55 pm (immediately after the 282 Jericho Turnpike public hearing), a Special Use Permit Public Hearing for the Board of Trustees was held in Village Hall Courtroom. The meeting was also available to the public by way of Zoom as follows:

<https://us02web.zoom.us/j/81596947341?pwd=NjRPOFo4azNrNkwyaWxwUm5td3ozdz09>

Meeting ID: 815 9694 7341; Passcode: 700886.

Dial-In: +1 646 558 8656 US (NY); Meeting ID: 815 9694 7341; Passcode: 700886.

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 Cathy Murphy.

The application of BJD Corp., John Moynagh, owner, 6-8 Verbena Avenue, Floral Park, is made in accordance with Article III, Section 99-10 B(1) of the Zoning Ordinance of the Incorporated Village of Floral Park which requires that when an addition to the existing building for expanded restaurant use in a B-1 District, the use may only be authorized as a special use after a public hearing.

Trustee Pombonyo offered Resolution No. 2021-113 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 10:14 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

June 1, 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 last public hearing
2 of the evening is the application of the BJD
3 Corp, John Moynagh, owner 6-8 Verbena Avenue.

4 Miss Walsh, if you can please read the
5 Notice of Public Hearing.

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

10 Notice is Hereby Given that the Board of
11 Trustees of the Incorporated Village of Floral
12 Park, New York will hold a Public Hearing at
13 the Village Hall, One Floral Boulevard, Floral
14 Park, New York on Tuesday, June 1, 2021 at 8:00
15 p.m. in relation to the following application:

16 The application of BJD CORP, John Moynagh,
17 owner, 608 Verbena Avenue, Floral Park, New
18 York, is made in accordance with Article III,
19 Section 99-10B (1) of the zoning Ordinance of
20 the Incorporated Village of Floral Park, New
21 York, which requires when an addition to the
22 existing building for expanded restaurant use
23 in a B-1 District, the use may only be
24 authorized as a special use after a public
25 hearing.

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1 The structure for which said Special
2 Permit is applied is situated on the west side
3 of Verbena Avenue, 46 feet south of Tulip
4 Avenue and known as Section 32, Block 123 and
5 Lots 20, 21 and 126 on the Nassau County Land
6 and Tax Map.

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

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

18 By Order of the Board of Trustees,
19 Incorporated Village of Floral Park, New York
20 Susan E. Walsh, Village Clerk, dated May 21,
21 2021.

22 The Legal Notice has been published in the
23 official paper of the Incorporated Village of
24 Floral Park, New York and posted according to
25 law and was sent to the Nassau County Planning

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1 Commission and pursuant to section 239 L&M of
2 the General Municipal Law determined to defer
3 to the Village to take action as deemed
4 appropriate.

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

10 I would also like to announce that the
11 Board has previously adopted a resolution
12 determining that the application does not have
13 a significant impact on the environment as
14 defined by State Environmental Quality Review,
15 known as SEQRA.

16 (Whereupon, Mario Vergara was sworn in.)

17 MARIO VERGARA: Mario Vergara,
18 V-E-R-G-A-R-A, 200 Jericho Turnpike, Floral
19 Park, New York.

20 Before I begin, I would like to submit
21 minor revisions to the plans that essentially
22 reflect some changes on the exterior. There's
23 six copies there.

24 MS. WALSH: One Exhibit A.

25 MARIO VERGARA: Good evening, Members of

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1 the Board. We're here tonight to request
2 permission to extend a food use of the Swing
3 The Tea Pot Restaurant to the proposed addition
4 identified in the drawings submitted. We think
5 it best, however, to first take a few minutes
6 to discuss the history of Swing The Tea Pot
7 from its inception to its current status.

8 Approximately 13 years ago, Shane and Anne
9 Moynagh purchased 6 Verbena Avenue and decided
10 to convert the existing Chinese restaurant into
11 what is now known as Swing The Tea Pot. After
12 the obtaining the necessary approvals, the
13 Floral Park Board of Trustees and the Building
14 Department, they opened the doors, but were
15 notified by the Nassau County Department of
16 Health to shut down because, although a permit
17 to operate the restaurant had been filed, it
18 had yet to be issued. Shane and Anne did so
19 immediately. Some five days later, the Nassau
20 County Department of Health permit was issued
21 and Swing The Tea Pot officially opened for
22 business.

23 Shortly thereafter, it became apparent
24 from the customers that beer and wine should be
25 served and the Moynagh's applied to request a

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1 New York State Liquor License. After many
2 months of waiting, the SLA indicated that a
3 delay was due to a lack of response from the
4 Village of Floral Park. The Moynagh's quickly
5 brought it to the Village's attention. The
6 matter was resolved and the liquor license was
7 issued. Sometime later, an application was
8 submitted to upgrade the license to include
9 liquor. Again, the Moynagh's waited months
10 before the upgraded license was issued.

11 In 2019, the Moynagh's purchased 8 Verbena
12 Avenue, the former Childs Murphy office, that
13 also included an empty lot to the north of
14 Swing The Tea Pot. At that time, I advised the
15 Moynagh's that the empty lot was not
16 "buildable" due to its dimension and any
17 thought of improving the lot would involve
18 merging the lots, 8 Verbena, 6 Verbena and the
19 empty lot into one tax lot. The Moynagh's took
20 my advice and did so. Ultimately, it was
21 decided based on many customers request to
22 convert the Childs Murphy office into a party
23 room with the intent to also build an addition
24 to Swing the Tea Pot on the empty lot sometime
25 in the future.

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1 As a side, I did indicate to the Moynagh's
2 that since the lots were merged into one, the
3 three buildings could, from a building codes
4 standpoint be considered one building. This is
5 an important distinction that I will elaborate
6 further later.

7 Approvals for the parties were obtained
8 from the Floral Park Zoning Board for lack of
9 off street parking and the Village Board of
10 Trustees for the special use, as well as the
11 necessary building permits for the
12 construction. Then the pandemic arrived.
13 Because of limitations on construction put in
14 place by the New York State Governor's order,
15 the completion of the party room were delayed.

16 Separately and around the same time, given
17 the Governor's executive orders also slashed
18 restaurants occupancy by 50 percent, the
19 Moynagh's requested and received from the
20 Village of Floral Park to erect a tent on the
21 empty lot for use of outdoor seating as an
22 extension for Swing The Tea Pot. When the fall
23 arrived and temperatures dropped, the Moynagh's
24 requested and received written permission from
25 the Village of Floral Park to use the party

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1 room as an extension to Swing The Tea Pot.

2 At that time, during the discussion with
3 the Nassau County Health Department, a
4 discussion that the Moynagh's initiated, they
5 were advised that if food from Swing The Tea
6 Pot kitchen had to travel outdoors to serve the
7 party room, an enclosure had to be built. The
8 Moynagh's then requested permission, in
9 writing, from the Village of Floral Park, to
10 construct such enclosure, approximately 10 feet
11 in length within the Village of Floral Park's
12 right of way that connects the rear of the
13 buildings. After submitting the letter, an
14 enclosure was built. The Village of Floral
15 Park Building Department then called the
16 Moynagh's and stated permission was not granted
17 and the enclosure must be taken down. Within
18 hours of that phone call, the enclosure was in
19 fact removed.

20 As the party room was needed to keep the
21 occupancy of the Swing The Tea Pot to what it
22 was prior to the pandemic, an approximately
23 three foot wide open was then created in the
24 wall separating the two spaces. Although Renee
25 Marcus, the Village of Floral Park's

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1 Superintendent and I agree, that the buildings
2 can, with some modification, act as one. She
3 stated for the time being that the opening must
4 contain a self-closing fire door. That door
5 was installed. The party room was then used as
6 an extension of Swing The Tea Pot with both
7 spaces following CDC guidelines with placement
8 of tables.

