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M I N U T E S
OF THE MEETING
OF THE
PUBLIC HEARING
INCORPORATED VILLAGE OF FLORAL PARK
July 19, 2022
8:00 p.m.

P R E S E N T:

- | | |
|------------------------|----------------------|
| KEVIN M. FITZGERALD, | MAYOR |
| DR. LYNN POMBONYO, | DEPUTY MAYOR/TRUSTEE |
| FRANK J. CHIARA, | TRUSTEE |
| JENNIFER STEWART, | TRUSTEE |
| MICHAEL F. LONGOBARDI, | TRUSTEE |

ALSO PRESENT:

- JOHN RYAN, ESQ. Village Attorney
GERARD M. BAMBRICK, Village Administrator
SUSAN E. WALSH, Village Clerk
RENEE MARCUS, Superintendent of Buildings
STEPHEN MCALLISTER, Police Commissioner
KEVIN GINNANE, Superintendent Public Works

Catherine P. Murphy
Court Reporter

- 7/19/2022 - TRUSTEES - BJD CORP. JOHN MOYNAGH -
6-8 VERBENA AVENUE -

1 MAYOR FITZGERALD: Good evening. Welcome
2 to our July board meeting. I ask everyone to
3 stand for the Pledge of Allegiance.

4 (Pledge of Allegiance said.)

5 MAYOR FITZGERALD: Good evening and
6 welcome to our only Board meeting for July.
7 Tonight, we have a public hearing for special
8 use permit and then we'll have our agenda,
9 followed by board reports and open the floor up
10 for questions, comments and concerns by
11 residents or on Zoom or in Village Hall.

12 With that, we'll start with the public
13 hearing for the application of BJD Corp, John
14 Moynagh, Swing The Tea Pot, to modify a special
15 use permit, resolution 2020-25 for a party room
16 so as to allow a full restaurant use in a B-1
17 District.

18 If I can ask Miss Walsh to read the public
19 notice.

20 MS. WALSH: Thank you, Mayor Fitzgerald.
21 Legal Notice. Notice of Special Use Public
22 Hearing, Incorporated Village of Floral Park,
23 New York.

24 Notice is hereby Given that the Board of
25 Trustees of the Incorporated Village of Floral

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1 Park will hold a Public Hearing at Village
2 Hall, One Floral Boulevard, Floral Park, New
3 York on Tuesday, July 19, 2022 at 8:00 p.m. in
4 relation to the following application:

5 The application of BJD Corp, John Moynagh,
6 owner of Swing the Teapot, located 6-8 Verbena
7 Avenue, Floral Park, New York is made in
8 accordance with Article III, Section 99-10B(1)
9 of the Zoning Ordinance of the Incorporated
10 Village of Floral Park New York, to modify
11 Special Use Permit Resolution number 2020-25,
12 for a party room so as to allow a full
13 restaurant use in a B-1 District, the use may
14 only be authorized as a special use after a
15 public hearing.

16 The structure for which said Special
17 Permit is applied is situated on the west side
18 of Verbena Avenue, 46 feet south of Tulip
19 Avenue and known as Section 32, Block 123 and
20 Lots 20, 21 and 126 on the Nassau County Lane
21 and Tax Map.

22 A copy of the application is on file in
23 the Office of the Village Clerk, One Floral
24 Boulevard, Floral Park, New York and may be
25 examined by any persons interested therein

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1 during business hours Monday through Friday
2 inclusive except legal holidays, from 8:30 a.m.
3 to 4:30 p.m.

4 Now Take Notice that all parties in
5 interest and citizens will be given the
6 opportunity to be heard at the aforesaid time
7 and place.

8 By Order of the Board of Trustees
9 Incorporated Village of Floral Park, New York,
10 Susan E. Walsh, Village Clerk, dated July 1,
11 2022.

12 And the Legal Notice has been published in
13 the official paper of the Incorporated Village
14 of Floral Park, New York and posted according
15 to law and was sent to the Nassau County
16 Planning Commission.

17 And pursuant to section 239-L&M of the
18 General Municipal Law determined to defer to
19 the Village to take action as deemed
20 appropriate.

21 MAYOR FITZGERALD: Thank you, Miss Walsh.
22 I would like to place on the record the
23 applicant has previously filed an affidavit of
24 service indicating that all neighbors within a
25 200 foot radius of the dwelling have been

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1 served with notice.

2 I also would like to announce the Board
3 had previously adopted a resolution determining
4 that the application does not have a
5 significant impact on the environment as
6 defined by SEQRA. Thank you.

7 So, if the applicant would like to give us
8 the proposed use, as best you can, with full
9 details we can go through this one as to
10 exactly what the request is.

11 (Whereupon, Mario Vergara was sworn in.)

