

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

M I N U T E S  
OF THE MEETING  
OF THE  
PUBLIC HEARING  
INCORPORATED VILLAGE OF FLORAL PARK  
November 21, 2023  
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

- 11/21/2023 - TRUSTEES - LOCAL LAW 3 OF 2023 -

1           MAYOR FITZGERALD: Good evening and  
2 welcome to the November Board of Trustees  
3 meeting. I ask that you stand for the Pledge  
4 of Allegiance.

5                   (Pledge of Allegiance said.)

6           MAYOR FITZGERALD: Good evening and  
7 welcome to the second November Board Meeting  
8 tonight. Tonight, we have a public hearing  
9 followed by our agenda and board reports and  
10 lastly, comments or questions from the  
11 residents.

12           With that, Miss Walsh, would you start  
13 with the Notice of Public Hearing.

14           MS. WALSH: Thank you, Mayor Fitzgerald.  
15 Legal notice Incorporated Village of Floral  
16 Park. Notice of Public Hearing Local Law  
17 Number 3 of 2023.

18           Please Take Notice that pursuant to  
19 Article 9 of the New York State Constitution,  
20 the provisions of the Code of the Incorporated  
21 Village of Floral Park and the Municipal Home  
22 Rule Law of the State of New York, as amended,  
23 a public hearing will be held in the  
24 Incorporated Village of Floral Park at the  
25 Village Hall, One Floral Boulevard, Floral Park

- 11/21/2023 - TRUSTEES - LOCAL LAW 3 OF 2023 -

1 on the 21st day of November, 2023 at 8:00 in  
2 the evening of that day, to consider enactment  
3 of a Local law entitled, "A Local Law adding  
4 Section 55-2.1 to the Code of the Incorporated  
5 Village of Floral Park entitled "Enumeration of  
6 Prohibited Noises."

7 This Local Law shall take effect  
8 immediately upon its filing wit the Secretary  
9 of State.

10 By Order of the Board of Trustees  
11 Incorporated Village of Floral Park, New York,  
12 Susan E. Walsh, Village Clerk, dated November  
13 10, 2023.

14 This Legal Notice has been published in  
15 the official paper of the Incorporated Village  
16 of Floral park, New York and posted according  
17 to law.

18 MAYOR FITZGERALD: Thank you, Miss Walsh.  
19 I would like to announce the Board previously  
20 adopted a negative declaration meaning that the  
21 proposed Local Law has no significant impact  
22 upon the environment.

23 Just before we start, I would like to read  
24 the Legislative Intent. This Local Law adding  
25 Section 55-2.1 to the Code of Incorporated

- 11/21/2023 - TRUSTEES - LOCAL LAW 3 OF 2023 -

1 Village of Floral Park entitled, Enumeration of  
2 Prohibited Noises, this section is eight new  
3 categories that are not allowed within the  
4 Village which will generate or can generate  
5 unreasonable sounds and noises. A couple of  
6 them are, a lot of this is, will be heard from  
7 residents, specifically residents that live in  
8 a residential area that may abut a commercial  
9 area. One of the things in here is that there  
10 will be a prohibition of loading, unloading any  
11 vehicles in such a manner as to create loud and  
12 excessive noises.

13 Also, they're codifying how and when  
14 restaurants or establishments can have indoor  
15 and outdoor music. Every time an applicant  
16 comes in, we ask those questions. It is  
17 standard like that.

18 There's a couple of things that we feel  
19 are necessary due to the change in times and  
20 also it is similar to other laws that are  
21 passed by villages on Long Island.

22 With that, I ask if there's anybody on the  
23 Board that would like to speak with this.

24 TRUSTEE POMBONYO: I have questions,  
25 Mayor.

- 11/21/2023 - TRUSTEES - LOCAL LAW 3 OF 2023 -

1           MAYOR FITZGERALD: Sure.

2           TRUSTEE POMBONYO: Thank you. Trustee  
3           Stewart and I attended a large meeting that  
4           included two civic associations last week and  
5           we brought up the local law proposal that we  
6           are reviewing tonight. One of the questions  
7           that came up praised, in different ways a  
8           couple of times, what to do with enforcement  
9           for the different areas of this local law,  
10          different paragraphs and proposition of the  
11          local law, who is in charge of enforcement,  
12          especially as they all relayed to Village Code.

