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VILLAGE OF MINEOLA
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1 MR. SCALERO: Ladies and gentlemen, please
2 silence all pagers and cell phones. In the event of an
3 emergency there are exits located in the rear of the
4 room.

5 MAYOR STRAUSS: Evening, ladies and gentlemen.
6 Thank you for coming out this evening.

7 We have one hearing and it is on rezoning of
8 the Village by the Village, or for the Village.

9 Mr. Gibbons, can you read the proposed law?

10 MR. GIBBONS: Sure, Mayor.

11 "Proposed Local Law amending Section 550-16 of
12 the Municipal Code of the Incorporated Village of
13 Mineola, entitled 'M District (Light Manufacturing and
14 Industrial', to regulate marijuana retail stores (in the
15 event that the New York State Legislature legalizes the
16 recreational use of marijuana).

17 "550-16. M Districts (Light and Manufacturing
18 and Industrial).

19 "Subsection E. In addition to the uses set
20 forth in subsections A, B, C and D of this 550-16, the
21 following uses shall be allowable in the M District:

22 "(1) Purposes and considerations. The Village
23 Board recognizes that several states have permitted the
24 distribution of marijuana for recreational purposes. The
25 Village Board recognizes that the legalization of

1 marijuana in New York is the subject of a current
2 discussion and community forums organized by the State,
3 and both the New York State Governor and New York State
4 Commissioner of Health have recommended that the
5 recreational use of marijuana be considered for
6 legalization in New York. The Village Board is generally
7 concerned that, despite any potential State regulation,
8 marijuana may fall into the hands of those for whom it
9 was not intended, such as children. For these reasons
10 the Board finds that it is important and prudent to
11 assure that marijuana related businesses are sufficiently
12 distant from schools, parks, day care centers, houses of
13 worship and residential zones. This 550-16E shall not be
14 applicable to medical marijuana as defined in New York
15 Public Health Law Section 3360 made available to patients
16 through a medical marijuana dispensary authorized by the
17 New York State Department of Health to dispense or
18 distribute medical marijuana in accordance with Article
19 33 of the Public Health Law and Part 1004 of Title 10 of
20 the New York Codes, Rules and Regulations. This 550-16E
21 only pertains to marijuana for recreational purposes.

22 "(2) Definitions. As used in this Subsection
23 E, the following term shall have the meaning indicated:

24 "Marijuana Retail Store: A building, structure
25 or premises engaged in the sale, use or distribution of

1 marijuana and/or marijuana products for non-medical use.
2 A building, structure or premises shall be considered a
3 marijuana retail store regardless of whether products in
4 addition to marijuana products are offered for sale, use
5 or distribution at the building structure or premises,
6 and regardless of the amount of marijuana or marijuana
7 products available for sale, use or distribution at the
8 building, structure or premises in comparison to other
9 products offered for sale, use or distribution at the
10 building, structure or premises.

11 "(3) The use as defined in Subsection E(2)
12 above is to be restricted as to location in the following
13 manner in addition to any other requirements of this
14 Code:

15 "(a) The above use shall not be located within
16 a two-hundred-foot radius of any area zoned for
17 residential use.

18 "(b) The above use shall not be located within
19 a one-half-mile radius of any other such use.

20 "(c) The above use shall not be located within
21 a five-hundred-foot radius of any school, church or other
22 place of religious worship, park, playground or playing
23 field.

24 "(4) The restriction enumerated in Subsection
25 E(3) (b) " above --

1 And just to remind you, that restriction is:
2 The above use shall not be located within one-half-mile
3 radius of any other such use.

4 "-- may be waived by the Board of Trustees of
5 the Village if the applicant shows and the Board finds
6 that the following conditions have been met:

7 "(a) That the proposed use will not be contrary
8 to the public interest or injurious to nearby properties,
9 and that the spirit or intent of this Subsection E will
10 be observed.

11 "(b) That the establishment of an additional
12 use of this type in the area will not be contrary to any
13 program of neighborhood conservation or improvement,
14 either residential or non-residential.

15 "(5) No more than one of the uses as defined
16 above shall be located on any lot."

17 Mayor, there's also a corollary to that Local
18 Law, and that is:

19 "Proposed Local Law amending Section 550-3 of
20 the Municipal Code of the Incorporated Village of
21 Mineola, entitled 'Word Usage; Definitions', to define
22 'Marijuana' and 'Marijuana Product'.

23 "550-3 Word Usage; Definitions.