12 MARIO VERGARA: Mario Vergara,
13 V-E-R-G-A-R-A, 200 Jericho Turnpike, Floral
14 Park. Good evening.

15 Just a quick summary as to how we arrived
16 at this juncture. If you refer to drawing A1,
17 the first floor plan, you will note that the
18 building is appraised of three sections. The
19 middle section represents the original Swing
20 The Tea Pot Restaurant. The section represents
21 the party room. It was first approved as a
22 stand-alone use by this Board, as well as the
23 various board relief for off street parking.
24 The right section represents the proposed one
25 story addition. It is used -- was approved by

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1 this Board and a variance for the requirements
2 as well. Full basement for storage with the
3 right section having a prep kitchen as well.

4 The individual, three individual tax lots
5 merged into one. When completed, the building
6 will be fully sprinklered and have a monitor,
7 central station fire alarm system.

8 On October, 2021, an application was made
9 to the variance board to modify the parking
10 granted to allow the party room to be utilized
11 as a full time restaurant. This variance was
12 granted, which brings us to the application now
13 in front of the Board of a special use permit
14 to modify the use of the party room as a full
15 time restaurant.

16 The reason for this request is a simple
17 one. That is flexibility, flexibility to use
18 the party room when not occupied with a private
19 party for overflow for customers. The hours of
20 operation are 8:00 a.m. to 4:00 p.m. Monday,
21 Tuesday, Wednesday; 8:00 a.m. to 1:00 a.m.
22 Thursday, Friday and Saturday; 8:00 a.m. to
23 9:00 p.m. Sunday.

24 Swing The Tea Pot doesn't avail themselves
25 to Uber Eats or any other takeout ordering app.

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1 98 percent of the customers are dine-in with an
2 occasional takeout order which is served from
3 the bar area.

4 There is no anticipated use issues with
5 trash as the existing trash room is at 50
6 percent capacity. Live music will continue on
7 as usual, Friday and Saturday.

8 I'll be happy to answer any questions you
9 may have.

10 MAYOR FITZGERALD: Thank you. Thank you
11 Shane for coming in. Just a couple of
12 questions to follow up on the last item. You
13 mention live music, that will be indoor only?

14 MARIO VERGARA: Indoor only.

15 MAYOR FITZGERALD: Thank you. How many,
16 if any, additional employees will be required
17 for having the restaurant versus party room?

18 MARIO VERGARA: I will ask Mr. Moyna to
19 step up.

20 MAYOR FITZGERALD: You don't have to step
21 up if you don't want to. You have to be sworn
22 in.

23 MARIO VERGARA: He can step up.

24 (Whereupon, John Moyna was sworn in.)

25 JOHN MOYNA: John Moyna, 33 East Cherry

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1 Street, Floral Park, New York. I do anticipate
2 probably about four employees.

3 MAYOR FITZGERALD: Where would they park
4 or do they not come with cars?

5 JOHN MOYNA: Well, right now, I have about
6 80 percent of them that live locally. The new
7 one, I don't know. I have the chef and my
8 wife, we have, I think two of the parking
9 permits. Everybody else comes, lives locally
10 and there might be one more employee. If
11 that's the case, we will get -- we have the
12 permits that we have, two parking, the employee
13 parking permits. We have two of them as it is
14 for the chef and Anne.

15 MAYOR FITZGERALD: Do you anticipate
16 having any additional deliveries?

17 JOHN MOYNA: No. All deliveries come
18 right now and go down the back of the
19 restaurant. We have an entrance down there and
20 all deliveries, we don't deliver on Verbena
21 anymore.

22 MAYOR FITZGERALD: Okay. Thank you. I
23 will turn it over to my colleagues on the Board
24 and start with Deputy Mayor, Dr. Lynn Pombonyo.

25 TRUSTEE POMBONYO: Good evening. Thank

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1 you for coming in. Just a question about the
2 party room becoming a restaurant.

3 Have all of the architectural, structural
4 other kinds of requirements been satisfied for
5 that new room function, both the party room and
6 restaurant?

7 MARIO VERGARA: Only addition is part of
8 this alteration permit issued was the inclusion
9 of a ramp, handicap ramp, from the Swing The
10 Tea Pot restaurant into the party room because
11 the change in elevation is such it required it.

12 TRUSTEE POMBONYO: Is that completed or
13 still --

14 MARIO VERGARA: We received a permit
15 recently. It will be part of the alterations.

16 TRUSTEE POMBONYO: Nothing else then has
17 to be done?

18 MARIO VERGARA: To the party room? No.

19 TRUSTEE POMBONYO: Thank you.

20 MAYOR FITZGERALD: Trustee Chiara.

21 TRUSTEE CHIARA: Thank you for coming down
22 tonight. The prep kitchen will be in each
23 section?

24 MARIO VERGARA: No. The plan calls for
25 two kitchens, one to be placed in the addition

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1 on the first floor and prep kitchen in the
2 addition in the cellar. The existing kitchen
3 facility in the now Swing The Tea Pot will be
4 relocated.

