

INCORPORATED VILLAGE OF FLORAL PARK

BOARD OF TRUSTEES

September 20, 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 RYAN, ESQ., VILLAGE ATTORNEY

STEPHEN SIWINSKI, BUILDING SUPERINTENDENT

SUSAN E. WALSH, VILLAGE CLERK

PROPOSED LOCAL LAW NUMBER 2 OF 2016

Reported By: Mary Anne Coppins, Court Reporter

1 (Whereupon, the Pledge of  
2 Allegiance was recited in body.)

3 MAYOR TWEEDY: This evening we have  
4 a Local Law to consider a moratorium  
5 after which we will have our Village  
6 Clerk present the agenda. Subsequent to  
7 that, we will have our Board reports.  
8 After which, we will open the podium up  
9 to anyone who would like to present a  
10 concern or suggestion to the Village  
11 Board.

12 Without further adieu, I would ask  
13 our Village Clerk, Susan Walsh, to  
14 kindly present the Legal Notice.

15 MS. WALSH: Thank you, Mayor  
16 Tweedy.

17 Notice of Public Hearing of the  
18 Incorporated Village of Floral Park  
19 proposed Local Law Number 2 of 2016.

20 Please take notice that pursuant to  
21 Article 9 of the New York State  
22 Constitution, provisions of the Code of  
23 the Village of Floral Park and the  
24 Municipal Home Rule Law of the State of  
25 New York, a Public Hearing will be held

1 in the Incorporated Village of Floral  
2 Park at Village Hall, One Floral  
3 Boulevard, Floral Park, New York on the  
4 20th day of September, 2016, at 8:00  
5 p.m. to consider the enactment of a  
6 Local Law entitled: A Local Law  
7 establishing a moratorium on uses such  
8 as "Hookah Bars" and "Vape Shops" within  
9 the Incorporated Village of Floral Park.  
10 This Local Law shall take effect  
11 immediately upon its filing with the  
12 Secretary of State. Dated September 14,  
13 2016, Floral Park, New York.

14 By Order of the Board of Trustees,  
15 Incorporated Village of Floral Park, New  
16 York, Susan E. Walsh, Village Clerk.

17 This Legal Notice has been  
18 published in the official paper of the  
19 Incorporated Village of Floral Park,  
20 Floral Park, New York, and posted  
21 according to law.

22 MAYOR TWEEDY: Thank you very much,  
23 Ms. Walsh.

24 I would like to present a  
25 Legislative intent for this moratorium.

1           The purpose of this Local Law is to  
2           promote and protect the public health,  
3           safety and welfare of the Incorporated  
4           Village of Floral Park by enacting a  
5           Local Law which establishes a moratorium  
6           on certain uses in the business district  
7           of the Incorporated Village of Floral  
8           Park.

9           Under authority conferred by  
10          Article III, Section 9911-B(1) of the  
11          Code of the Incorporated Village of  
12          Floral Park, these uses may have been  
13          included or construed to be permitted  
14          uses.

15          The Village Board of Trustees has  
16          requested the moratorium be enacted so  
17          that it might have sufficient  
18          opportunity to evaluate the permitted  
19          uses in the Village's business  
20          districts, and to determine whether the  
21          permitted uses should be statutorily  
22          amended, altered, modified, expanded or  
23          repealed.

24          This moratorium will provide an  
25          opportunity for the Village's Board of

1 Trustees to evaluate the changes needed  
2 without the possibility of new  
3 businesses opening that might conflict  
4 with the plan being developed.

5 The Village Board has determined  
6 that the moratorium be established  
7 prohibiting certain permitted uses in  
8 the business district. In establishing  
9 that moratorium, the Village Board of  
10 Trustees has also considered, one: The  
11 need for conserving the value of  
12 buildings and land and the need to  
13 encourage the most appropriate use of  
14 the land.

15 Two: The need to attract retail  
16 businesses of such character as to  
17 encourage, foster and promote the  
18 revitalization of the business  
19 districts.

20 Three: To ensure adequate parking  
21 and lessen congestion while balancing  
22 the need for business growth.

23 Four: To provide adequate light  
24 and air.

25 Five: To ensure physical

1 compatibility with surrounding uses.

2 Six: To establish a comprehensive  
3 plan without the pressure of new  
4 businesses that conflict with the  
5 overall goal of revitalization.

6 Seven: To encourage historic  
7 preservation.

8 The Board has previously adopted a  
9 negative declaration, meaning that the  
10 proposed Local Law will have no  
11 significant impact upon the environment.