24 "(a) Word Usage. Words in this Chapter are
25 defined for the purpose thereof as follows: Words in the

1 present tense include the future; the singular number
2 includes the plural and vice versa; the word 'lot'
3 includes 'plot'; the word 'building' includes the word
4 'structure'; 'structure' shall be construed as though
5 followed by the words 'or part thereof'; and the word
6 shall is always mandatory.

7 "(b) Terms Defined. As used in this Chapter,
8 unless the context or subject matter otherwise requires,
9 the following words shall have the following meanings:

10 "Marijuana - The term marijuana shall have the
11 same definition ascribed to marijuana in Section 3302 of
12 the New York Public Health Law.

13 "Marijuana Product - Marijuana and/or any
14 material, substance or other thing derived in any manner
15 from marijuana, or which contains marijuana as a
16 component part in any amount or concentration."

17 MAYOR STRAUSS: Thank you.

18 Folks, in a nutshell, we're not looking to ban
19 medical use of marijuana. Personally, to do so I think
20 is foolish. If someone needs medical marijuana because
21 of their condition, whether they're an adult or a child,
22 they should get it. They should have access to it. It's
23 heavily regulated currently by the State of New York.
24 You have to be licensed. They only give out a certain
25 amount of licenses, and if it's eased in that pharmacies

1 are allowed to provide medical marijuana to their
2 patients, then I think they should do so. My personal
3 opinion.

4 What we're looking to regulate here is the
5 recreational -- re-zone here -- is the recreational use
6 of marijuana. We're not banning it. We're just simply
7 saying: If you want to sell it in the Village of
8 Mineola, by all means, you're welcome in the M zone, down
9 in our industrial area.

10 Deputy Mayor?

11 MR. PEREIRA: Thank you, Mayor.

12 Couple of things. I have a question for
13 Mr. Gibbons.

14 Mr. Gibbons, so according to this, a business
15 that is currently selling vaping products and oils and
16 things of that nature, pods, JUULs, although they are
17 grandfathered in their prior nonconforming use, they can
18 not now begin to sell marijuana products. They would
19 have to move.

20 MR. GIBBONS: They would have to be in the M
21 zone to sell marijuana, yes.

22 MR. PEREIRA: OK. My second question to you
23 is: One of our M zones abuts another residential
24 village. That 200 feet would take that village into
25 consideration?

1 MR. GIBBONS: Yes.

2 MR. PEREIRA: OK. That's our neighbors to the
3 north, East Williston.

4 And finally, on a personal note, I think it
5 behooves us to do this preemptively. Of course what's
6 coming out of Albany, all indications are that marijuana
7 use will be legalized, which brings me to something else,
8 and the language, and we're using the language, and I
9 wish we didn't have to.

10 You know, you hear a lot about the recreational
11 use of marijuana. When I think of recreation I think of
12 my kids playing and doing something for fun. We don't
13 say: Recreational drinking. We don't have liquor stores
14 and we call them recreational liquor stores, or
15 recreational smoke shops. I wish that we would stop
16 using the word recreational because it's a serious drug,
17 just like alcohol is, just like tobacco is, and just like
18 opioids are. They're regulated, and they're legal, and
19 they are dispensed in a way that's controlled and
20 overseen, whether it be by the Department of Health or
21 the State Liquor Authority. But I think it's a misnomer
22 to label it -- and I know that the media and proponents
23 like to label it -- as recreational marijuana use. I
24 don't think it is recreational, just like alcohol is not
25 recreational. If someone chooses to drink, there are

1 things they shouldn't choose to do, such as drive. And
2 if someone chooses to ingest marijuana, whether it be
3 through smoking it, or eating it, or any other way, or
4 vaping it, that there are things that they shouldn't be
5 doing either.

6 So that's just my kind of personal opinion, and
7 I wish that we would get away from that as a country, as
8 a state, and here too.

9 But this is all, of course, contingent on what
10 looks like, as I said, the legalization of marijuana use
11 in the state. And we are being proactive by protecting
12 our quality of life and by making sure that, you know,
13 these businesses are away from schools, away from parks,
14 away from where families and children gather.

15 And the question may be: Well, why don't you
16 do that for liquor stores or other businesses? Because
17 we don't have the authority to do that, right, because
18 the State Liquor Authority grants permits to a liquor
19 store. We don't. We can't control where a liquor store
20 goes. And perhaps that may happen some day with these
21 businesses as well. We don't know that. But at this
22 point it hasn't happened, and I think it's smart of us to
23 do this. OK.

