

INCORPORATED VILLAGE OF FLORAL PARK

BOARD OF TRUSTEES

June 28, 2016

P R E S E N T

MAYOR THOMAS J. TWEEDY

TRUSTEE KEVIN M. FITZGERALD

TRUSTEE DOMINICK A. LONGOBARDI

TRUSTEE LYNN POMBONYO

TRUSTEE ARCHIE T. CHENG

GERARD M. BAMBRICK, ESQ.

JOHN M. DONNELLY, ESQ., VILLAGE ATTORNEY

STEPHEN SIWINSKI, BUILDING SUPERINTENDENT

SUSAN E. WALSH, VILLAGE CLERK

Application of: Anthony S. Di Properzio, AIA

Reported By: Mary Anne Coppins, Court Reporter

1 MAYOR TWEEDY: Good evening, ladies
2 and gentlemen. This evening we are
3 calling a special work session of the
4 Board of Trustees. There are two public
5 hearings.

6 With that, I would ask Susan Walsh,
7 our Village Clerk, if you would kindly
8 read the Public Hearing on the first
9 application.

10 MS. WALSH: Thank you, Mayor
11 Tweedy.

12 Legal Notice of Public Hearing,
13 Incorporated Village of Floral Park, New
14 York.

15 Notice is hereby given that the
16 Board of Trustees of the Incorporated
17 Village of Floral Park will hold a
18 Public Hearing at Village Hall, One
19 Floral Boulevard, Floral Park, New York
20 on Tuesday, June 28, 2016, at 8:00 p.m.
21 in relation to the following
22 application:

23 The application of Anthony S. Di
24 Properzio, of 499 Jericho Turnpike in
25 Mineola, New York, for are a Special Use

1 Permit under Article III, Section 99-11
2 B(1) of the Zoning Ordinance of the
3 Incorporated Village of Floral Park,
4 Floral Park, New York which requires a
5 Special-Use Permit from the Board of
6 Trustees to use commercial space as a
7 vape shop.

8 The structure for which said
9 Special Permit is applied is on the
10 south side of Jericho Turnpike and 51.8
11 feet west of Depan Avenue, Section 32,
12 Block 70, Lot 89, known as 344 Jericho
13 Turnpike, Floral Park, New York.

14 A copy of the application is on
15 file in the Office of the Village Clerk,
16 One Floral Boulevard, Floral Park, New
17 York and may be examined by any person
18 interested therein during business hours
19 Monday through Friday, inclusive, except
20 legal holidays, from 8:30 to 4:00 p.m.

21 Now take notice that all parties in
22 interest and citizens will be given the
23 opportunity to be heard at the aforesaid
24 time and place.

25 By Order of the Board of Trustees,

1 Incorporated Village of Floral Park,
2 Floral Park, New York.

3 Susan Walsh, Village Clerk. Legal
4 Notice was dated June 15, 2016.

5 This Legal Notice has been
6 published in the official paper of the
7 Incorporated Village of Floral Park and
8 posted according to law and sent to the
9 Nassau County Planning Commission.

10 MAYOR TWEEDY: Thank you very
11 much, Ms. Walsh.

12 This evening, the purpose of this
13 application, again, is a Special Use
14 Permit for the Board of Trustees for a
15 commercial space use of a vape shop.

16 Mr. Di Properzio, good evening.

17 I would ask if you would be so kind
18 as to be sworn, and kindly state your
19 name.

20 THE REPORTER: Please raise your
21 right hand.

22 (Complies.)

23 Do you swear that the following
24 testimony you are about to give is the
25 truth?

1 MR. Di PROPERZIO: I do.

2 THE REPORTER: Please state your
3 name for the record.

4 MR. Di PROPERZIO: Anthony Di
5 Properzio, 499 Jericho Turnpike,
6 Mineola, New York.

7 Good evening, Mr. Mayor.

8 MAYOR TWEEDY: We have a few,
9 things, I jumped the gun, I'm sorry.
10 Anthony and I go back for many, many
11 years between the Zavatti (ph) Company
12 -- that's it, I beat you to it. But
13 goes back to -- purchased Jacobellis (as
14 heard) by MS Tweedy, Tweedy Engineering,
15 and did many projects with your company
16 over the years, so let the record
17 reflect that.

18 I would like to also just say that
19 there has been an affidavit of service
20 indicating that all neighbors within a
21 200-foot radius of the dwelling have
22 been served with such notice.

23 MR. Di PROPERZIO: I have a late
24 one.

25 MAYOR TWEEDY: Thank you, very

1 much.

2 So, Mr. Di Properzio, you have been
3 sworn, welcome to Village Hall.

4 If you would kindly state the
5 nature of the application and any kind
6 of plan.

7 MR. Di PROPERZIO: Thank you, Mr.
8 Mayor and Members of the Board of
9 Trustees.

10 I am representing the tenant of the
11 space for the premises located at 344
12 Jericho Turnpike, Section 32, Block 70,
13 Lot 8, which is an existing two-story
14 structure in the front facing Jericho
15 Turnpike and one story in the back.

16 The subject premise is space that
17 my client is hoping to rent, well,
18 actually, he already is renting it
19 because the landlord gave him a deadline
20 to meet to start paying rent.

21 It is 800, approximately 980 square
22 feet, which we would like to convert to
23 a vapor shop. It's basically similar to
24 the electronic cigarettes. It's a
25 little different device, but it's the

1 same principle where they're retailing
2 devices that convert liquid to vapor as
3 a substitution for cigarette smoking.
4 The maximum number of employees are two
5 employees to attend to the retail
6 portion of it.

7 Basically, the way the store
8 operates is that they have over 100
9 different types of vapor, different
10 flavors that are available to the
11 customers. And the customer comes into
12 the shop and they are afforded the
13 opportunity to test the sampling of any
14 different products that might interest
15 them. Then once they decide on which
16 one they would like to purchase, they
17 purchase it at that store and leave.
18 Basically, the store is more display
19 than anything else.