9 In March of this year, the Moynagh's came
10 aware that one of The Swing Tea Pot kitchen
11 staff tested positive for Covid 19, wherein
12 they immediately contacted the Nassau County
13 Department of Health for guidance. They were
14 told to shut down. A following protocol that
15 needs to be determined by the Nassau County
16 Department of Health and not reopen to directly
17 to do so. They followed the protocol to the
18 letter and reopened some 12 days later.

19 In late April, the Village of Floral Park
20 advised, by e-mail, that the Moynagh's must
21 request an extension for the use of the party
22 room as an extension of Swing The Tea Pot. The
23 Moynagh's did so in writing on April 29th. In
24 a phone call to me days later, Miss Marcus
25 advised me the Board will not be issuing the

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1 extension. I relayed this information to Shane
2 Moynagh. Miss Marcus herself relayed the same
3 information to Shane in person. Shane replied
4 that he will not shut the party room down and
5 Floral Park will have to force him to do so. A
6 phone call to me by Miss Marcus indicated the
7 Board was now revisiting that decision. No
8 communication via letter, e-mail or phone call
9 from the Village of Floral Park to me or the
10 Moynagh's has been received since.

11 After inspection of the party room by Miss
12 Marcus, it was determined the ramp at the
13 bottom of the door which was appeared in a
14 difference in floor elevation between the two
15 spaces, did not meet ADA accessibility
16 standards. Miss Marcus directed that a sign be
17 temporarily placed on the door to limit access
18 to the space until a permanent solution can be
19 found. It was agreed that the sign will stay
20 for maintenance access only. Such a sign has
21 been placed.

22 After assessing the issue and given the
23 ramp ADA issue, the Moynagh's made the decision
24 to use the party room in plain sight, not only
25 to maintaining health department restrictions

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1 regarding table placement, but also not to
2 personally effect their business and ability
3 for the businesses to survive.

4 Parallel to these events, the subject of
5 the proposed addition came up. Knowing that
6 that process, if the proposed additions were
7 approved will take many months, the plan was to
8 phase construction so that the foundation and
9 first floor would be installed and the
10 construction pause during the summer months so
11 the tents could be re-erected.

12 An application to the Village Board of
13 Trustees made on March 3rd of this year when it
14 was learned the Board of Trustees will not hear
15 the case until early May, phase in construction
16 based upon on Board approval to allow the tents
17 to be erected for the summer was no longer
18 possible. I then advised the Moynagh's to file
19 for a foundation permit only. That foundation
20 permit would not require Board approval,
21 thereby eliminating the time associated with it
22 and allowing the tents for the summer months.
23 The foundation permit was filed and issued on
24 the stipulation that a safety plan approved by
25 the Building Department be followed during

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1 construction. The construction process
2 continues as we speak, as does that statement
3 plan.

4 I have taken the time to enumerate the
5 above to highlight the fact that the Moynagh's
6 were Floral Park residents, who have not only
7 invested in their home, but three separate
8 buildings. If it's not already known, they
9 also own the Tulip Bake Shop. They have at
10 each and every step of the way sought to follow
11 the rules and regulations of the Village of
12 Floral Park, the Nassau County Fire Marshal,
13 the Nassau County Department of Health and the
14 Nassau County Department of Public Works, the
15 New York State Liquor Authority, Federal CDC
16 Guidelines and the New York Governor's
17 Executive Order regarding the pandemic.

18 Shane Moynagh is a business owner and
19 entrepreneur. And for the record has since
20 been, shortly after his arrival from Ireland 40
21 years ago, could have sought to invest his
22 money elsewhere. He chose instead to invest
23 here in the Village of Floral Park. The
24 Moynagh's are 30 plus years residents, Floral
25 Park building owners, Floral Park business

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1 owners, Floral Park employers and Floral Park
2 tax payers, which brings us to the application
3 at hand.

4 The Moynagh's are simply asking for
5 approval to extend the food use to the proposed
6 addition. And in February of this year, the
7 Board approved and proposed, approved the
8 approval for the lack of off street parking.

9 If you take a look at the drawings, you
10 see the intent is that it has three separate
11 venues, a party room, Swing The Tea Pot and
12 conservatory, which is the proposed addition.
13 The construction in such a way that it can act
14 as one building, given certain modifications
15 that will address the issues of egress. This
16 is between exit doors, travel distance, exit
17 door capacity, adherence to the limit of floors
18 based on construction classifications in the
19 building and fire protection in the form of
20 fully automated fire alarm systems, as well as
21 sprinkler system.

22 You will note that the cellar will contain
23 a kitchen where a majority of the food prep
24 will take place where the food will be
25 transferred up to the finished kitchen on the

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1 first floor and distributed to the customers.

2 You also note the extent of glass windows
3 on the exterior, as well as operable sky
4 lights. The intent here is to provide a
5 permanent, tent-like atmosphere for the
6 customers while still being able to use the
7 room in inclement weather.

8 I will be happy to answer any questions
9 you have with regards to this application.

10 MAYOR FITZGERALD: Thank you, Mr. Vergara.
11 I have a couple of questions and then we'll
12 move on to the rest of the Board.

13 Just to clarify, you said the new building
14 will have sprinklers?

15 MARIO VERGARA: Basement.

16 MAYOR FITZGERALD: Just the basement?

17 MARIO VERGARA: Yes.

18 MAYOR FITZGERALD: The kitchen will now be
19 in the new building conservatory?

20 MARIO VERGARA: Both kitchens, the one in
21 the cellar, prep kitchen, and the finished
22 kitchen will be in the new proposed addition,
23 correct.

24 MAYOR FITZGERALD: In Swing The Tea Pot,
25 the kitchen that's there now, the existing

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1 kitchen, will now be made into bathrooms?

2 MARIO VERGARA: That is correct.

3 MAYOR FITZGERALD: No additional seating
4 in Swing The Tea Pot then there is today?

5 MARIO VERGARA: Yes. The end result will
6 be, there will be approximately 48 seats per
7 section of 48 seats for the party room, 48 for
8 Swing The Tea Pot and 48 seats for the
9 conservatory.

10 MAYOR FITZGERALD: I believe, Miss Marcus,
11 correct me if I am wrong, Swing the Tea Pot is
12 approved for 40 seats?

13 MS. MARCUS: The original one.

14 MAYOR FITZGERALD: Is this application to
15 extend 40 to 48?

16 MARIO VERGARA: That is correct.

17 MAYOR FITZGERALD: Does that need Zoning
18 Board approval, John Ryan or --

19 MS. MARCUS: It will.

20 MARIO VERGARA: I will state for the
21 record if it requires Zoning Board approval, I
22 will discuss it with Mr. Moynagh.

23 MAYOR FITZGERALD: Thank you. What will
24 the hours be?

25 MARIO VERGARA: The hours will remain the

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1 same as it is. I will ask Mr. Moynagh to
2 explain what it is.

3 (Whereupon, John Moynagh was sworn in.)

4 JOHN MOYNAGH: John Moynagh.

5 MAYOR FITZGERALD: Thank you for coming,
6 Mr. Moynagh. The hours of operation?

7 JOHN MOYNAGH: Right now, I intend to keep
8 it that way. Sunday, Monday, Tuesday,
9 Wednesday from 9:00 a.m. to 4:00 p.m.
10 Thursday, Friday, Saturday 9:00 a.m. to roughly
11 1:00, 1:00 a.m.