24 As the Mayor said, we're not putting
25 restrictions on medicinal use of marijuana, or any

1 medicinal dispensaries that may come down in the future.
2 And we're not banning, as other government entities have
3 done, banning the use of something that potentially could
4 be legal within this next year. It's not really for us
5 to decide. If the State decides that it's legal, then
6 it's legal, and we have to abide by that. And I think
7 that we have to respect business owners that want to come
8 into the community and invest and open up a business,
9 whatever that business is. But we have to make sure that
10 it's done responsibly.

11 So I am in favor of this, and hopefully we
12 won't have to enforce it. That would be great. That
13 would be great.

14 Thank you, Mayor.

15 MAYOR STRAUSS: Thank you.

16 Trustee Cusato.

17 MR. CUSATO: Good evening, everybody.

18 You know, I don't know how much more I could
19 add to what's already been said. It looks to me that the
20 state is pushing forward on this matter. Today's
21 Newsday: Governor Makes Pot Pitch. You know what, we
22 need to react to this potential decision, and we need to
23 be prepared, and we need to protect our community.

24 You know, when you can walk into a delicatessen
25 and buy six cans of beer, no one says anything and the

1 result can be the same thing. You know. So I'm in favor
2 of our proposal.

3 MAYOR STRAUSS: Thank you.

4 Trustee Durham.

5 MR. DURHAM: Thank you.

6 Thank you all for coming out tonight.

7 I'm also in favor of doing this, take and keep
8 it contained in an area that's not going to affect --
9 it's going to be away from the schools, away from
10 churches. If somebody wants to go into the area and
11 purchase the stuff for their recreational -- as Mr.
12 Pereira said, I shouldn't say recreational -- for their
13 private consumption and use, so be it, that they can take
14 and go there and purchase it if it comes to that. But we
15 need to take and keep it away from the general area where
16 our youth are and have it in an area where if somebody
17 wants to go and purchase it that they can.

18 So I'm in favor of what we're doing.

19 MAYOR STRAUSS: Thank you.

20 Trustee Walsh.

21 MR. WALSH: Thank you, Mayor.

22 What we're doing here tonight, and what we have
23 to remember what we're doing here tonight, is code
24 change. That's what we're doing. We're doing a code
25 change.

1 I think it's a good code change. I think it's
2 a necessary code change. And I think that we should
3 address this tonight with a vote.

4 And that's all I have to say. Thank you.

5 MAYOR STRAUSS: Thank you.

6 I'll open up to public comment. I ask anybody
7 wishing to speak, please approach the podium, state your
8 name and your address for the reporter.

9 Anybody in the first row? Second row? Third
10 row? Fourth row? Fifth row? Sixth row? Seventh row?

11 Sir?

12 MR. ERIC: Hello. Jay Eric, 28 Chester Street.

13 MR. CUSATO: 28 Chester Street?

14 MR. ERIC: Chester Street.

15 MAYOR STRAUSS: What town is that?

16 MR. ERIC: Locust Valley.

17 MAYOR STRAUSS: Locust Valley.

18 MR. ERIC: Do any one of you know what today is
19 the anniversary of?

20 MR. CUSATO: Sorry?

21 MR. ERIC: Do you know what today is the
22 anniversary of?

23 MR. PEREIRA: January 16th. . .

24 MAYOR STRAUSS: No.

25 MR. ERIC: The Volstead Act. Prohibition. And

1 you know what? It was the 18th amendment.

2 You know what the 21st amendment is?

3 MR. PEREIRA: Repealing it.

4 MR. ERIC: The repeal.

5 Why?

6 It doesn't work. Marijuana prohibition doesn't
7 work. It does more harm than good.

8 Now there's two things I know to be true. One,
9 New York State is going to legalize marijuana and, two,
10 you're going to pass your local ordinance. I think
11 that's a forgone conclusion -- can you hear over there?

12 MR. GIBBONS: Yes.

13 MR. ERIC: So you're going to pass this.

14 What I think you need to know is: These
15 conversations always come down to the children. Always.
16 I think everyone up here, most people agree, if an adult
17 wants to use marijuana in the privacy of their home most
18 people don't have a big problem with that.

19 What you need to remember is why kids use
20 marijuana. About a third of kids, since they've been
21 keeping records, will try it. About ten percent will do
22 it, and about five to eight percent of our population
23 will become addicted to something.

24 Children use marijuana. First reason is
25 because their peers do it. Second reason is because

1 their parents do it. And the third is availability.

2 I could walk into Mineola High School, any of
3 the colleges, my high school, Levittown Division, and get
4 marijuana in about five minutes. You're not stopping the
5 availability. You're giving it a bad onus.