20 My current client, Status Vapor,
21 has two locations, one in Manhattan
22 located at 43 West 29th Street, that is
23 approximately 700 square feet with three
24 employees; and another shop in Carle
25 Place, 349 Old Country Road, which is

1 approximately 800 square feet with two
2 employees.

3 Their current hours of operation
4 are Monday through Saturday, 11:00 a.m.
5 to 10:00 p.m., and on Sundays from 11:00
6 a.m. to 7:00 p.m. If there are any
7 Village restrictions to operating,
8 naturally, we would be amenable to
9 comply with those.

10 Just to give the Board an idea,
11 this is an interior photograph of the
12 shop at Carle Place that shows,
13 basically it's a service counter, a
14 sales counter with wall displays for the
15 different tastes and fragrances that are
16 available for that particular product.

17 MAYOR TWEEDY: Just, if you would,
18 walk us through the plan, if you would,
19 your drawing A-1, if would you just walk
20 us through that.

21 MR. Di PROPERZIO: The section in
22 the front is basically dedicated
23 entirely to display and sales. The long
24 counter, the circle, are stools around
25 that counter where a sales person and

1 the customer can sit and discuss the
2 different products that are available to
3 them. The rear section there with the
4 TV is just like a little lounge area
5 that, if they want to test the product,
6 they can just sit in a relaxed
7 atmosphere.

8 MAYOR TWEEDY: Is there a cash
9 register?

10 MR. Di PROPERZIO: At the counter.

11 MAYOR TWEEDY: Is that the extent
12 of your --

13 MR. Di PROPERZIO: I have Mr. Yadav
14 here who is the proprietor and has one
15 of the products available if the Board
16 would like to see exactly what we would
17 be retailing.

18 MAYOR TWEEDY: That might be
19 helpful.

20 If you would be so kind enough to
21 be sworn, and if you could give
22 testimony.

23 THE REPORTER: Please raise your
24 right hand.

25 (Complies.)

1 Do you swear that the following
2 testimony you are about to give is the
3 truth?

4 MR. YADAV: I do.

5 THE REPORTER: Please be seated.

6 State your name, please.

7 MR. YADAV: Anupam Yadav,

8 A-N-U-P-A-M, last name Y-A-D-A-V.

9 Hi, everyone.

10 I just want to explain what is a
11 vaporizer. This is actually an
12 alternative to traditional smoking.
13 People can actually quit smoking or cut
14 down on smoking. As we all know, every
15 year a half a million people die of
16 smoking cigarettes.

17 This actually, held here, smoking
18 has no carcinogens, no chemicals, no
19 tar. The only thing is it has the
20 vegetable glycerin and nicotine, comes
21 with or without nicotine. So it comes
22 in a bottle. This is the liquid that
23 comes with nicotine or without nicotine.
24 What you do is fill the liquid. The
25 liquid comes in different flavors.

1 There is over like 500 flavors. So you
2 fill the tank with nicotine.

3 This is the battery part. You can
4 control the temperature, control what
5 the wattage, everything else. You
6 attach the tank with battery and just
7 the water and just press the button,
8 hold it down and inhale. It's just
9 vapors, evaporates. There is no
10 second-hand smoke, no smell, it's just
11 pure flavor and some nicotine, vegetable
12 glycerin, all natural. That is how it
13 works.

14 MAYOR TWEEDY: Now, if you look in
15 your photograph that is here, there
16 seems like there are other devices that
17 are used.

18 MR. YADAV: Yes, yes. This comes
19 in a lot of different forms, it might be
20 bigger, might be smaller, just depends
21 on customers' need.

22 MAYOR TWEEDY: It looks like glass
23 pipes and other devices.

24 MR. YADAV: No, no, there is no
25 glass pipes. Picture is not clear, but

1 there is no glass pipe.

2 MAYOR TWEEDY: Now, have you made
3 applications in any other jurisdiction
4 than Floral Park for this store?

5 MR. YADAV: No.

6 MAYOR TWEEDY: So this is your
7 first application?

8 MR. YADAV: Yes.

9 MAYOR TWEEDY: So when you went to
10 Carle Place, you just made an
11 application through the Building
12 Department there?

13 MR. YADAV: Yes.

14 MAYOR TWEEDY: That was the Town of
15 North Hempstead?

16 MR. YADAV: North Hempstead.

17 MAYOR TWEEDY: At this time, I'm
18 sure there are many other questions for
19 you or Mr. Di Properzio. I will reserve
20 at this time, and ask our Deputy Mayor,
21 Kevin Fitzgerald, if he has any
22 questions.

23 TRUSTEE FITZGERALD: Sure, thank
24 you.

25 With regard to the hours, you said

1 that the hours at the existing stores
2 were something, I didn't catch it.

3 What are the desired hours at the
4 store?

5 MR. YADAV: The hours at the other
6 store are 10 to 11, Monday through
7 Saturday, and for Sunday, 10 to 7.

8 TRUSTEE FITZGERALD: Is that what
9 you desire to have in Floral Park?

10 MR. YADAV: Yes.

11 TRUSTEE FITZGERALD: Would that be
12 365 days a year?

13 MR. YADAV: Closed for all major
14 holidays.

15 TRUSTEE FITZGERALD: How many
16 employees would there be?

17 MR. YADAV: Two.

18 TRUSTEE FITZGERALD: Where do you
19 anticipate them parking on a regular
20 basis?

21 MR. YADAV: Where?

22 TRUSTEE FITZGERALD: Where would
23 they park, where?

24 MR. YADAV: Somewhere on the
25 street, wherever there is parking.

1 TRUSTEE FITZGERALD: Okay, you know
2 parking is --

3 MR. YADAV: There's no designated
4 parking for that place.

5 TRUSTEE FITZGERALD: There's
6 metered parking and two-hour parking in
7 that district. Are you aware of that?

8 MR. YADAV: Yes.

9 TRUSTEE FITZGERALD: And two-hour
10 parking, that's it.

11 How many customers do you
12 anticipate having at any one point in
13 time remaining in the store?

14 I see that there is seating for
15 probably 20 people.

16 MR. YADAV: This store has seats
17 for about 10 people. But, at any given
18 point, there is about -- usually in the
19 evening, after like 5:00, 5 to 7, the
20 business hours, we have about 7 or 8
21 people, max.