12 MAYOR FITZGERALD: Okay. Will there be
13 additional deliveries needed? I guess my
14 question is, do you expect the increase in the
15 seating to and the cooking to increase the
16 amount of deliveries you currently have?

17 JOHN MOYNAGH: I wouldn't think so because
18 the beer comes one, two times a week. We
19 personally go to Restaurant Depot and we buy
20 everything once a week on the Thursday. So, I
21 go pick it up and deliver it myself.

22 MAYOR FITZGERALD: Okay. I guess my
23 question for Mr. Vergara, this might be just me
24 not understanding this, the right side
25 elevation.

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1 MARIO VERGARA: Yes.

2 MAYOR FITZGERALD: The box on the bottom
3 right, I guess what is, that it looks like to
4 me that the building is extending passed the
5 existing building. That's not what's on the
6 other. I'm not sure what it is.

7 MARIO VERGARA: The building is not
8 extending the property line. It is an
9 indication of scoring joints between bricks.

10 MAYOR FITZGERALD: So the building --

11 MARIO VERGARA: It has no impact on the
12 floor plan.

13 MAYOR FITZGERALD: The existing driveway
14 in the back will remain the same?

15 MARIO VERGARA: That is correct.

16 MAYOR FITZGERALD: The Zoning Board I
17 think approved the way the building needs to be
18 shaped with a --

19 MARIO VERGARA: If I could. There was
20 concern on Miss Marcus, her concern was the
21 visibility of any traffic coming out of the
22 driveway as it effects any pedestrians walking
23 along the sidewalk. So, she suggested, and we
24 agreed, to splane the corner of the building at
25 about three foot line, three foot above the

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1 sidewalk line to allow additional viewing of
2 that driveway by pedestrians.

3 MAYOR FITZGERALD: Okay. I guess once the
4 excavation is done and the basement is poured
5 before any further work is done, there will be
6 a survey done of the property to show that the
7 building is on Mr. Moynagh's property and not
8 Village property?

9 MARIO VERGARA: The survey was ordered and
10 it should be completed by the end of next week.

11 MAYOR FITZGERALD: Thank you. Deputy
12 Mayor Pombonyo.

13 TRUSTEE POMBONYO: Thank you. Hi and
14 thank you Shane and Anne Moynagh for coming in
15 to speak to us this evening. It is good to see
16 you.

17 The conservatory. Tell us a little about
18 what that will look like. You had mentioned
19 something about light and open more sky lights.
20 Can you describe that?

21 MARIO VERGARA: Yes, I can. Shane
22 envisions a true conservatory where the entire
23 structure will be glass. Unfortunately,
24 because of the New York State Energy Code, that
25 is not possible. So, we strove to give as much

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1 light and airiness to the structure by
2 including accordion glass window that will open
3 fully along the width in the front of the
4 building, as well as operable sky lights to
5 give that impression.

6 TRUSTEE POMBONYO: Like how much of the
7 roof is taken up by sky lights? Is it a lot so
8 people will feel like they're outdoors?

9 MR. RYAN: I think you may want to show
10 the Trustees this.

11 MARIO VERGARA: The drawings I gave it is
12 on there. You will see the sky lights are
13 indicated on the right side of the elevation.
14 There's six total. Quite frankly, if we could
15 have had more, we would have. But again,
16 because of the restrictions of the energy code
17 as far as the amount of glass that can be
18 included in the structure limited us. So those
19 sky lights are particularly 30 inches by 48
20 inches and indicated by rectangles on the right
21 side of the elevation of the roof.

22 TRUSTEE POMBONYO: Thank you. In terms of
23 both Swing The Tea Pot and the conservatory, if
24 a diner wants to go to one or the other, can
25 you make reservations for one or the other?

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1 How do you manage?

2 (Whereupon, Anne Moynagh was sworn in.)

3 ANNE MOYNAGH: Anne Moynagh, 33 East
4 Cherry Street, Floral Park, New York 11001.

5 As far as reservations are concerned, we
6 do not take reservations during the day. We
7 never have for breakfast or lunch. We will
8 take reservations for Thursday dinner, Friday,
9 Saturday.

10 TRUSTEE POMBONYO: For breakfast and lunch
11 in both Swing The Tea Pot and the conservatory?

12 ANNE MOYNAGH: Correct.

13 TRUSTEE POMBONYO: Same menus for
14 everything?

15 ANNE MOYNAGH: Same menu, yes.

16 TRUSTEE POMBONYO: That's it for me. I
17 maybe back.

18 MAYOR FITZGERALD: Before I move to
19 Trustee Cheng, just a question with regards to
20 the conservatory roof. How will it drain in
21 the winter with the snow mounting? My concern
22 is that doesn't fall off and damage the
23 arborvitaes that line the park there.

24 MARIO VERGARA: As far as the drainage is
25 concerned, all rain water will be contained on

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1 the property and has been done so by the
2 installation of dry wells below the cellar
3 slab. They're calculated to withstand a three
4 inch rainfall which is basically once every
5 hundred years.

6 MAYOR FITZGERALD: That just happened this
7 weekend. We're good for 100 years.

8 MARIO VERGARA: As far as snow is
9 concerned, we will include details on the roof,
10 for lack of a better word, snow deflectors that
11 will essentially serve to break up the snow as
12 it is sliding so that it does not end up as a
13 massive ice dam on the sidewalk or on the
14 bushes.

15 MAYOR FITZGERALD: Will the part of the
16 roof that abuts the village property, will it
17 be slanted and or is it a flat roof?

18 MARIO VERGARA: So, there are --

19 MAYOR FITZGERALD: I can't tell by the
20 drawings.

21 MARIO VERGARA: If you look at the right
22 side elevation, approximately two thirds of the
23 roof will be sloped, which is the same area
24 over the dining part of that structure. The
25 kitchen at the rear will have a flat roof.

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1 MAYOR FITZGERALD: My concern is if the
2 snow melts, all the arborvitaes are damaged.

3 MARIO VERGARA: So again, as far as snow
4 melt it concerned, the gutters will serve to
5 direct the water.

6 MAYOR FITZGERALD: There will be gutters?

7 MARIO VERGARA: Yes, to the storm drain
8 below.

9 MAYOR FITZGERALD: Thank you. Trustee
10 Cheng.

11 TRUSTEE CHENG: For the moment, I'm a
12 little confused with you saying these are the
13 new plans you handed out.

14 MARIO VERGARA: Yes.

15 TRUSTEE CHENG: Before us right now is
16 just the approval of the new extension,
17 correct?

18 MARIO VERGARA: That's correct.

19 TRUSTEE CHENG: And you stated earlier
20 that each of the three separate areas of one
21 building, could you just repeat the occupancy
22 limits as you understand them.

23 MARIO VERGARA: Well, as I understand now
24 Swing The Tea Pot is 40, the party room is 48.
25 The Variance Board limited the number of seats

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1 in the conservatory, I believe 48. I could be
2 wrong about that, but it's within a couple.

3 TRUSTEE CHENG: On the new plan submitted,
4 it is showing 24 seats, 11 at the bar. I'm
5 getting confused with the numbers.

6 MARIO VERGARA: So, the seating I'm
7 showing is not -- so, I was showing it more for
8 scale purposes to show that that is what we can
9 get. The exact number will be limited to the
10 whatever number of occupancy that it has to be.
11 So, if it is 48 seats. It could be 12 at the
12 bar. It could be or 26 or 36 or 26 in the
13 dining area.