6 I understand you're not in favor of it being
7 near a school. I don't think anyone -- you brought up
8 the alcohol, liquor stores. You don't regulate liquor
9 stores not because you can't, which you can't, but no one
10 is going to buy marijuana simply because a store is near.
11 It's not done that way. They won't be allowed. It'll be
12 against the law for children to go into any place. They
13 won't be allowed in.

14 And this whole idea that we need to keep it
15 away from churches like it's dangerous, like it's
16 radioactive or something.

17 So my basic message is: It's not going to be a
18 problem. Every state that's legalized it, ripple effect
19 minor. No problem.

20 That's it. Thank you.

21 MAYOR STRAUSS: We don't believe the sky is
22 going to fall if it's legalized. We just want to control
23 it a little bit in our Village. Thank you.

24 Anybody else in the seventh row?

25 Yes, sir.

1 MR. GRILO: My name is Joe Grilo, 318
2 Wellington Road, here in beautiful Mineola.

3 Just one statement that was said, that this
4 gentleman could go into Mineola High School and in five
5 minutes pick up marijuana. I don't know if that's true
6 or not but, by inferring that, I think he's giving our
7 wonderful school district a bad name. I don't think
8 that's going to happen, walking into Mineola High School
9 and pick up marijuana.

10 This law is fantastic. We don't know what's
11 going to happen in the future, but we have to be
12 prepared. And by going to changing the code, being
13 prepared, we'll be ready to see what happens when this
14 finally evolves.

15 I'm a long-time resident of Mineola. We have
16 all our laws and regulations, and it's those laws and
17 regulations that are making this the greatest place, in
18 my opinion, to live. And I think this is just going to
19 add to our safety and our well-being and our happiness in
20 this community.

21 Thank you very much for the effort that you've
22 made. Thank you.

23 MAYOR STRAUSS: Thank you, Mr. Grilo.

24 Folks, like any law, if this gets passed
25 tonight, it can be altered in the future. If there is a

1 need for it and there is a different opinion of the
2 issue, it can always be adjusted.

3 Anybody else wishing to make public comment?

4 Yes, sir?

5 MR. HOARE: Frank Hoare, 374 Beebe Road,
6 Mineola.

7 I heard -- I don't know where I heard it from.
8 My son, who is in law enforcement, said it. He heard
9 that the Town of North Hempstead is banning the sale of
10 marijuana; is that true?

11 MAYOR STRAUSS: That's what I --

12 MR. GIBBONS: Yes.

13 MAYOR STRAUSS: That's my understanding.

14 MR. HOARE: Now what's the affect on us, then?

15 MR. GIBBONS: There is none. As far as I know,
16 the ban, what the town does, does not regulate
17 incorporated villages. They only deal with the
18 unincorporated parts of the town.

19 MR. HOARE: All right. OK. So, but if we --
20 now say we wanted to ban it, would that --

21 Not that we are or we aren't. I mean, what
22 you're doing is fine.

23 -- is that a precedent that we could, since the
24 town is banning it?

25 MAYOR STRAUSS: I don't think that would be a

1 wise move, but I'll defer to our counsel.

2 MR. GIBBONS: We're waiting to see how the
3 particular legislation evolves.

4 The governor mentioned yesterday there might be
5 an opt-out provision for certain municipalities who don't
6 want it within their borders. We kind of have to wait
7 and see how it goes and, as the Mayor said, react when we
8 see the legislation.

9 MR. HOARE: OK. Thank you.

10 MAYOR STRAUSS: Thank you.

11 Anybody else wishing to make public comment?

12 Yes sir.

13 MR. MORTENSEN: Dennis Mortensen, 300 Andrews
14 Road.

15 Mayor, Trustees, Honorable Counsel, I'm here to
16 talk to you about our favorite neighbor, CVS.

17 MAYOR STRAUSS: And we're having a hearing
18 about marijuana law re-zoning.

19 MR. MORTENSEN: I am so sorry.

20 MAYOR STRAUSS: That's OK. We'll have a public
21 meeting at 7:30.

22 MR. MORTENSEN: Oh. OK.

23 Well then I'll say my piece about marijuana.

24 MAYOR STRAUSS: Have at it.

25 MR. MORTENSEN: How about it.

1 We realize that there's parks in the east end
2 of Mineola, football fields, a school. I don't think
3 that's a good area. I think if you decide to allow this,
4 it should be like Windsor Avenue and etcetera, because
5 the only thing that would be close to that would be the
6 East Williston ball field.