13          If I can ask Superintendent Marcus first  
14          from the Building Department, can you give a  
15          brief statement about your department's  
16          enforcement of local laws.

17          RENEE MARCUS: Sure. Of course.  
18          Typically we respond to complaints. So, if a  
19          complaint comes in about noise, we investigate  
20          it. We also have our own noise meter in  
21          certain circumstances, where available, during  
22          business hours. Complaints that come in after  
23          hours, we then refer them to the police  
24          department, as well, as sometimes to help out  
25          with that.

- 11/21/2023 - TRUSTEES - LOCAL LAW 3 OF 2023 -

1           Typically during the day if anyone call or  
2 puts on the website the complaint, we  
3 investigate. Then that person will get a  
4 warning or violation or summons, depending on  
5 the severity of it.

6           TRUSTEE POMBONYO: Thank you.

7           MAYOR FITZGERALD: I believe the noise is  
8 already in the code.

9           RENEE MARCUS: Yes.

10          TRUSTEE POMBONYO: Commissioner  
11 McAllister, if you could do the same and  
12 describe the police department's role in these  
13 codes, especially the provision that relates to  
14 motor vehicles, where the jurisdiction and laws  
15 for that come from.

16          COMMISSIONER MCALLISTER: Sure. So, for  
17 motor vehicles, that any noise emanating from  
18 such wouldn't really involve this law. It is  
19 covered under New York State Vehicle and  
20 Traffic Law. So, for very loud mufflers, for  
21 instance, or noise emanating from stereos that  
22 you can hear outside of the car, we can give  
23 summonses, according to the New York State  
24 Vehicle and Traffic Law.

25          As Renee just spoke about with the

- 11/21/2023 - TRUSTEES - LOCAL LAW 3 OF 2023 -

1 building, if we were to get a call for noise at  
2 either establishments, commercial  
3 establishments or residents, we go and visit.  
4 We decide whether or not it is in violation and  
5 we can issue a notice of violation and/or a  
6 summons and then that person then will have to  
7 go to court or the business would have to go to  
8 court.

9 TRUSTEE POMBONYO: Thank you. So, as for  
10 the Building Department, they are enforcing  
11 basically all of these provisions of the local  
12 law during business hours for the Building  
13 Department with the exception of the ones about  
14 motor vehicles. And the police department is  
15 doing enforcement 24/7 within the constraints  
16 of New York State law with respect to motor  
17 vehicles, yes; am I correct?

18 COMMISSIONER MCALLISTER: That's correct.

19 TRUSTEE POMBONYO: Thank you.

20 MAYOR FITZGERALD: Any other questions  
21 from my fellow Board members? Is there anyone  
22 in the audience that would like to speak on  
23 this? Seeing none, if there is anyone on Zoom,  
24 raise your hand.

25 With that, I assume there's no further

- 11/21/2023 - TRUSTEES - LOCAL LAW 3 OF 2023 -

1 questions from the Board, so I would like to  
2 ask if there's a motion to adopt Local Law  
3 Number 3 of 2023.

4 TRUSTEE POMBONYO: So moved.

5 TRUSTEE CHIARA: Second.

6 MAYOR FITZGERALD: Miss Walsh, can you  
7 poll the Board.

8 MS. WALSH: Trustee Pombonyo?

9 TRUSTEE POMBONYO: Aye.

10 MS. WALSH: Trustee Chiara?

11 TRUSTEE CHIARA: Aye.

12 MS. WALSH: Trustee Stewart?

13 TRUSTEE STEWART: Aye.

14 MS. WALSH: Trustee Longobardi?

15 TRUSTEE LONGOBARDI: Aye.

16 MS. WALSH: Mayor Fitzgerald?

17 MAYOR FITZGERALD: Aye.

18

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

21

---

CATHERINE P. MURPHY  
Court Reporter

22

23

24

25