14 MAYOR FITZGERALD: What I am showing, to
15 clarify, swing The Tea Pot, these four seats
16 here, opposite them is a bench which have
17 another four seats for each one.

18 MARIO VERGARA: Correct.

19 TRUSTEE CHENG: My apologies. Now, I'm
20 interested in what you said in your beginning
21 preamble to us. You stated that Mr. Moynagh
22 said to Renee that he was going to keep the
23 party room open; is that correct?

24 MARIO VERGARA: That is correct.

25 TRUSTEE CHENG: Is there any basis for

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1 this?

2 MARIO VERGARA: Yes. I will let him
3 extrapolate on that, but we are all trying to
4 survive the effects of the pandemic. You do
5 know that the Governor's mandate slashing the
6 occupancy rate had a great effect on the
7 restaurant businesses in general, specifically,
8 the Moynagh's. The Board decided to not renew
9 the extension of the party room for seating.
10 That would have an adverse business affect on
11 Moynagh's. I will let him --

12 TRUSTEE CHENG: I'm asking you a question.
13 I will continue my line of questioning.

14 MARIO VERGARA: Sure.

15 TRUSTEE CHENG: Do you recall the
16 conditions that the ZBA imposed upon the party
17 room back in November, 2019?

18 MARIO VERGARA: Specifically? No.
19 However, the extension of the use of the party
20 room for extending the seating area of the
21 Swing The Tea Pot is a different subject and we
22 fully indicated what we intended to do. The
23 occupancy of those both of those two rooms was
24 less than what ZBA had indicated because of the
25 CDC guidelines in terms of occupancy rates and

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1 distances between tables.

2 TRUSTEE CHENG: Yes, we did comply with
3 the request by allowing this party room to be
4 utilized until April 30; is that correct?

5 MARIO VERGARA: That is correct.

6 TRUSTEE CHENG: April 30th is not what you
7 believe is an arbitrary date?

8 MARIO VERGARA: I am not disputing the
9 date. I'm stating for the record that we were
10 advised to request an extension of that
11 approval.

12 TRUSTEE CHENG: Which was denied, correct?

13 MARIO VERGARA: As I stated, I received a
14 phone call from Miss Marcus stating to me the
15 Board was not going to renew the extension. I
16 transmitted that message to Shane. Miss Marcus
17 told Shane herself the same thing. At that
18 point, Shane said, I am not closing the tea
19 pot. You will have to force me to do so.

20 Then a day or so later, I received another
21 phone call from Miss Marcus wherein she stated
22 the Board is revisiting that decision. We have
23 not heard anything from the Board by e-mail,
24 letter or phone call since.

25 TRUSTEE CHENG: Miss Marcus, is that your

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1 recollection?

2 MS. MARCUS: Most of that. Also, I said
3 we will reevaluate at this hearing, this
4 meeting.

5 TRUSTEE CHENG: As of the date he was
6 informed, he was not allowed to use,
7 theoretically, the party room, unless it was in
8 compliance with the requirement of both our
9 decision in 2020 and the ZBA decision back in
10 November of 2019?

11 MARIO VERGARA: I'm not about to dispute
12 what the ZBA stated.

13 TRUSTEE CHENG: You haven't answered the
14 first part. You didn't state what they stated
15 yet. The conditions were, I will quote, "The
16 party room will only be utilized for specially
17 scheduled events and not by the regular indoor
18 customers. Violations of this condition shall
19 result in a revocation of the variance as to
20 the party room. On February 10, 2021, to the
21 ZBA, do you recall your testimony where you
22 stated, "We're not using the party room as an
23 overflow ala carte dining area."

24 MARIO VERGARA: That's correct.

25 TRUSTEE CHENG: Do you recall that

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1 statement?

2 MARIO VERGARA: Yes.

3 TRUSTEE CHENG: Do you recall the fourth
4 and fifth whereas clauses of the ZBA decision
5 from March 5th, 2021? Do you know what they
6 said?

7 MARIO VERGARA: No, but I'm sure you will
8 tell me.

9 TRUSTEE CHENG: I would rather you give
10 the testimony to me. Do you have the minutes,
11 sir?

12 MARIO VERGARA: I do not have those
13 minutes. I suppose you will tell me about it
14 now.

15 TRUSTEE CHENG: I will let you read them
16 into the record. Will you read the two marked
17 whereas clauses?

18 MARIO VERGARA: I will read this for you,
19 Mr. Cheng, but I will put for the record, I
20 object to you acting as if this is some kind of
21 court, which it is not, but I will read it for
22 you. "By decision filed November 29th --"

23 TRUSTEE CHENG: This is a hearing. I
24 don't understand what you mean by a court.

25 MARIO VERGARA: Mr. Cheng, I am feeling

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1 like you are Prosecutor and this is a
2 courtroom. I don't believe that's the case
3 here, but I will read what you are asking me to
4 do, okay? That's my opinion. I'm entitled to
5 it. "By decision filed November 29, 2019, this
6 Board granted the applicant a variance with
7 respect to required parking for a party room
8 which has been located in the adjacent building
9 to the south. The variance was granted on the
10 expressed condition that the party room will
11 only be utilized for special events and not by
12 regular dining customers. Fifth, in light of
13 the indoor dining restrictions imposed as a
14 result of the Covid-19 pandemic, the applicant
15 is permitted to use the party room on a
16 temporary basis for overflow customers. Once
17 these indoor dining restrictions end, such
18 overflow use of the party room will no longer
19 be permitted. One knows that granting this
20 variance with respect the proposed one story
21 building constructed on the now vacant parcel
22 in any matter rescind or otherwise effect the
23 condition of the previous proposed with respect
24 to the use of this party room."

25 TRUSTEE CHENG: Thank you. Can I have

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1 that back? I have no further questions.

2 MAYOR FITZGERALD: Thank you. Trustee
3 Chiara.

4 TRUSTEE CHIARA: Thank you. Thank you for
5 coming in. I appreciate what you do in the
6 Village. On the new conservatory, the music,
7 will you have music in there?

8 ANNE MOYNAGH: We haven't really decided
9 that yet. That's an honest answer. We always
10 have music inside Swing The Tea Pot, the
11 original room, on Friday nights and Saturday
12 nights and moved to Saturday nights, gave up
13 the Friday nights. I don't know at this point
14 what we will do. I would assume we will
15 probably keep the music indoors on Saturday
16 nights and decide whether we will do that with
17 the summer months outside.

18 TRUSTEE CHIARA: When booking a big party,
19 would you use all three of the buildings to
20 service that party?

21 ANNE MOYNAGH: No. If it was a private
22 party, such as a bridal shower or baby shower,
23 that will be in the party room itself, not the
24 regular dining room area.

25 TRUSTEE CHIARA: That's all I have.

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1 MAYOR FITZGERALD: To clarify something
2 you said that in the summer months, you will
3 move the music to the outside. You mean the
4 conservatory, not physically outside of any of
5 the buildings, right.

6 ANNE MOYNAGH: We haven't really made a
7 decision on that yet because it doesn't really
8 exist yet.

9 MAYOR FITZGERALD: For the record, is it
10 your desire to have live music?

11 ANNE MOYNAGH: I don't really know, to be
12 honest. I would love the live music but
13 Friday, we use to do Friday and Saturday nights
14 for 10 years. Friday nights kind of died and
15 Saturday nights were going well. We have to
16 look at that going forward.

17 MAYOR FITZGERALD: Okay. Trustee Stewart.

18 TRUSTEE STEWART: Hi. How are you? The
19 roof and the windows are shown on the drawing,
20 I believe to be retractable. Am I reading that
21 correctly?

