

February 5, 2019

A Public Hearing for the Board of Trustees regarding Proposed Local Law No. 03 of 2019 was held on the above date at 8:30 pm.

Present were Mayor Dominick A. Longobardi, Trustees Kevin M. Fitzgerald, Lynn Pombonyo, Archie T. Cheng and Frank J. Chiara, Village Administrator Gerard M. Bambrick, Village Clerk Susan E. Walsh, Superintendent of Public Works Stephen Siwinski, Deputy Superintendent of Public Works Kevin Ginnane, Police Commissioner Stephen McAllister, Police Lieutenant William Doherty, 4th Assistant Fire Chief Jep Dodson and Village Attorney John E. Ryan

Purpose: To consider the enactment of a local law known as Local Law No. 03 of 2019, "A local law amending §99-18 of the Code of the Incorporated Village of Floral Park to include marijuana retail store or medical marijuana dispensary in the B-3 District only".

Trustee Cheng offered Resolution No. 2019-25 to adopt Local Law No. 03 of 2019 and close the public hearing.

The Resolution was seconded by Trustee Pombonyo and adopted on roll call as follows:

Trustee Fitzgerald	- Aye
Trustee Pombonyo	- Aye
Trustee Cheng	- Aye
Trustee Chiara	- Aye
Mayor Longobardi	- Aye

The hearing was closed at 8:40 pm.

A copy of the transcript of the public hearing is attached and is made a part of these minutes.

Susan E. Walsh
Village Clerk

LEGAL NOTICE

**INCORPORATED VILLAGE OF FLORAL PARK
NOTICE OF PUBLIC HEARING
LOCAL LAW NO. 3 OF 2019**

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Code of the Incorporated Village of Floral Park and the Municipal Home Rule Law of the State of New York, as amended, a public hearing will be held in the Incorporated Village of Floral Park at the Village Hall, One Floral Boulevard, Floral Park on the 5th day of February, 2019 at 8:00 o'clock in the evening of that day, to consider enactment of a local law entitled: "Local Law No. 3 of 2019 Amending §99-18 of the Code of the Incorporated Village of Floral Park to Include Marijuana Retail Store or Medical Marijuana Dispensary in the B-3 District Only".

This local law shall take effect immediately upon its filing with the Secretary of State.

DATED: January 30, 2019

BY ORDER OF THE BOARD OF TRUSTEES
INCORPORATED VILLAGE OF FLORAL PARK, NEW YORK
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
FEBRUARY 5, 2019
8:00 p.m.

P R E S E N T:

- | | |
|----------------------|----------------------|
| DOMINICK LONGOBARDI, | MAYOR |
| KEVIN M. FITZGERALD, | DEPUTY MAYOR/TRUSTEE |
| ARCHIE T. CHENG, | TRUSTEE |
| DR. LYNN POMBONYO, | TRUSTEE |
| FRANK J. CHIARA, | TRUSTEE |

ALSO PRESENT:

- JOHN RYAN, ESQ. Village Attorney
GERARD M. BAMBRICK, Village Administrator
SUSAN E. WALSH, Village Clerk
STEPHEN SIWINSKI, Supt. Public Works & Bldgs.
STEPHEN MCALLISTER, Police Commissioner

Catherine P. Murphy
Court Reporter

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1 MAYOR LONGOBARDI: Now Miss Walsh, move on
2 to Local Law number 3.

3 MS. WALSH: Legal Notice of the
4 Incorporated Village of Floral Park, Notice of
5 Public Hearing Proposed Local Law number 3 of
6 2019.

7 Please Take Notice that pursuant to
8 Article 9 of the New York State Constitution,
9 the provisions of the Code of the Incorporated
10 Village of Floral Park and the Municipal Home
11 Rule Law of the State of New York, as amended,
12 a public hearing will be held in the
13 Incorporated Village of Floral Park at the
14 Village Hall, One Floral Boulevard, Floral Park
15 on the 5th day of February, 2019 at 8:00 in the
16 evening of that day, to consider enactment of a
17 Local Law entitled, "Local Law number 3 of 2019
18 amending Section 99-18 of the Code of the
19 Incorporated Village of Floral Park to include
20 marijuana retail store or medical marijuana
21 dispensary in the B-3 district."

22 This Local Law shall take effect
23 immediately upon its filing with the Secretary
24 of State. Dated, January 30, 2019. By Order of
25 the Board of Trustees Incorporated Village of

1 Floral Park, New York, Susan E. Walsh, Village
2 Clerk. And this legal notice has been
3 published in the official paper of the
4 Incorporated Village of Floral Park, New York
5 and posted according to law.