22 TRUSTEE FITZGERALD: How long do
23 they typically stay in the store?

24 MR. YADAV: Each customer spends
25 approximately about 10 to 15 minutes,

1 because they have to try different
2 flavors, and then whatever they like,
3 they buy.

4 TRUSTEE FITZGERALD: Would you
5 compare your store more to a restaurant
6 and bar as opposed to a retail shop like
7 a hardware store?

8 MR. YADAV: I would not consider
9 the hardware store.

10 TRUSTEE FITZGERALD: No, no. A
11 hardware store is selling goods, the
12 customers take it out the door. The
13 bar, restaurant, they buy a product and
14 they sit down and consume.

15 MR. YADAV: Right.

16 TRUSTEE FITZGERALD: What is it
17 more like, which one?

18 MR. YADAV: I would not say it's a
19 bar, but somewhere in the middle,
20 because people don't spend that long
21 over there. Once they know what they
22 want, they actually buy and leave. So
23 typically, people are spending like 10
24 to 15 minutes just to try. Not everyone
25 comes to use, some people come for the

1 spare parts, just buy and leave. Not
2 everyone is sitting there and trying.

3 TRUSTEE FITZGERALD: Is there any
4 age restriction that is imposed?

5 MR. YADAV: Yes, 19.

6 TRUSTEE FITZGERALD: How do you
7 enforce that?

8 MR. YADAV: We have scanners, we
9 can scan IDs.

10 TRUSTEE FITZGERALD: Do you ask
11 every customer that comes in, do you ask
12 for ID?

13 MR. YADAV: We have a sign out that
14 says under 19 is not allowed. Whoever
15 comes in, we check ID first, then we
16 allow.

17 TRUSTEE FITZGERALD: Does this
18 store require any kind of cooking or
19 refrigeration?

20 MR. YADAV: It doesn't.

21 TRUSTEE FITZGERALD: I also see on
22 the plan there is a side alley.

23 Would that side alley be used for
24 anything, including an entrance in the
25 back?

1 MR. YADAV: No.

2 TRUSTEE FITZGERALD: I don't know
3 if you are aware, but I will make you
4 aware of Village Code Section 33-12 that
5 prohibits the sale and the potential
6 sale of drug paraphernalia.

7 Are you aware of that piece of the
8 Code?

9 MR. YADAV: No, I'm not aware.

10 TRUSTEE FITZGERALD: That is a
11 piece of the Code that you should become
12 familiar with. 33-1 talks about drug
13 paraphernalia, the sale.

14 And, lastly, I would like to remind
15 you, we do have our own Police
16 Department here in Floral Park, I'm not
17 sure if you were aware of that.

18 MR. YADAV: Yes, sir.

19 TRUSTEE FITZGERALD: Thank you, Mr.
20 Mayor.

21 MAYOR TWEEDY: Okay, Trustee
22 Pombonyo?

23 TRUSTEE POMBONYO: Thank you.

24 Going back to something that Mr. Di
25 Properzio spoke about, again, the

1 devices.

2 You mentioned, you demonstrated
3 one. Are they all the same devices,
4 just different sizes or other --

5 MR. YADAV: Different sizes,
6 different shapes, different styles, they
7 work the same way.

8 TRUSTEE POMBONYO: When you say
9 different styles, can you describe it?

10 MR. YADAV: Some look like actual
11 cigarettes. But this is bigger, so
12 there is more control over it. They
13 just look like simple, long cigarette.

14 This started like five years, it
15 has evolved a lot over the years. This
16 is the first generation. This is the
17 latest generation. So it's coming in
18 different sizes, different styles but
19 they all serve the same purpose.

20 TRUSTEE POMBONYO: How large is the
21 largest?

22 MR. YADAV: I would say a little
23 larger than this, not bigger than this.
24 They all fit in the hand, in your palm.

25 TRUSTEE POMBONYO: How is the

1 amount of nicotine regulated as used in
2 each of these?

3 MR. YADAV: Some actually like four
4 different grades of nicotine. It's 3
5 milligrams, 6 milligrams, then 12 and 18
6 milligrams and zero milligram.

7 The company that makes it, they do
8 it in the lab, so it's all regulated
9 from back then. You must have heard a
10 new regulation also going to be approved
11 by FDA August 11th, all regulated by the
12 FDA.

13 TRUSTEE POMBONYO: So you don't do
14 any mixing of ingredients, because that
15 would change the nicotine.

16 MR. YADAV: No, we don't do
17 anything.

18 TRUSTEE POMBONYO: Thank you.

19 In your current store, do you do
20 advertising?

21 MR. YADAV: On the YELP, social
22 media.

23 TRUSTEE POMBONYO: And what kind of
24 advertising do you -- what are you
25 saying about either your products or

1 your service in your store why people
2 should want to come in?

3 Typically, what does your
4 advertisement look like?

5 MR. YADAV: It's mostly pricing.
6 There are pricing that are very
7 aggressive. We have a lot of specials.
8 Holidays, we do a lot of specials that
9 we advertise to bring customers in.