22 MARIO VERGARA: You maybe have the wrong
23 set of drawings.

24 TRUSTEE STEWART: It is very possible.

25 MARIO VERGARA: The ones we submitted

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1 include that, but the energy code will prevent
2 that from happening, what I just submitted to
3 you.

4 TRUSTEE STEWART: They're all stationary?

5 MARIO VERGARA: It is a hard roof. The
6 sky lights will be intended to be operable.
7 Six sky lights about 30 inches by 48 that you
8 see on the right side of the elevation. Those
9 sky lights would be intended to be operable so
10 they can open up.

11 TRUSTEE STEWART: What do you mean by
12 operable? Do you mean up and down or
13 retractable?

14 MARIO VERGARA: They just usually hinge.

15 TRUSTEE STEWART: So, it hinges up?

16 MARIO VERGARA: Yes.

17 TRUSTEE STEWART: Is that the same for the
18 windows along the elevation of the building?

19 MARIO VERGARA: So, the windows along the
20 elevation facing the village square, the
21 windows facing Verbena, are intended to be
22 accordion-type windows that fold open so that
23 the entire length of that wall that's indicated
24 on the drawing will be open.

25 TRUSTEE STEWART: In order to use the

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1 conservatory, would you expect you need to hire
2 additional staff members?

3 ANNE MOYNAGH: Probably yes. Right now,
4 we have about 12 employees and we work
5 different shifts and I'm there everyday usually
6 helping out. We have to see how business
7 progresses and how we do and decide from there
8 if I need to hire.

9 TRUSTEE STEWART: Is there a plan to put a
10 bar in the conservatory area?

11 ANNE MOYNAGH: No.

12 TRUSTEE STEWART: Okay. What about the
13 expectation of additional garbage based on the
14 increased capacity on the outside of the
15 conservatory?

16 JOHN MOYNAGH: There will be an increase.
17 Not a lot. We have a garbage room built and it
18 is not near to full capacity.

19 TRUSTEE STEWART: So you currently have a
20 garbage room built?

21 JOHN MOYNAGH: Yes.

22 TRUSTEE STEWART: That's where?

23 JOHN MOYNAGH: It's at the back of the
24 existing kitchen.

25 TRUSTEE STEWART: Sort of by the alley

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1 side?

2 JOHN MOYNAGH: Yes.

3 TRUSTEE STEWART: Is that village or
4 private sanitation?

5 JOHN MOYNAGH: No, village.

6 MARIO VERGARA: If you refer to drawing
7 T-1 and look at the rear of what is now Swing
8 The Tea Pot, there's two bathrooms and to the
9 back of that is a space.

10 TRUSTEE STEWART: So, you feel that's
11 going to be sufficient for the addition?

12 JOHN MOYNAGH: Yes.

13 TRUSTEE STEWART: Prior to the
14 construction and prior to the tents -- the
15 pandemic, I guess, that area, outside area was
16 used for employee parking; was it not?

17 JOHN MOYNAGH: Yes. It was never my
18 property. So when we took over the property,
19 it was an empty lot and I parked my van there.
20 But there's no employees. It was very rarely
21 used.

22 TRUSTEE STEWART: How many merchant
23 parking permits do you currently have?

24 JOHN MOYNAGH: We have three.

25 TRUSTEE STEWART: Do you feel it is

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1 sufficient for the staff?

2 JOHN MOYNAGH: Right now, we only have
3 three cars and the rest of the employees live
4 in Floral Park. Anne is one. I ride a bicycle
5 personally.

6 TRUSTEE STEWART: You're the guy.

7 JOHN MOYNAGH: I commute. The chef and
8 one of the waitresses, they have the permits,
9 yes.

10 TRUSTEE STEWART: I think I'm good. Thank
11 you.

12 MAYOR FITZGERALD: Will there be any valet
13 parking? The concern we have in the Village is
14 that that street is the route out for the
15 police and fire.

16 JOHN MOYNAGH: No, we don't anticipate.

17 MAYOR FITZGERALD: No valet?

18 JOHN MOYNAGH: No.

19 MAYOR FITZGERALD: Good.

20 TRUSTEE POMBONYO: Are you planning to
21 keep Swing The Tea Pot the same decor?

22 JOHN MOYNAGH: Yes, an extension of what
23 we got. The decor will be again,
24 Mrs. Moynagh's, but I do not know how to
25 decorate.

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1 TRUSTEE POMBONYO: The conservatory, what
2 are you doing as far as decor?

3 ANNE MOYNAGH: Actually, probably quite
4 plain because the fact that there will be so
5 much window space and sky lights, I think I
6 will keep it table and chairs and very plain.
7 Some plants, but I can't -- we haven't really
8 put up all my paintings and pots with glass.

9 TRUSTEE POMBONYO: Thank you.

10 MAYOR FITZGERALD: Is there any signage
11 going to be added to any one of the three
12 buildings? If so, just to note, we have to
13 know before the ARB.

14 JOHN MOYNAGH: We intend to, over the
15 conservatory wall facing, I intend to put a
16 sign up there with Swing The Tea Pot.

17 MAYOR FITZGERALD: That has to go before
18 the ARB.

19 JOHN MOYNAGH: Yes. We haven't got there
20 yet.

21 MAYOR FITZGERALD: If you don't mind
22 taking a seat and I will open the floor up for
23 questions.

24 Is there anyone in the Village Hall that
25 would like to speak on this application? Give

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1 your name and address for the Stenographer.

2 JOHN MIZER: John Mizer, 127 Cisney
3 Avenue, Floral Park.

4 (Whereupon, John Mizer was sworn in.)

5 JOHN MIZER: I was a resident of Bayside
6 my whole life until three years ago. I moved
7 to Floral Park and I would say in this small
8 town, many of the things that I heard tonight
9 are part of the reason we came here. But there
10 also was something about going to Swing The Tea
11 Pot that was a huge attraction for me and my
12 wife. We made friends and Shane and Anne are
13 a -- run a top class business in such an
14 informal way that you feel comfortable. I
15 can't help but to look forward to the
16 conservatory because that will expand the, what
17 is a great experience for us and I also hope
18 the party room will be in full approval so that
19 we can have grandchildren's birthday parties
20 and things of that nature there.

21 I encourage the Board to, in this time
22 what they had to go through with the Pandemic,
23 it had to be so difficult and many of the
24 businesses we've seen all over Nassau County,
25 many, many restaurants closing and so on. They

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1 did everything they could to stay open. We, as
2 patrons, appreciated it and appreciate them. I
3 appreciate your time on this. Thank you.

4 MAYOR FITZGERALD: Thank you. A belated
5 welcome to Floral Park, sir.

6 (Whereupon, Steven Gribbin was sworn in.)

7 STEVEN GRIBBIN: Steven Gribbin, 45 East
8 Cherry Street, Floral Park. Hi. Good evening
9 everybody. I wanted to speak for a moment
10 about the request to keep the party room, to be
11 able to be used as part of the dining room and
12 extension of that. I think I heard you say,
13 Mr. Cheng, that April 30 was the date when
14 that -- they were originally given the right to
15 do that.

16 TRUSTEE CHENG: To use it up by that date.

17 STEVEN GRIBBIN: That permission was
18 given, did you say, in November of 2020?

19 TRUSTEE CHENG: I don't have the exact
20 date.

21 MS. MARCUS: Approximately.

22 STEVEN GRIBBIN: And you had said, well,
23 that was not an arbitrary date, it was a firm
24 date and that date has passed.