7 Have a nice day.

8 MAYOR STRAUSS: All right. Thank you.

9 Anybody else wishing to make comment?

10 Anybody from the Board wishing to make comment?

11 MR. PEREIRA: Mayor, if I could, just to
12 address the issue before.

13 MAYOR STRAUSS: Yes.

14 MR. PEREIRA: I don't think I did, and I don't
15 think anybody on the Board today made a moral judgment on
16 legalizing versus keeping marijuana illegal, elicit.
17 Many of us probably believe that perhaps that's the way
18 it's going anyway.

19 What we're doing here, as Mr. Walsh said, is
20 really dealing with a zoning regulation and, hence, is
21 why we don't have to follow North Hempstead's lead. We
22 control our own zoning. And just like we -- and those of
23 you who come to meetings here -- we control body shops
24 and spray booths and all of those things, where they can
25 go. In a similar way we control where any number of

1 businesses are allowed. We have B-1 districts, M-1
2 districts, residential, R-1's, R-2's, two-family homes,
3 etcetera. That's what zoning is all about.

4 And I think, in a way, it may actually help
5 someone who is opening up this type of business. They
6 may not want to be on Jericho where there may be some
7 stigma associated, at least initially, with someone
8 walking in and out of these types of businesses. So
9 perhaps in the M-1 district people will be more apt to
10 shop in these types of locations because they may not
11 want to see their neighbors seeing them coming in and out
12 of these places.

13 But as the Mayor said, that's now. It could be
14 two years from now, five years from now, ten years from
15 now, it could be, as Mr. Cusato said, people can buy it
16 at the deli. We don't know that. We don't know what the
17 state is going to mandate, how they are going to allow --
18 how much flexibility they're going to allow local
19 municipalities. We may be doing this for nothing, but
20 I'm glad that we're doing it so that we can always go
21 back and adjust it if we have to. But if we're not ahead
22 of the game, then we leave ourselves compromised going
23 forward. And you can see other municipalities, you know,
24 not having it and people flocking there.

25 So this is not really, for me at least, it's

1 not a matter of whether I agree personally or not with
2 the legalization of so-called recreational marijuana.
3 That's not the factor here. The factor is about zoning
4 and about maintaining the character of this Village as we
5 see it.

6 And as I said before, and the gentleman brought
7 up Prohibition, if we -- we're not able to regulate
8 liquor stores. We're not able to dictate where they go.
9 If we could, most municipalities probably would have a
10 say where they think liquor stores can go. Right? And
11 in this case right now, we do have some control. So I
12 think it's imperative that we exercise our local control
13 to formulate our community as we best see fit, those of
14 us who live here, those of us who have lived here for our
15 entire lives.

16 But I also think -- I agree with the Mayor that
17 I don't think that it would be smart to just outright ban
18 something that the state is going to legalize because
19 that's just not going to stand up in court.

20 Thank you, Mayor.

21 MAYOR STRAUSS: Thank you.

22 Anybody else wish to make comment?

23 I'll entertain a motion to approve the law and
24 the change to the existing law.

25 MR. PEREIRA: Motion.

1 MR. WALSH: Second.

2 MAYOR STRAUSS: Motion by Trustee Pereira.

3 Seconded by Trustee Walsh.

4 Mr. Scalero, please poll the Board.

5 MR. SCALERO: Yes, sir.

6 Trustee Durham?

7 MR. DURHAM: Yes.

8 MR. SCALERO: Trustee Pereira?

9 MR. PEREIRA: Yes.

10 MR. SCALERO: Trustee Cusato?

11 MR. CUSATO: Yes.

12 MR. SCALERO: Trustee Walsh?

13 MR. WALSH: Yes.

14 MR. SCALERO: Mayor Strauss?

15 MAYOR STRAUSS: Yes.

16 Thank you, folks, for coming out for the
17 hearing this evening.

18 I'll entertain a motion to close the hearing.

19 MR. PEREIRA: Motion.

20 MAYOR STRAUSS: Motion by Trustee Pereira.

21 Second?

22 MR. WALSH: Second.

23 MAYOR STRAUSS: Trustee Walsh.

24 All in favor?

25 MR. DURHAM: Aye.

1 MR. PEREIRA: Aye.

2 MR. CUSATO: Aye.

3 MR. WALSH: Aye.

4 MAYOR STRAUSS: Aye.

5 Any opposed?

6 Carried.

7 Thank you, folks. We'll be out for the public
8 meeting at 7:30.

9 * * *

10 This is to certify that the within and foregoing is a
11 true and accurate transcript of the stenographic notes as
12 recorded by the undersigned Official Court Reporter.

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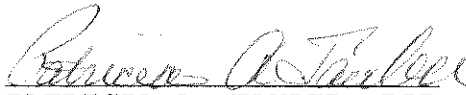
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