10 TRUSTEE POMBONYO: Do you describe
11 any services that you provide?

12 MR. YADAV: People, when come to
13 try, that's the service we provide.
14 People come in and try all the flavors.
15 Because some of the stores they have a
16 restriction you can only try five
17 flavors. We don't have that
18 restriction. You can try any number of
19 flavors.

20 TRUSTEE POMBONYO: Is there any
21 kind of live entertainment there,
22 besides television?

23 MR. YADAV: I don't, just the
24 television.

25 TRUSTEE POMBONYO: Approximately,

1 how long would customers stay who might
2 like being there? I mean, if you have
3 them sitting, watching television, for
4 how long might that be?

5 MR. YADAV: TV, all the shows about
6 vaping, how it benefits you, how to cut
7 down, how it helps you. So it's all
8 affirmative. It's not like -- we don't
9 show regular TV, so all the information
10 that you need about vaping.

11 TRUSTEE POMBONYO: So it's like
12 commercials for it.

13 MR. YADAV: It is not commercials,
14 only information about vaping, so it's
15 not regular TV. We're showing whoever
16 is interested in knowing more about
17 vaping, sitting there to watch it, like
18 different documentary and YouTube,
19 that's what we play.

20 TRUSTEE POMBONYO: Do you ever have
21 any enticements for people to stay
22 longer, incentives or activities you do
23 that would make they stay longer there?

24 MR. YADAV: No, not really.

25 TRUSTEE POMBONYO: Okay, thank you.

1 MAYOR TWEEDY: Okay, thank you,
2 very much.

3 Trustee Longobardi?

4 TRUSTEE LONGOBARDI: Thank you for
5 being here, I appreciate it.

6 I have no idea what a vape shop is,
7 so I am going to ask questions along the
8 lines of Trustee Pombonyo, she mentioned
9 about incentives.

10 Would you ever, at any point,
11 consider having a vape -- maybe that's
12 wrong, I don't know -- a vape party
13 where people would come in, hang out and
14 possibly have a band, a DJ, something
15 along these lines? You have a lounge
16 area here, what I would consider a
17 lounge area.

18 MR. YADAV: It's just for people to
19 sit and just to try flavors. It is not
20 -- I never had a party like that.

21 TRUSTEE LONGOBARDI: Would you
22 consider one if somebody asked you?

23 MR. YADAV: Might be, I would ask
24 not to, I haven't.

25 TRUSTEE LONGOBARDI: Is there

1 anything else that you would sell, other
2 than these devices you just talked
3 about?

4 MR. YADAV: All devices use
5 flavors.

6 TRUSTEE LONGOBARDI: So there would
7 not be any cigarettes?

8 MR. YADAV: No cigarettes at all.
9 My warning, people who are smokers to
10 vapor, healthier alternative. I'm not
11 going to sell any cigarettes. I am
12 against smoking.

13 TRUSTEE LONGOBARDI: How do you
14 dispose of that?

15 MR. YADAV: We have containers in
16 the store for battery disposing, whoever
17 wants to dispose of that. We have a
18 container, a special container. You
19 just dispose of it over there, we just
20 take it to Staple's or Home Depot.

21 TRUSTEE LONGOBARDI: So you
22 wouldn't be using municipal services
23 we offer.

24 MR. YADAV: No.

25 TRUSTEE LONGOBARDI: What about

1 regular waste, garbage?

2 MR. YADAV: Yes, we would be using.

3 TRUSTEE LONGOBARDI: Put it out on
4 normal days and follow our rules?

5 MR. YADAV: Yes.

6 TRUSTEE LONGOBARDI: On the number
7 of employees, you mentioned two
8 employees parking on the side.

9 What would be their hours? Would
10 they be alternating shifts?

11 MR. YADAV: There is only one
12 employee, one shift; two shifts a day.

13 TRUSTEE LONGOBARDI: Okay, that's
14 fine.

15 Again, I'm going to go back to
16 entertainment and planning.

17 Is there anyway -- of the things
18 that you sell and people hanging out on
19 the couch to find out whether they like
20 this type of vapor, have you ever had
21 people spend the day there at your other
22 stores?

23 MR. YADAV: That's --

24 TRUSTEE LONGOBARDI: Hours there,
25 staying with you.

1 MR. YADAV: I have a couple
2 instances, but not a regular basis.

3 TRUSTEE LONGOBARDI: Okay. I have
4 a couple more questions but I am going
5 to hold off.

6 MAYOR TWEEDY: Trustee Cheng?

7 TRUSTEE CHENG: Going back to the
8 entertainment part, the back lounge.

9 Are you telling me you are going to
10 have couches, TVs on the wall, and going
11 to have commercials. We are not going
12 to see a ball game on there?

13 MR. YADAV: My employees do watch
14 off and on when there's no customers,
15 I'm not going to lie. I cannot say no
16 to them. My employees turn it on. But
17 usually, it's for information. One TV
18 on the wall just for information.

19 TRUSTEE CHENG: If I come into your
20 store -- I want to call this vapor --
21 and sit back and I want to smoke, I'm
22 going to watch commercials, as opposed
23 to the World Series?

24 MR. YADAV: It's not actually
25 commercials, it's only for informing you

1 what vaping is, what it does, how you
2 should use it. All the other flavors,
3 all information. There is no
4 commercial. All information about
5 vaping.

6 TRUSTEE CHENG: Because you are
7 talking to one of those bad people that
8 still smokes cigarettes.

9 When we do, we go outside now,
10 because we have to go outside we
11 congregate together and talk. We go to
12 places together, somebody's home where
13 we are allowed to smoke, not too many
14 anymore. We watch a ball game, have a
15 drink, that kind of stuff happens.

16 You set up your store, which would
17 be very conducive to making a
18 social-type lounge where people that
19 enjoy doing the same thing go together.

20 You say it's safer, vaping, than
21 cigarette smoking, maybe that's true
22 because there are no tars and that kind
23 of thing, but you can't do this on
24 airplanes. We cannot do this in Madison
25 Square Garden. I can't do this in a

1 building, right?