25 TRUSTEE CHENG: Correct.

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1 STEVEN GRIBBIN: We have all gone through
2 the pandemic. One thing that keeps happening
3 is when it first happened, we thought, hey, we
4 have to be home for a week or two and then we
5 will be back to business. But as time has gone
6 on, we keep finding out more and more about the
7 disease, more and more people getting sick and
8 then come September or October when things like
9 they were getting better, suddenly things
10 started getting worse again. So, when we got
11 through the winter months, things were getting
12 worse and worse and worse. Things didn't get
13 better come April 30.

14 The Moynagh's run two businesses in this
15 town that are gems, Tulip Bake Shop and Swing
16 The Tea Pot. Swing The Tea Pot, as we heard
17 tonight, a total amount of seating of 40 seats
18 and the Governor states now you can be at full
19 capacity with your seating. However, you're at
20 full capacity as long as you can still keep six
21 feet between tables. So in reality, for most
22 small restaurants, you're not at 100 capacity.
23 You might be at 50 percent.

24 JOHN MOYNAGH: Twenty people.

25 STEVEN GRIBBIN: He can swing 20 people at

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1 Swing The Tea Pot, the original dining room.
2 The village should be doing everything in their
3 power to help the small businesses that provide
4 great dining experience to Floral Park
5 residents, who provide residents, who provide
6 jobs. We should be doing everything to help
7 the small businesses and not say, we said
8 April 30th, it is April 30th. He still can
9 only feed 20 people in this restaurant. I go
10 to the back of Associated where Jameson's is
11 and Uptown Taco and they erected concrete
12 barriers so that those places can have outdoor
13 seating and that's great.

14 I applaud the Village for doing that
15 because we are saying, hey, you have limited
16 eating inside and people want to sit outside.
17 Let's give up some sparking spots and let you
18 guys run your business. I think that is great.
19 I applaud the Village for that. Shane is not
20 looking to take up any space outside or take
21 anybody elses parking spaces. He's saying this
22 place that I already have, I can only fit 20
23 people in my restaurant right now. I want 40
24 or 50, feed 40 or 50.

25 I think it would be unconscionable if we

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1 did not allow them to keep the extension going
2 until the pandemic is over. Thank you.

3 MAYOR FITZGERALD: Thank you, sir. Anyone
4 else here in Village Hall?

5 KAREN BONVICIN-GAROFALO: Karen
6 Bonvicin-Garofalo,
7 B-O-N-V-I-C-I-N-G-A-R-O-F-A-L-O, 37 East Cherry
8 Street, Floral Park. Good evening all. I had
9 jot down some notes. I work the overnight
10 shift. I wanted to come in and do this. As a
11 tax paying resident of Floral Park, I feel
12 entitled to my opinion.

13 We have been a customer of Swing The Tea
14 Pot for numerous years. The fact that they are
15 interested in expanding should be not stifled
16 as it is good for them and the Village. It was
17 always stated, even in The Gateway, New Hyde
18 Park News, village website, to support our
19 local restaurants, organizations, et cetera.
20 This is what we have done as a community. Even
21 with the pandemic looming around us, Swing The
22 Tea Pot was open, taking care of all their
23 customers. The Village should not be denied
24 growth to a thriving business, denying
25 expansion to this business is diminishing our

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1 community and once it is diminished, it will
2 never come back.

3 Finally, I would like to say there are
4 many things subject to interpretation. If this
5 is the problem, I ask for full transparency and
6 keep in mind that if the Masonic Temple,
7 Centennial Hall was privately owned, it would
8 not be the eyesore standing as it is today.
9 Thank you.

10 MAYOR FITZGERALD: Thank you. Just for
11 the record, Centennial Hall is privately owned
12 now. We sold it about two years ago.

13 KAREN BONVICIN-GAROFALO: It is looking
14 the way it looks right when you come into the
15 Village. We're not talking about that. I
16 wanted to make that statement. Thank you.

17 MAYOR FITZGERALD: Understood. You're
18 welcome.

19 ED DOTSON: Ed Dotson, 233 Laurel Avenue.
20 The reference side of the tracks. I just
21 wanted to speak on behalf of the Moynagh's
22 here. I have two questions. They have been
23 successful. Anything Shane touches is gold, as
24 we all see it Tulip Bakery we got to try and
25 the whoopee pies are fantastic. You got to

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1 give that.

2 So anyways, they've done well as a
3 community and for us. The community loves and
4 surrounds -- being around their establishment.
5 I appreciate the bander and the recourse coming
6 back and forth. That's what makes communities
7 great. I don't know where the begrudging is
8 coming from, some speaking and terms come from
9 the dais here, if you will. I hope it is not
10 from other businesses that are begrudging him
11 to be successful, that he has been doing it.
12 He's trying to enlarge his place. I just, you
13 know, don't want hard feelings, being hurt.

14 Shane put a lot of effort into this town
15 and employed a lot of young students and those
16 going into college and coming back every summer
17 working. You can see that it is nice to have
18 them in town. Their heart is in the right
19 place here. Let's make this happen for him and
20 cut through the you know what. Okay. Thank
21 you.

22 MAYOR FITZGERALD: Two for Tuesday.

23 (Whereupon, Mark Cocanelli was sworn in.)

24 MARK COCANELLI: Mark Cocanelli, 327
25 Carnation Avenue. I wanted to say thank you.

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1 I can't really believe we're having this
2 conversation because we're all neighbors.

3 They're a great family and run a great
4 business. They're four tax write-offs here,
5 three buildings and a home. Shane had a dream
6 and he chose to have a dream here. I, for one,
7 and many others are fortunate he did. Swing
8 The Tea Pot is different in it's been special.
9 He never had a television in there. It wasn't
10 about going to watch a sports game. They seem
11 to be creative towards some things artistic. I
12 have been there so many times with many people
13 in this room. I enjoyed it. I have my mother
14 from Queens Village that I take there. It is a
15 great place, great story.

16 I would like if it worked out. It can be
17 worked out. These people can continue to have
18 this dream here where I believe it belongs.

19 Thank you.

20 (Whereupon, Helene Walsh was sworn in.)

21 HELENE WALSH: Helene Walsh, 143 Tulip
22 Avenue, Floral Park. I'm an employee of Shane
23 and Anne Moynagh. I work from across the
24 street. I walk to work.

25 First of all, I would like to say it is my

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1 daughter who moved from Ireland to here she was
2 18. Shane and Anne were willing to take her
3 under their wing and give her a job. Now I
4 came to back to America in September and also
5 they gave me a job in the tea pot.

6 Now, I have to say I'm very fearful for my
7 job right now because I feel if that room will
8 not stay open that I maybe out of a job. So
9 for that reason, I do beg you to keep that room
10 open, otherwise, I may have to go on
11 unemployment or return back to Ireland and I
12 love it here. I do want to stay here. That's
13 it. Thank you.

14 MAYOR FITZGERALD: Thank you, Miss Walsh.

15 (Whereupon, Elaine Lacarrie was sworn in.)

16 ELAINE LACARRIE: Elaine Lacarrie, 290
17 Plainfield Avenue. I just want to speak in
18 support of Swing The Tea Pot and their owners.
19 The reason for that, I don't want any zoning
20 laws broken. If there's any misunderstanding,
21 I would ask that that be worked out amicably
22 because I will tell you that they're very, very
23 supportive of every organization within this
24 village and this is part of the reason why I
25 moved to Floral Park. I want to be next to

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1 people like that. I want to be able to go to
2 places like that. So, if there is a
3 misunderstanding, I beg the Board to please
4 work it out with these people. That's it.