6 MAYOR LONGOBARDI: Thank you very much. I
7 would now like to announce the Board previously
8 adopted a negative declaration, meaning that
9 the proposed Local Law has no significant
10 impact upon the environment.

11 I would like to also read the legislative
12 intent of the law. This local law amends a
13 Village Code to provide so as to provide a
14 marijuana retail store or medical marijuana
15 dispensary may only be located in a B3 zoning
16 district.

17 With that, I will open it up to our
18 Village Board. Is there anyone who has any
19 comment they would like to make?

20 TRUSTEE POMBONYO: I would. Thank you.
21 As a lifelong educator including being a former
22 Superintendent of Schools, I find it
23 reprehensible we're in a position tonight
24 considering this legislation.

25 In our school district and throughout New

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1 York State, ironically, it is required that the
2 K through 12, we have strong and comprehensive
3 substance abuse prevention and education
4 programs that must be taught in our schools.

5 This obviously includes education about the
6 dangers of marijuana as our students get into
7 the upper elementary and high school grades.

8 This is required by New York State. And yet,
9 we're now in a position where our state leaders
10 in government are saying that in -- it is legal
11 to do this. It is okay. And by the way, we're
12 not even giving, at this point, villages the
13 discretion to be able to make their own laws to
14 prohibit its use in the Village if the
15 residents, if the business owners, if the
16 Village government so decides.

17 This is not for our Village. I think
18 clearly our Board has made the point that we
19 strongly feel that way by inviting Lieutenant
20 Doherty here tonight, who's worked in our
21 schools, has worked in our schools with Officer
22 John Groshan's for many years. In part, some
23 of that same education for our students at the
24 appropriate grade level and appropriate levels
25 of understanding to prevent our students from

1 engaging in the use of this kind of dangerous
2 substance. So the fact that we are here
3 considering this legislation tonight is very
4 distasteful to us as well too.

5 I do want to add just a little bit about
6 the restrictions that the law imposes. It's
7 some assurance that any kind of legalized use
8 by New York State will be very highly
9 controlled here. But the fact that it could be
10 here at all, as I said, is not a good
11 prediction of things to come in our future and
12 we hope we won't reach that point.

13 In terms of restriction, number one any of
14 the above uses we talked about, marijuana shall
15 not be located within a 200 foot radius in
16 areas zoned for residential use. There's a
17 radius thing that's related within one fourth
18 mile radius of another similar use. And any of
19 the above uses shall not be located 250 feet of
20 a school, church, place of worship, park,
21 playground or playing field.

22 So, in addition to limiting them to a very
23 tight zone of the Village B3 District, there's
24 also distance restrictions on how close or how
25 far it must be from these places which tends to

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1 attract children to them.

2 We appreciate you all coming out tonight
3 and consider your comments, but do want you to
4 know that, as Mayor Longobardi said, you saw
5 the Newsday article yesterday, this is not by
6 any means the choice, if we had a choice, that
7 we would make to legalize it in any area of our
8 Village. Thank you.

9 MAYOR LONGOBARDI: Trustee Cheng?

10 TRUSTEE CHENG: One of the great things
11 about living in Floral Park is we see all the
12 benefits we have. We see our police
13 department, our pool, fire department,
14 playground and all the other things I'm not
15 going to mention.

16 One of the unseen things that people don't
17 really realize is the fact that being a
18 Village, we have our own zoning laws. This is
19 the shield that we, as a Board, and we, as a
20 Mayor and the Board, can utilize to protect our
21 residents when higher authority tells us, no,
22 you can't protect them. But this is our
23 Village and these are our laws. As long as
24 they're reasonable and conform to a lot of
25 rules I know, this will work to the best that

1 we can do.

2 MAYOR LONGOBARDI: Thank you. Anybody
3 else who would like to comment? With that, we
4 will open it up to the floor to any of our
5 residents or business owners. We have to ask
6 you to please come up, if you state your name
7 and be sworn in. This is a matter of public
8 record.

9 (Whereupon, Ms. Herger was sworn in.)

10 MS. HERGER: Melanie Herger, H-E-R-G-E-R.

11 MAYOR LONGOBARDI: Your address?

12 MS. HERGER: Resident of Floral Park, 46
13 Maple Avenue.

14 MAYOR LONGOBARDI: Thank you. Thank you
15 for coming.

16 MS. HERGER: I just have a quick question.
17 I'm unfamiliar with the zone you're talking
18 about exactly, where it is.