2 MR. YADAV: Right.

3 TRUSTEE CHENG: I can't do it up
4 here, so that's why the jury is out,
5 that's why the regulations are coming
6 out and there are more restrictions on
7 the use of the product. We don't know
8 what it is going to do, second-hand,
9 nobody knows that. But I am just
10 looking at the way you have your store
11 set up. It looks like a meeting place.

12 MR. YADAV: It's a retail store
13 where people come in and try. If they
14 want to sit for 5, 10, 15 minutes, watch
15 and see information more about vaping,
16 how to. We never played a ball game,
17 never advertise for people to come in
18 and watch a game.

19 TRUSTEE CHENG: You know -- I'm
20 going to ask, do you ever imagine this
21 to become a hookah bar, which you may be
22 familiar with.

23 MR. YADAV: No, I never.

24 TRUSTEE CHENG: You never heard of
25 that before.

1 MR. YADAV: Hookah bar?

2 TRUSTEE CHENG: Yes.

3 MR. YADAV: That's against smoking.

4 TRUSTEE CHENG: I am asking,
5 because it reminds me of the kind of set
6 up it would be.

7 MR. YADAV: Not really because that
8 is against smoking. And like I said, I
9 want to work for vaping, not smoking.

10 TRUSTEE LONGOBARDI: Mr. Mayor?

11 MAYOR TWEEDY: Please.

12 TRUSTEE LONGOBARDI: Just because
13 we are on this, and I think Trustee
14 Cheng is, when I look at this -- and if
15 I was out east at a winery -- it looks
16 like I walk in do a tasting of the wine
17 then I can go upstairs. This looks
18 almost like the same type of set up,
19 that's why we're asking these questions.

20 In you are going to have -- if
21 there is going to be any entertainment,
22 at any given point, if there is going to
23 be the ability to stay here and relax
24 and enjoy after you've tried these
25 things, that's a very different thing

1 we're talking about.

2 Somebody comes in, as Trustee
3 Fitzgerald said, comes in and buys
4 something and walks out, again, I'm not
5 quite sure what this is yet, I've never
6 experienced one. So, again, that's the
7 questions I have.

8 MR. YADAV: Right.

9 TRUSTEE LONGOBARDI: To me, it
10 looks like something I would do out east
11 at a winery, come in, test something,
12 try it out and maybe I want to stay a
13 little bit because I actually like it
14 and try something else.

15 MR. YADAV: People, like I said,
16 people do come some times and spend more
17 than 10 minutes, 15 minutes if they
18 want, come in even more. We get
19 customers like so many other customers
20 coming in do not stay more than a
21 minute, don't know what they want.

22 TRUSTEE LONGOBARDI: Do you have
23 any plans in case, let's say, it becomes
24 popular. Do you have any plans in case
25 that happens and people want to hang

1 out, you become successful, people want
2 to hang out there?

3 MR. YADAV: We --

4 TRUSTEE LONGOBARDI: You set it up
5 so people can do this.

6 MR. YADAV: In one shift, one
7 employee. I want to keep the cost low.
8 If there are too many people hanging
9 out, very tough for one employee to
10 handle that.

11 In that case, we wouldn't even have
12 any seats if that happens in the future,
13 which we have not encountered yet. But
14 in that case, we won't have enough
15 seating. In one shift, I can only have
16 one employee; otherwise, it is not
17 financially beneficial for me.

18 TRUSTEE LONGOBARDI: Okay, thank
19 you.

20 MAYOR TWEEDY: I just have two
21 quick questions and then there may be
22 some others.

23 I am just going to ask you to take
24 a look at this photo again. If you
25 would you tell me, what is for sale in

1 this cabinet, this display case? What
2 are those things?

3 MR. YADAV: All vaporizers, or
4 parts of vaporizers. I think it's --
5 there is a lot of light, that is why I
6 am not able to show you clearly, or
7 inside, but there is no glass.

8 MAYOR TWEEDY: Okay, very good.

9 MR. YADAV: And you guys are more
10 than welcome to visit the shop.

11 MAYOR TWEEDY: Now, your testimony
12 is that there are no -- what would be
13 known in the vernacular as bongos or
14 water pipes or anything of that nature.

15 MR. YADAV: No.

16 MAYOR TWEEDY: And then I would
17 just ask a second question. And the
18 reason we keep asking about the
19 entertainment, at this point, if there
20 were advertisements that said that there
21 was a DJ in one of your establishments,
22 that would be something that you did not
23 put in, it would be an error.

24 MR. YADAV: We don't have anything
25 yet.

1 MAYOR TWEEDY: Do you have
2 entertainment in any of your other
3 bars -- I'm sorry, any of your other
4 shops?

5 MR. YADAV: I have entertainment?

6 MAYOR TWEEDY: Do you have any
7 entertainment at any of your other
8 shops?

9 MR. YADAV: Yes. I have TVs, I
10 have music playing in the shops, yes.

11 MAYOR TWEEDY: Do you have
12 entertainment, as Trustee Longobardi
13 alluded to, where you would have -- as
14 Trustee Cheng said, incentives for
15 people to come in, a DJ, and ask people
16 to come in.

17 MR. YADAV: Only when we open the
18 shop once, we did call people in just to
19 promote the store, other than that --

20 MAYOR TWEEDY: Like a Grand
21 Opening?

22 MR. YADAV: Grand Opening.

23 MAYOR TWEEDY: So subsequently --

24 MR. YADAV: Put up the sign Grand
25 Opening, we give discounts, major

1 discounts to get people in for people to
2 know that we are here, we are existing,
3 we are open now.