5 (Whereupon, Heather McClintock was sworn)

6 HEATHER MCCLINTOCK: Heather McClintock,
7 40 Floral Boulevard, Floral Park, New York
8 11001. Good evening. I just wanted to take a
9 moment to express to you my appreciation of
10 Swing The Tea Pot and I would like to speak in
11 favor of their application here this evening.

12 I'm a small business owner in Floral Park.
13 My office is located at 15 Verbena Avenue,
14 Suite 220B, Floral Park, New York 11001. I'm a
15 financial planner and the essence of my
16 business is trust in the relationship that I
17 have with my clients. Many, many times,
18 because my office is located across the street
19 from Floral Park, I bring, not only my clients,
20 but prospective clients into Swing The Tea Pot
21 for a meal. I just want you to understand that
22 when I bring my clients and most especially
23 prospective clients into Swing The Tea Pot, I
24 do so with the confidence they will be treated
25 like family when they walk in there and they

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1 see the hard work he thick in Swing The Tea Pot
2 and treated like family. I feel it is almost
3 an extension of me because I bring them there.

4 For those reasons, as a small business
5 owner, there are many establishments that I can
6 say the same thing about, but the proximity
7 across the street and the reasons I know I can
8 trust when I bring them that they will be
9 treated with respect and kindness and almost
10 like family to me, the confidence to bring even
11 prospective clients in there is why I am a
12 repeat customer in Swing The Tea Pot and
13 appreciate and applaud the hard work they put
14 into the day-to-day and the fact they expand.
15 That, to me, increases the value of our
16 Village. Towns like Garden City and New Hyde
17 Park and Stewart Manor, I'd bring them there.
18 How did I not know about this? It is like a
19 hidden gem in the town. When they leave, they
20 bring their friends and have a bigger
21 opportunity to celebrate.

22 So, I wanted to speak in favor of their
23 application. I appreciate you hearing me
24 tonight. Thank you.

25 MAYOR FITZGERALD: Thank you.

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1 (Whereupon, Dennis Deborger was sworn.)

2 DENNIS DEBORGER: Dennis Deborger,
3 D-E-B-O-R-G-E-R, 220 Carnation Avenue, Floral
4 Park. I didn't know if I was going to come up
5 and speak or not. This maybe a little
6 emotional. I'm here for Anne and Shane,
7 fixtures of Floral Park. Most of you know who
8 I am. I am speaking here in for my wife who
9 physically cannot be here tonight.

10 During the pandemic last year, she would
11 not leave the house too much because she was
12 afraid. She had cancer years ago and in that
13 percentage, if she caught Covid, it might
14 affect one way or the other and she stayed at
15 home as humanly possible. After a few months,
16 I said, Joan, we have to go somewhere. The
17 only place in town she would attend would be
18 Swing The Tea Pot. We went there. And the
19 reason I say this is because the cleanliness of
20 the restaurant is the only restaurant that she
21 would trust.

22 Now, besides that funny story, but my
23 daughter, Mary, we have three girls, one boy.
24 Our youngest daughter, Mary, was scheduled to
25 be married October 31st at a vineyard on the

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1 North Fork of Long Island. They were closed,
2 couldn't attend. The couple had a choice to --
3 had a choice to get married or wait for the
4 vineyard to open. They said married first.
5 Where did they get married? Thirty strong
6 people were married at Swing The Tea Pot. Our
7 Commissioner over there was nice enough to
8 close down Tulip Avenue for all of 25 to 30
9 minutes where we can walk out of Our lady of
10 Victory, in Halloween attire, down Tulip
11 Avenue, with the bagpipers leading us --

12 COMMISSIONER MCCALLISTER: Never happened.

13 DENNIS DEBORGER -- with my wife and I in
14 costumes going down, following everybody,
15 looking around, people clapping. We're like
16 you got to be kidding me, for all 30 of us. We
17 got down to Verbena, made a left, went to the
18 outside portion of the Tea Pot where the
19 bagpipers then played the ARP services five
20 salutes or five anthems where we all stood in
21 honor for being in Floral Park where we were.
22 It was like a sight to see. We had a baton.
23 My wife right now would kill me for saying this
24 because right now, she has third stage cancer
25 and anything I can -- didn't think I can do

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1 this, but I did this for her and for them.

2 Floral Park is Swing The Tea Pot and Swing

3 The Tea Pot is Floral Park. Thank you.

4 (Whereupon, Evan Peet was sworn in.)

5 EVAN PEET: Evan Peet, P-E-E-T. My

6 address 8240 255th Street, Floral Park.

7 As I said, my name is Evan Peet, Pastor of
8 Bridge Community Church on Harvard Street and
9 President of the Chamber of Commerce. I'm here
10 tonight representing a number of businesses
11 that exist in the area.

12 Shane and Anne, you know Shane gets a lot
13 of the mention but it's Anne that runs the
14 place. They have been members for over a
15 decade for the Chamber of Commerce and I
16 believe that this represents a bigger issue and
17 that is that we appreciate, a great
18 relationship with the Village. As a
19 representative of the business community and we
20 believe that, we, the business community, is
21 this area will continue to grow. We have a
22 number of strong restaurants on Tulip Avenue.
23 We have a great number of residents in this
24 community and see them all expand. We hope the
25 village will support there, you know, making an

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1 effort to be able to grow the business and I
2 hope all the restaurants will be able to expand
3 and grow so we can be more and more successful,
4 that people come from all Long Island and eat
5 in Floral Park. They know the quality of the
6 restaurants, like the diner, like Harrison,
7 like a number of the restaurants in the
8 community will be strong and so our request is
9 that you support their application and their
10 ability to continue to use the other side of
11 the restaurant. Thank you.

12 (Whereupon, Leonard Mangano was sworn.)

13 LEONARD MANGANO: Leonard Mangano,
14 M-A-N-G-A-N-O, 247-258 Ninth Avenue, Bellerose,
15 on the Queens side. Thank you. Good evening
16 to the Board.

17 I would like to say that when we moved to
18 the neighborhood for a while being here, my
19 wife and I were looking for a place to possibly
20 listen to some music, enjoy a meal and at that
21 point, we discovered Swing The Tea Pot. That's
22 not just a benefit to Swing The Tea Pot. When
23 I discovered them, I discovered your framing
24 store, which is not there anymore. I spent
25 money there. I discovered your screen and

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1 shade store and I've given them business. I
2 use the sweet shop. I used the bakery and
3 since I am here so often going to these places,
4 I frequently shop at the village market. So,
5 the attraction he gives, and I mention his
6 place to my friends and anybody that is in the
7 area that might be interested, they come here
8 too and then they end up spending money and
9 contributing to the economy in Floral Park. I
10 wanted to say there's more of a benefit than
11 just to him. People come here, experience
12 establishments and then they use other
13 establishments and contribute to the community.

14 MAYOR FITZGERALD: Thank you. Thank you
15 for your comments.

16 (Whereupon, Anne Groshants was sworn in.)

17 ANNE GROSHANTS: Anne Groshants, 22 Pansy
18 Avenue, Floral Park. G-R-O-S-H-A-N-T-S. I'm
19 not a public speaker. I have to say first of
20 all, the Board and the Members, I love and
21 respect you all. You do a heck of a job and to
22 Steve over there, great man. A great, great
23 man.

24 But I am here to talk about Anne and
25 Shane. They're wonderful people. The only

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1 problem I have is that before Shane moved in
2 and opened a bakery, I was a size 2 and while
3 I'm not a public speaker, they know how much I
4 speak in private. My exercise pals and I will
5 go there all the time and everybody laughs at
6 us because they say, you are going to exercise
7 and then you go to Swing The Tea Pot? I go.
8 That's exactly what we do.