12 At this time, I would ask our  
13 Village Trustees if they have any  
14 comments they would like to present.

15 TRUSTEE FITZGERALD: If you would  
16 be so kind, I would like to.

17 MAYOR TWEEDY: Please, Trustee  
18 Fitzgerald.

19 TRUSTEE FITZGERALD: Thank you,  
20 Mayor Tweedy.

21 Back in June of this year, an  
22 application for a Vape shop was brought  
23 before this Board to review. During the  
24 minimal amount of time we had to  
25 research what a Vape shop is and its

1 potential effects on the surrounding  
2 business and residential community, a  
3 number of concerns were brought forth.  
4 Some of them were and still are but not  
5 necessarily limited to the following:

6 Are there and should there be any  
7 regulations on sales based on age.

8 How should such regulations be  
9 enforced and what are and should be the  
10 penalties for such violations.

11 What, if any, is the potential  
12 addictive nature of such products. Have  
13 there been any studies on the long-term  
14 effects of vaping.

15 Conversely, does vaping provide any  
16 substantial alternatives to help ease  
17 humans off the addictive nature of  
18 nicotine.

19 What should the hours of operation  
20 be along with typical time spent in such  
21 an establishment.

22 Will products sold only be used for  
23 legal purposes and how can the Village  
24 ensure that all thresholds are met to  
25 ensure compliance.

1           If allowed, should these types of  
2 stores be allowed only in certain  
3 portions of the Village.

4           Should they not be allowed within  
5 certain distances of schools,  
6 playgrounds, et cetera.

7           Therefore, I am in support of this  
8 Local Law which will give us, the  
9 Village Board, along with our Building  
10 Department, Police Department and Fire  
11 Department additional time to research  
12 all aspects in order to make a fully  
13 educated decision on Vape shops and  
14 hookah bars.

15           I look forward to hearing from our  
16 Village residents and businesses on this  
17 topic.

18           MAYOR TWEEDY: Thank you, Trustee  
19 Fitzgerald.

20           Are there additional comments from  
21 the Board at this time?

22           Hearing none, I would ask if anyone  
23 from the audience would like to speak  
24 for or against this Local Law and  
25 moratorium.



1                   Seeing no one, I will entertain a  
2 motion to adopt Local Law Number 2 of  
3 2016.

4                   TRUSTEE FITZGERALD: So moved.

5                   TRUSTEE LONGOBARDI: Second.

6                   MAYOR TWEEDY: Would you kindly  
7 poll the Board, Ms. Walsh?

8                   MS. WALSH: Trustee Fitzgerald?

9                   TRUSTEE FITZGERALD: Aye.

10                  MS. WALSH: Trustee Longobardi?

11                  TRUSTEE LONGOBARDI: Aye.

12                  MS. WALSH: Trustee Pombonyo?

13                  TRUSTEE POMBONYO: Aye.

14                  MS. WALSH: Trustee Cheng?

15                  TRUSTEE CHENG: Aye.

16                  MS. WALSH: Mayor Tweedy?

17                  MAYOR TWEEDY: Votes aye.

18                  And at this time I will entertain a  
19 motion to close the Public Hearing.

20                  TRUSTEE CHENG: I move.

21                  TRUSTEE FITZGERALD: Second.

22                  MAYOR TWEEDY: Ms. Walsh, would you  
23 please poll the Board.

24                  MS. WALSH: Trustee Fitzgerald?

25                  TRUSTEE FITZGERALD: Aye.

1 MS. WALSH: Trustee Longobardi?

2 TRUSTEE LONGOBARDI: Aye.

3 MS. WALSH: Trustee Pombonyo?

4 TRUSTEE POMBONYO: Aye.

5 MS. WALSH: Trustee Cheng?

6 TRUSTEE CHENG: Aye.

7 MS. WALSH: Mayor Tweedy?

8 MAYOR TWEEDY: Votes aye.

9 Thank you very much, Local Law  
10 Number 2 has now been enacted.

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

16 I, Mary Anne Coppins, Court

17 Reporter, hereby certify that the above

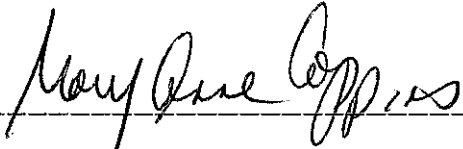
18 transcript is a true and accurate copy

19 of the minutes taken by myself

20 stenographically in the within matter.

21

22

  
\_\_\_\_\_  
Mary Anne Coppins

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Court Reporter

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