4 MAYOR TWEEDY: So outside --

5 MR. YADAV: After that --

6 MAYOR TWEEDY: Amplified music
7 through a sound system, as supposed to a
8 jukebox.

9 MR. YADAV: We have music playing
10 all the time, morning to close. Other
11 than that, we have TV playing. Other
12 than that, no DJ. Only for Grand
13 Opening, we might do something like that
14 if we are allowed, other than that we
15 won't have anything.

16 MAYOR TWEEDY: Thank you, sir,
17 thank you very much.

18 TRUSTEE FITZGERALD: With regards
19 to the basement, will there be any use
20 of the basement at all?

21 MR. YADAV: No.

22 TRUSTEE FITZGERALD: Won't even be
23 going down there, no storage?

24 MR. YADAV: No storage at all.
25 Only we store is in the showcase or in

1 the back wall.

2 TRUSTEE FITZGERALD: So there will
3 be no reason for any employee or
4 non-employees to be in the basement,
5 correct?

6 MR. YADAV: No.

7 TRUSTEE FITZGERALD: You talked
8 about the infomercials running in the
9 back on the TV. I know it is not a
10 regulated industry yet, but do you ever
11 discuss pamphlets about the danger of
12 vaping?

13 MR. YADAV: Yes, we have discussed
14 the vaping.

15 TRUSTEE FITZGERALD: You provide
16 that to the customer?

17 MR. YADAV: Actually is flyers in
18 the store that tells you what the
19 dangers of vaping is.

20 The actual danger is how you're
21 using it, what battery to use with what.
22 That's what we explain to customers, you
23 cannot use certain battery with certain
24 devices. Those are the dangers of
25 vaping, that's what I explain to the

1 customer.

2 TRUSTEE FITZGERALD: Nothing about
3 health dangers?

4 MR. YADAV: Health danger, as of
5 now, the only danger thing it has is
6 nicotine. Other than that, all the
7 contents are mentioned on the box, it's
8 all glycerin, vegetable protein and
9 nicotine.

10 TRUSTEE FITZGERALD: There are
11 studies I have seen researching this
12 that talk about emergency room visits
13 being up dramatically in the last three
14 years due to vaping, as opposed to
15 three, four years ago when people were
16 not coming into emergency rooms, now
17 they see that.

18 MR. YADAV: Vaping made in the
19 United States would never happen. There
20 are a lot of e-juices come from China
21 should be regulated. Very soon,
22 starting August 11th, all those e-juices
23 will stop coming in.

24 TRUSTEE FITZGERALD: Do you only
25 sell e-juices made in the United States?

1 MR. YADAV: Only a lab in the
2 U.S.A. we have a certification for that.

3 TRUSTEE FITZGERALD: Okay, thank
4 you.

5 MAYOR TWEEDY: Thank you.

6 Trustee Pombonyo?

7 TRUSTEE POMBONYO: No.

8 MAYOR TWEEDY: At this time, Mr.
9 Yadav and Mr. Di Properzio, I would ask
10 you to take a seat and I am going to ask
11 if anyone in the audience would like to
12 speak in favor of this application
13 first.

14 (No response.)

15 Is there anyone who would like to
16 speak in favor of this application?

17 (No response.)

18 Okay. I would now ask if there is
19 anybody who would like to speak in
20 opposition.

21 I would ask, again, when you come
22 up, if you would give your name address.
23 Then, if you would, direct any questions
24 and concerns to the Board and the
25 questions can be clarified later.

1 The way we would handle that is to
2 note your question and ask it of the
3 applicant, after you're finished with
4 the public session.

5 MS. ORTIZ: Good evening. Nadia
6 Ortiz, 64 Orchid Street, president of
7 Hillcrest Civic Association.

8 I bring a couple of concerns, one
9 is regarding this application. This is
10 about two and-a-half, three blocks away
11 from an elementary school. I have great
12 concerns about marketing to minors.

13 I know the gentleman said 19.
14 I don't understand 19 versus 18, versus
15 21; but, regardless, I did have issues.

16 It is untrue, there is a lot of
17 chemicals in the vaporizing solution.
18 They are not all natural. And
19 vaporizers can also be used for illegal
20 drugs as well. So, I would just like to
21 note that as well.

22 I did have issues -- questions
23 regarding your advertising. Is there
24 posters or advertisements in the window?
25 Are they targeted for minors?

1 Because, certainly, all different
2 flavors can make that enticing for
3 children to try. Obviously, menthol is
4 not a hot -- sorry, menthol is not very
5 tasty, either is unfiltered. Certainly,
6 if it's a fantastic lime flavored or
7 grape flavor, it is a different issue
8 for a child. So I am just questioning
9 the advertisements or posters.

10 I also understand there is a
11 culture, you were all alluding to
12 incentives. I understand there is a
13 culture of blowing the biggest vape
14 cloud. I am curious to know if he's
15 ever had any contests like that in his
16 establishment.

17 Then, if there is street fair, will
18 he be giving samples away at a street
19 fair, and participating in them as well.

20 Then I just had questions regarding
21 Code, because Village Code doesn't
22 address vaping at all. So I am
23 wondering if the Village has considered
24 including it at some point in the near
25 future.

1 MAYOR TWEEDY: Thank you.

2 Is there anyone else who would like
3 to make a comment?

4 MR. KISS: Kevin Kiss, 23 Florence
5 Street, President of North End Civic
6 Association.

7 The unknown health reasons
8 regarding this is paramount. I don't
9 know if any studies are out or whatever,
10 but I will err on the side of caution of
11 the unknown and ask that you disapprove
12 this application. Thank you.

13 MAYOR TWEEDY: Are there any other
14 residents?

15 Thank you, please come forward.

16 MS. STEWART: Good evening.

17 Jennifer Stewart, S-T-E-W-A-R-T,
18 260 Whittier Avenue.

19 I am opposed to this vape shop for
20 a couple of reasons. As Ms. Ortiz
21 stated, it is close to an elementary
22 school. It is within walking distance
23 of houses of worship, which also runs
24 community programs, as well as religious
25 education for young children as young as

1 six. It is also very close to two homes
2 for the elderly who, as we know, can,
3 unfortunately, be targets of crime.
4 There is St. Hedwig's House behind the
5 church, also Harvest House across the
6 street from the elementary school.