9 I hope that you listen to this application
10 and their application because they're wonderful
11 people. I don't think people realize how much
12 they do for the community. They love the
13 police department. They love their customers.
14 They love living in this Village. They
15 absolutely love it. They're wonderful people
16 and the only thing they try to do is, Anne
17 works very, very hard. When I talk to her, I
18 said, I will speak to the boss and see if I can
19 get you a raise and then he tells me that she
20 is the boss.

21 But I hope, you know, get their
22 application going for them. They're wonderful
23 to have in the Village. Thank you.

24 MAYOR FITZGERALD: Okay. Good to see you.

25 (Whereupon, Susan Cooper was sworn in.)

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1 SUSAN COOPER: Susan Cooper, 15 Mayfair
2 Avenue. Full disclosure. My daughter has the
3 great fortune of being a bus girl at Swing The
4 Tea Pot. We have been customers for a very
5 long time.

6 So, I wanted to address the issue with
7 that door, the party room versus the regular, I
8 can't remember what you called it, original
9 dining room. So during the pandemic, for many
10 of us who were essential workers, we were asked
11 to do crazy, crazy things, to adapt. Myself
12 used the same N95 mask over and over. I
13 regularly went to Swing The Tea Pot for takeout
14 and when they had the outdoors open, it was
15 really a refuge for many of us who were doing
16 really the unthinkable all day long.

17 I think that it's really a tiny detail to
18 focus on this April 30, whether or not they
19 stopped using that room because the truth is,
20 it does allow customers to be spread out and I
21 hope that the worst of the pandemic is behind
22 us. I think we still need to be taking
23 precautions.

24 So, I am hoping that the Board could look
25 past that issue because I personally think that

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1 Anne and Shane did absolutely the right thing
2 in protecting customers and keeping their
3 business open and I really want to thank Swing
4 The Tea Pot, all of the essential workers
5 there, the waitresses, kitchen staff. I think
6 it is a very unusual way to support essential
7 workers by trying to nitpick on details like
8 this. Thank you.

9 (Whereupon, Tom Gorham was sworn in.)

10 TOM GORHAM: Tom Gorham, G-O-R-H-A-M, 167
11 Crocus Avenue. Good evening. So much as what
12 I wanted to say with regards to this has been
13 said already. So, I will be brief.

14 I just want to offer my personal testimony
15 as to being long time customer of Swing The Tea
16 Pot, to speak to their desire to comply with
17 all the craziness that has been placed upon
18 businesses over the last year or so. I will
19 say over the course of the pandemic, my wife
20 and I probably went to the Tea Pot at least a
21 dozen times and during those times, we observed
22 full compliance with capacity limits, with the
23 governor saying you needed to order food, to
24 drink alcohol that was strangely adhered to.
25 Social distancing was always observed,

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1 cleanliness, everything you can imagine was
2 being done to the letter of the law, as far as
3 I knew. I felt very confident there as a
4 consumer, as a diner. I felt very safe there
5 and I was very happy to have them available to
6 us during that time.

7 The only point I would like to reiterate
8 that has been made is that in times like this,
9 with so many businesses failing because of the
10 pandemic, I think it's our obligation to boost
11 our businesses like this that are successful
12 and have a plan and ambition issues, realistic
13 plans to succeed, to continue to be a solid
14 business for the town and people of the town to
15 enjoy for the rest to come.

16 I would first like to say that I support
17 the expansion effort and yeah, I hope to see
18 the Tea Pot and institution in Floral Park for
19 a long time to come.

20 MAYOR FITZGERALD: Thank you.

21 MICHAEL REINHARDT: Michael Reinhardt,
22 R-E-I-N-H-A-R-D-T, 46 Webster Street, here in
23 Floral Park.

24 MAYOR FITZGERALD: Good evening.

25 MICHAEL REINHARDT: Good evening. I want

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1 to say thank you to on two points. First, for
2 the Board, and also to my friends at Swing The
3 Tea Pot, basically for the action that you did
4 last year for allowing the outdoor dining
5 within Floral Park. We're here in Nassau
6 County. It is very easy for us to take a look
7 to see what happened in Queens. I have a
8 cousin who works in a restaurant and they
9 basically were shut down for just so long and
10 it was hard for him and, you know, being and to
11 support his staff. So seeing what we had here
12 in Floral Park was something that was really
13 special.

14 A second big thank you is, I have -- I'm a
15 dad of three young kids. I got a text to say
16 that they are all asleep so that's really good.
17 I'm thankful for that. My three kids at the
18 time, twin five year old and a nine year old,
19 they just love the outdoor dining experience at
20 Swing The Tea Pot. It was something that was
21 really special to be able to see a sense of
22 normalcy. To see people outside, enjoying
23 terrific food and it was something when I look
24 at the pictures they took from last year.
25 These were some really happy moments of kids

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1 smiling outside. So, I want to say thank you
2 and have a good night. Thank you.

3 MAYOR FITZGERALD: Anyone else in the
4 Village? Anyone on zoom have any questions or
5 comments about this application? No. Do you
6 want to come back up with any final comments
7 you would like to make Shane, Anne or
8 Mr. Vergara?

9 ANNE MOYNAGH: Well, I'm a little
10 emotional after all of that. I want to thank
11 the Board and I want to thank everyone here
12 tonight for the beautiful sentiments.

13 Just to say that we are so proud of our
14 business. We don't try to do the wrong thing.
15 We try to do the right thing. I just ask that
16 you see that and give us the right to go on and
17 move on and grow. Thank you.

18 MAYOR FITZGERALD: Any further questions
19 from any Members of the Board? Seeing none,
20 just one or two last comments.

21 This Board has, for a long time as the
22 pandemic evolved, have standard those dates
23 many times for the restaurants and worked
24 hand-in-hand with the local businesses and I
25 know every Board meeting, Deputy Mayor Pombonyo

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1 spoke about supporting local businesses. It is
2 very important. To my knowledge, I think every
3 business that has been relatively successful
4 through this and just like any other
5 application that comes before us, if there are
6 restrictions put on, we, the expectation is
7 that they're adhered to, whether it is a
8 restaurant or a home or another business.
9 That's the expectation. We take an oath of
10 office. That's what we swear to do is uphold
11 the laws and ordinances of the Village.

12 So, with that said, if I can ask for a
13 motion to close the public hearing and reserve
14 decision.

15 TRUSTEE POMBONYO: Thank you all for
16 coming out and participating tonight so
17 enthusiastically. So moved.

18 TRUSTEE CHENG: Second.

19 MAYOR FITZGERALD: Miss Walsh, would you
20 kindly poll the Board.

21 MS. WALSH: Trustee Pombonyo?

22 TRUSTEE POMBONYO: Aye.

23 MS. WALSH: Trustee Cheng?

24 TRUSTEE CHENG: Aye.

25 MS. WALSH: Trustee Chiara?

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1 TRUSTEE CHIARA: Aye.

2 MS. WALSH: Trustee Stewart?

3 TRUSTEE STEWART: Aye.

4 MS. WALSH: And Mayor Fitzgerald?

5 MAYOR FITZGERALD: Aye. I'd like, along
6 with Deputy Mayor Pombonyo and the Board, to
7 thank you all for coming out this evening. We
8 appreciate all your comments and concerns and
9 taking the time on what's been a long night.
10 So, thank you.

11

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13 Certified to be a true and

14 accurate transcript of the proceedings.

15

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CATHERINE P. MURPHY
Court Reporter

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