19 MAYOR LONGOBARDI: The B3 zone is
20 basically, if I had to give you just an idea
21 where it is, it is right behind Stella's
22 Restaurant on Jericho Turnpike. So, it is the
23 block behind there, sort of the industrial area
24 north of what would be the parking lot,
25 Creedmor Spur parking lot in that area.

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1 MS. HERGER: It is not on Jericho then?

2 MAYOR LONGOBARDI: It is not on Jericho,
3 just south behind Stella's.

4 MS. HERGER: That was my question. Thank
5 you.

6 MAYOR LONGOBARDI: Thank you so much. I
7 ask that you be sworn in and state your name
8 and address.

9 (Whereupon, Ms. Lally was sworn in.)

10 MS. LALLY: Kathleen Lally, L-A-L-L-Y, 64
11 Willis Avenue. I will play devils advocate. I
12 don't know whether I agree or disagree with
13 what I am about to say, something about the
14 reading of the law has me a little confused
15 When we say a marijuana shop and we include
16 dispensary together, as of now, it is legal for
17 medicinal marijuana.

18 Now, are we able to put that in with the
19 same of the recreational shop or are we going
20 to be challenged on that? I say it because I
21 have a family member who uses medicinal
22 marijuana and will tell you from our point, it
23 is very effective. It is a child with autism
24 who has seizures. It has proven to be very
25 effective. I would say my sister-in-law was

1 probably first on line when it became legal.
2 He is 20 years old. We have seen the
3 difference. I'm not saying we need to have
4 dispensaries in Floral Park. I'm not stating
5 that. I don't want you to think I am promoting
6 it.

7 I'm asking, by putting two together, the
8 recreational end of it and medicinal, are we
9 going to be challenged when it comes? Could we
10 be challenged in court because we're saying
11 dispensary has to be admitted to the R-3? I
12 don't have an answer on it.

13 TRUSTEE CHENG: That's the whole point of
14 enacting it the way we have done it. We're not
15 banning it, but limiting it to the area where
16 it can be open. There's a place where it can
17 open, if a permit was taken out for it.

18 MS. LALLY: Dispensary now is legal
19 already?

20 TRUSTEE CHENG: We had no application to
21 open one now. We have a law that says you can
22 open it in this location.

23 MS. LALLY: It won't be challenged because
24 we put the dispensary?

25 MR. RYAN: Anything can be challenged.

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1 MAYOR LONGOBARDI: I will leave that to
2 the lawyer in the room.

3 MS. LALLY: I was wondering now the
4 dispensary are, you know, in prominent places.
5 They're in shopping malls. They're up in Lake
6 Success where my sister-in-law has to come.
7 There's different places it is acceptable and
8 it is not considered what I would say we're
9 looking at shops and saying, oh God, no. I'm
10 looking at dispensaries. I know it did not
11 have a negative effect on our family. So, I'm
12 throwing it out there, playing devil's
13 advocate. I'm not looking for a fight.

14 MAYOR LONGOBARDI: Again, Mrs. Lally,
15 thank you very much. Those are the discussions
16 we have as we propose these laws. But reality,
17 as Trustee Cheng said and Village Attorney John
18 Ryan said, if somebody is to give us an
19 application to open a dispensary, they're
20 limited to the area.

21 MS. LALLY: All right. Thank you.

22 MAYOR LONGOBARDI: Anybody else who would
23 like to be heard on this? Okay. I thank
24 everybody for their comments. I will give the
25 Board one last chance if they want to be heard

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on this? Okay.

If not, I will ask for a motion to close the public hearing and adopt the Local Law.

TRUSTEE CHENG: I'll move.

TRUSTEE POMBONYO: Second.

MAYOR LONGOBARDI: Miss Walsh, would you poll the Board, please.

MS. WALSH: Trustee Fitzgerald?

TRUSTEE FITZGERALD: Aye.

MS. WALSH: Trustee Pombonyo?

TRUSTEE POMBONYO: Aye.

MS. WALSH: Trustee Cheng?

TRUSTEE CHENG: Aye.

MS. WALSH: Trustee Chiara?

TRUSTEE CHIARA: Aye.

MS. WALSH: Mayor Longobardi?

MAYOR LONGOBARDI: Aye. Thank you.

Lieutenant Doherty, thank you very much.

LIEUTENANT DOHERTY: Thank you.

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

CATHERINE P. MURPHY
Court Reporter