7 There are high school bus stops on
8 Jericho Turnpike on both sides, as well
9 as directly in front of St. Hedwig's.
10 In addition to that, it also is in
11 walking distance of our very well
12 utilized, year-round Recreation Center,
13 pool, the park, Little League, soccer.

14 In addition, I did a little
15 research. In September of 2015, CNN
16 called vaping the latest scourge in drug
17 abuse. Law enforcement officials cannot
18 tell what is inside of the vaping tube.
19 In the article, law enforcement agents
20 are quoted as saying gone are the days
21 of getting caught smoking pot on school
22 grounds, because unlike weed, it does
23 not have a smell.

24 Last year, a 14 year-old boy in
25 Brooklyn was badly burned when the

1 device exploded while he was using it.
2 His face -- he was hospitalized. His
3 face was covered in burns.

4 I am concerned about, again, as
5 Mrs. Ortiz said, marketing toward
6 children and the long term, as well as
7 the short-term effects of what can
8 happen.

9 Again, for the record, my family
10 and I stand opposed to this. I
11 appreciate your time.

12 MAYOR TWEEDY: Thank you very much.

13 Is there anyone else who would like
14 to give testimony or concerns regarding
15 this application?

16 All right, Mr. Yadav, Mr. Di
17 Properzio, if I can ask you to please
18 come up once again.

19 Maybe, Mr. Yadav, you might be able
20 to speak to, once again, your
21 advertising and techniques and what
22 would be used.

23 Floral Park, as I hope you know and
24 if you don't, you will find out very
25 quickly, is a community. We say faith,

1 family and food are one of things that
2 brings us together. Family is a big
3 part.

4 Our concerns which make Floral Park
5 a very vital community is the fact that
6 we do invest a lot in our children and
7 we invest a lot in their future. The
8 School Superintendent of Floral Park
9 sits on this Board, former president,
10 30-year president of the School Board
11 also sits on this Board. Our concerns
12 about children are significant. We
13 spend a lot of time and money and effort
14 seeing to them, through our Police
15 Department and through our schools as
16 well, seeing that they -- to try to best
17 educate them and keep them on the
18 straight and narrow, interceding where
19 we need to, either be it family crisis
20 or a drug crisis from our grammar
21 school, junior high school to our high
22 school. A lot of effort and time is put
23 in by this Village.

24 So how would you address Mrs.
25 Ortiz's concerns as they relate to the

1 target of youth in this type of product?

2 MR. YADAV: Like I mention before,
3 we follow -- we have scanner, ID
4 scanner. We have a sign outside that
5 says under 19 is not allowed. Whoever
6 comes in, we ID him in first, scan their
7 ID and only then we help them.

8 MAYOR TWEEDY: What would the
9 average age of a person using a vape
10 device be?

11 MR. YADAV: It's very hard to say,
12 because I have customer who are 70 years
13 old coming in who want to stop smoking
14 who are coughing. And I have customers
15 who are 20 years old who don't want to
16 smoke anymore.

17 MAYOR TWEEDY: Would you say that
18 there is a culture that is targeting now
19 a new form, as a new form of recreation
20 among the youth, that there is an add
21 campaign or by the U.S. drug industries?

22 MR. YADAV: If there was a smoking
23 culture then this is a vaping culture.
24 I think it's a healthier culture than
25 smoking. There is nothing going to have

1 a vaping culture to smoking culture.

2 If you say there was a culture of
3 smoking which was killing half a million
4 people a year compared to this, vaping,
5 if it's consider a culture, at least it
6 does not kill anyone.

7 MAYOR TWEEDY: Okay. Thank you.

8 Trustee Pombonyo, do you have a
9 question?

10 TRUSTEE POMBONYO: No, I was just
11 going to answer one. Just an answer to
12 Ms. Ortiz's question she brought up, the
13 question would be would the Village
14 consider putting into the Code some kind
15 of regulations of a vaping store as an
16 enterprise. Just as many of our
17 residents do really appreciate that
18 research, and as different things occur
19 in our community, people look, they read
20 that and find out and it helps them when
21 they recommend to the Village that
22 something we bring into the Village or
23 something we don't. The Trustees also
24 do research which includes the status of
25 various enterprises that are proposed in

1 our Village and in other Villages, what
2 those Villages have done in terms of
3 their responses to applications.

4 So, yes, we consider everything
5 that we feel we need to consider both
6 internally and outside of our Village,
7 in considering what we want to do to
8 make the best decision for our
9 residents.

10 MAYOR TWEEDY: Any other comments?

11 MR. BAMBRICK: I would just like a
12 clarification.

13 I'd like to clarify. This use you
14 plan for Floral Park will be similar to
15 the use in Carle Place?

16 MR. YADAV: No, it is not similar.

17 MR. BAMBRICK: It is not similar to
18 the one in Carle Place?

19 MR. YADAV: Almost similar, but not
20 exactly similar I would say.

21 MR. BAMBRICK: What is the
22 difference.

23 MR. YADAV: How the placement is of
24 this store is a little bigger. The
25 other store is smaller, how we place the

1 showcase, the shelves.