5 TRUSTEE CHIARA: That will be both sides
6 basically?

7 MARIO VERGARA: All three sections, that
8 is correct.

9 TRUSTEE CHIARA: Garbage, all the garbage?

10 MARIO VERGARA: There's a trash room
11 permanently at the back of the building. It is
12 only 50 percent capacity.

13 TRUSTEE CHIARA: Entrance into the new
14 room will come through the main entrance into
15 the new dining area?

16 MARIO VERGARA: Actual main entrance will
17 now be, once completed, will be in the new
18 addition.

19 TRUSTEE CHIARA: That will be the main
20 entrance can be into the older portion of the
21 Swing The Tea Pot?

22 MARIO VERGARA: Or enter the party room as
23 the party, as they so wish.

24 TRUSTEE CHIARA: You will not have two
25 entrances?

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1 MARIO VERGARA: The restaurant, one
2 entrance.

3 TRUSTEE CHIARA: That's it.

4 MAYOR FITZGERALD: Just the documents we
5 have received, May 11, that's the most recent
6 document?

7 MARIO VERGARA: It is dated, yes.

8 MAYOR FITZGERALD: Trustee Stewart.

9 TRUSTEE STEWART: You said when completed
10 it will be, I know I'm not going to say this
11 correctly, fully sprinklered?

12 MARIO VERGARA: Yes.

13 TRUSTEE STEWART: So, when do you expect
14 the construction to be complete?

15 MARIO VERGARA: It hasn't started yet. We
16 anticipate starting pretty soon. I would
17 imagine most of the construction will be
18 complete before the winter. It is the hope
19 that we can get at least enclosed by that
20 point. Most of the work in the interior can
21 continue in the inclement weather, if
22 necessary.

23 TRUSTEE STEWART: What are the fire safety
24 precautions in the current party room as it
25 stands?

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1 MARIO VERGARA: As it stands now, the
2 building is required that operational fire
3 alarm system. Because we're adding the third
4 section, we are required to have a fully
5 sprinklered building and those plans have been
6 approved by the Fire Marshal and will be
7 implemented.

8 TRUSTEE STEWART: Right now we're talking
9 about the party room.

10 MARIO VERGARA: All right. So, the party
11 room is part of the building. It is one
12 section of the building. As such, the two
13 sections that exist now do not require a
14 sprinkler system. Once we add the third
15 section, it will require in the entire
16 building.

17 TRUSTEE STEWART: Thank you. That's it.

18 MAYOR FITZGERALD: Trustee Longobardi.

19 TRUSTEE LONGOBARDI: Thank you. I have
20 two quick questions. Will you be closing down
21 during the construction and renovation phase?

22 MARIO VERGARA: Not anticipated.

23 TRUSTEE LONGOBARDI: Now, you have three
24 store fronts comprised in the restaurant. Any
25 future plans for that outdoor patio in anyway?

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1 MARIO VERGARA: Outdoor patio is part of
2 the building permit application. It will
3 become that addition.

4 TRUSTEE LONGOBARDI: Okay. Thank you.

5 MAYOR FITZGERALD: Okay. Any further
6 comments before I bring it to the floor? You
7 can take a quick seat. Anyone here in Village
8 Hall like to comment on this application?
9 Seeing none.

10 MS. MARCUS: Nobody on Zoom.

11 MAYOR FITZGERALD: All right. Before we
12 close the hearing, anything else? If I can ask
13 one favor. If you, once you get the decision,
14 if there's something in the decision that you
15 don't like, you can please come back to us
16 before going forward and doing something that
17 is not in the decision, okay? Just go through
18 it once. We appreciate that.

19 JOHN MOYNAGH: Okay.

20 MAYOR FITZGERALD: Any other questions
21 from the Board?

22 Motion to close the hearing and reserve
23 decision?

24 TRUSTEE POMBONYO: So moved.

25 TRUSTEE CHIARA: Second.

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1 MAYOR FITZGERALD: Miss Walsh, would you
2 poll the Board.

3 MS. WALSH: Trustee Pombonyo?

4 TRUSTEE POMBONYO: Aye.

5 MS. WALSH: Trustee Chiara?

6 TRUSTEE CHIARA: Aye.

7 MS. WALSH: Trustee Stewart?

8 TRUSTEE STEWART: Aye.

9 MS. WALSH: Trustee Longobardi?

10 TRUSTEE LONGOBARDI: Aye.

11 MS. WALSH: Mayor Fitzgerald?

12 MAYOR FITZGERALD: Aye. Thank you very
13 much. We'll be in touch.

14 MARIO VERGARA: Good evening.

15

16 Certified to be a true and
17 accurate transcript of the proceedings.

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CATHERINE P. MURPHY
Court Reporter

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