2 MR. BAMBRICK: Products to be sold.

3 MR. YADAV: Are the same products.

4 MR. BAMBRICK: Products would all
5 be the same.

6 MR. YADAV: The use is same. There
7 is something I would like to add.
8 Somebody raised a concern saying that
9 they're used for illegal drugs. So, I
10 would say that cigarettes, they strictly
11 used for tobacco. This is the person's
12 discretion which they want to use it,
13 put something else in it, is in the
14 person's discretion. Vapes are not
15 targeted toward using drugs. People
16 want to quit smoking, cut down on
17 smoking, that's what we are targeting.
18 But it's up to a person's discretion
19 what they want to use it for. We never
20 promote for any illegal use. If
21 somebody want, they are sold everyone.
22 Not even a half a block away from the
23 store from where I want a vape shop,
24 there is cigarettes, 7-eleven which is
25 everywhere. They sell cigarettes, sell

1 a lot of things that could be sold for
2 illegal use, but they are still in
3 business. That's all. Thank you.

4 TRUSTEE FITZGERALD: If I may?

5 MAYOR TWEEDY: Please.

6 TRUSTEE FITZGERALD: As a
7 non-smoker, why would one walk into a
8 vape shop and try to vape?

9 MR. YADAV: I don't think any
10 non-smoker would come.

11 TRUSTEE FITZGERALD: So you are
12 just targeting, exclusively targeting,
13 people who smoke?

14 MR. YADAV: I don't understand the
15 reason why a non-smoker would start
16 vaping. We are targeting smokers turn
17 into vape.

18 TRUSTEE FITZGERALD: So a 20-year
19 old who never smoked a cigarette should
20 not be walking into a vape shop.

21 MR. YADAV: We do have a lot of
22 people wondering what it is because vape
23 is a very new industry. Only two years
24 ago it was adopted in the dictionary.
25 So people do come in wondering what it

1 is. They don't know what it is. Once
2 they find out that is only for smokers,
3 they just leave.

4 TRUSTEE FITZGERALD: If they try it
5 a couple of times, is it addictive.

6 MR. YADAV: Little not addictive.

7 TRUSTEE CHENG: Didn't you say
8 vaping with nicotine.

9 MR. YADAV: With nicotine, yes.
10 Without nicotine, somebody who is not
11 smoker. If somebody is not a smoker,
12 they don't even try to do it.

13 MAYOR TWEEDY: Any other questions?

14 (No response.)

15 Mr. Di Properzio, do you have
16 anything else you would like to bring
17 before the Board?

18 MR. Di PROPERZIO: I think the
19 Board has covered everything. I know
20 from a personal standpoint, I smoked for
21 40-something years. I thank God every
22 day I never got hooked on hard drugs.
23 Because as hard as it was to get off
24 nicotine, it was a chore. But all of
25 the other alternatives, like everything

1 else, it comes with a risk. You take
2 Nicorette gum, they tell you if you take
3 it for more than a year or whatever the
4 time lapse is on it, you can develop
5 cancer of the tongue or esophagus,
6 whatever the case maybe.

7 I think the alternative, and at
8 least in my case, going through the
9 system and I actually went through a
10 program through North Shore Hospital
11 where they actually give you drugs to
12 take plus the patches. And if you read
13 all of the warnings for the pills that
14 they give you to get off of that urge,
15 it's a risk. But I think it's a
16 well-taken risk, considering what
17 continuing to smoke does to you.

18 MAYOR TWEEDY: Thank you both very
19 much for your candor.

20 MS. STEWART: Should I come back
21 up?

22 MAYOR TWEEDY: Yes, please.

23 MS. STEWART: When another resident
24 asked about advertising, I wonder if I
25 can follow up.

1 The only thing I heard the
2 applicant say about advertising is the
3 sign would say no one under 19, or 19.
4 I didn't hear anything about the
5 advertising they are planning on doing,
6 as far as signage, posters in the
7 window. Can we get more information
8 about that?

9 MAYOR TWEEDY: There comes a point
10 we don't regulate commerce, but if
11 indeed this is approved, there will be
12 certain Zoning regulations that will
13 overtake what he can do. I think it's a
14 fair question to ask, Jen, and fair
15 enough to ask.

16 If you would, Mr. Yadav, again, in
17 terms of targeting -- and one last
18 question if I may. In terms of
19 targeting of youth, is there
20 advertising, like we said before, that
21 would be targeting this new culture of
22 vaping? Would there be something that
23 says you may never smoke, this is
24 something that you really should try.
25 Are there any advertisements right now

1 from the e-vapor labs out there in the
2 market right now?

3 MR. YADAV: No, there is not.

4 MAYOR TWEEDY: Would you consider
5 such marketing?

6 MR. YADAV: No, I would not.

7 MAYOR TWEEDY: Would you stipulate
8 to this in your testimony here today?

9 MR. YADAV: Yes.

10 MAYOR TWEEDY: Thank you again for
11 you candor here this evening. And you
12 defend your product, it is something I
13 certainly admire and I thank you very
14 much for being here.

15 If I may, I would ask for a motion
16 that we would leave the record open,
17 allowing further comment from anyone who
18 may wish to. But I would ask for a
19 motion at this time to leave open the
20 record and to reserve decision.

21 TRUSTEE FITZGERALD: So moved.

22 MAYOR TWEEDY: Second?

23 TRUSTEE LONGOBARDI: Second.

24 MAYOR TWEEDY: Please poll the
25 Board, Ms. Walsh.

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MS. WALSH: Trustee Fitzgerald?

TRUSTEE FITZGERALD: Aye.

MS. WALSH: Trustee Longobardi?

TRUSTEE LONGOBARDI: Aye.

MS. WALSH: Trustee Pombonyo?

TRUSTEE POMBONYO: Aye.

MS. WALSH: Trustee Cheng?

TRUSTEE CHENG: Yes.

MS. WALSH: Mayor Tweedy?


MAYOR TWEEDY: Votes aye.

Thank you very much, have a nice evening.

* * * * *

C E R T I F I C A T I O N :

I, Mary Anne Coppins, Court Reporter, hereby certify that the above transcript is a true and accurate copy of the minutes taken by myself stenographically in the within matter.



Mary Anne Coppins

Court Reporter