

**LEGAL NOTICE OF
PUBLIC HEARING**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Williston Park will hold a public hearing at 7:00 PM on Monday, June 13, 2022, at the Village Hall, 494 Willis Avenue, Williston Park, New York 11596, to consider the adoption of Bill No. 2 of 2022, a local law amending Section 230-8, "Business District," of Article II, "Zoning District Regulations," of Chapter 230, "Zoning," of the Code of the Village of Williston Park, to require Special Exception permit to operate store, shop or establishment for sale of tobacco products, liquid nicotine, electronic cigarettes and smoking equipment and paraphernalia within the Village of Williston Park. The proposed local law reads as follows:

"Section 1. Legislative intent.

- A. By Local Law No. 3 of 2019, the Village opted out of allowing retail dispensaries and on-site consumption establishments of cannabis and related products as authorized by Chapter 92 of the Laws of 2021, known as the Marijuana Regulation and Taxation Act ("MRTA"), from locating and operating within the Village boundaries. Section 230-8(A)(34) of the Village Code prohibits on-site smoking businesses within the Village.
- B. At present the new State agencies created by MRTA, i.e. the New York State Cannabis Control Board and the Office of Cannabis Management, have not finalized the rules for operating, issuing licenses, and investigating and enforcing infractions of the MRTA.
- C. Within the past several months, stores have opened in the Village selling tobacco products, liquid nicotine, electronic cigarettes and smoking equipment and related paraphernalia under Village Code provisions that permit such a retail use as of right, without the need to apply for or obtain any permit from the Village. Some of these new stores are close to schools, churches, and religious places of worship. The Village Board is aware that similar establishments in other municipalities have been charged with violations of State or local law arising from the unlawful sale of cannabis, concentrated cannabis, cannabis paraphernalia, and/or concentrated cannabis paraphernalia.
- D. The purpose of zoning, as set forth in § 7-700 of the Village Law, is to promote the health, safety, morals, and general welfare of the community. This Board finds that a prior permitting process, including a public hearing, with respect to stores that propose to sell tobacco products, liquid nicotine, electronic cigarettes and smoking equipment and related paraphernalia in the Village will provide the Village with zoning-related control over the location and operation of such establishments, and provide Village residents and others an opportunity to be heard regarding such applications. The Board finds that such a process will promote the health, safety, morals, and general welfare of the community.

{N0475615.1}

Section 2. Clause “A.” of 230-8, “Business District,” of Article II, “Zoning District regulations,” of Chapter 230, “Zoning,” of the Code of the Village of Williston Park is hereby amended by adding at the end thereof a new sub-clause “(35)”, to read in its entirety as follows:

‘(35) a smoke shop (defined below), as a special exception by the Board of Trustees after a public hearing. For purposes hereof, “smoke shop” shall mean any store, shop or other establishment selling tobacco products, liquid nicotine, electronic cigarettes and smoking equipment and related paraphernalia. Any special exception permit issued hereunder shall be subject to such conditions as are imposed by the Board of Trustees, in addition to the following conditions:

- (a) No smoke shop shall be located within 1,000 feet of any school, park or house of worship;
- (b) No smoke shop shall be located within 1,000 feet of any smoke shop; and
- (c) The front window or customer entry door of any smoke shop shall conspicuously display signage setting forth all applicable age restrictions on the sale of products offered for sale in such smoke shop.’

Section 3. Effective Date. This local law shall take effect immediately.”

Persons who may suffer from a disability which would prevent them from participating in said hearing should notify Julie Kain, Village Clerk, at (516) 746-2193 in sufficient time to permit such arrangements to be made to enable such persons to participate in said hearing.

Dated: Williston Park, New York
May 23, 2022,

By Order of the Board of Trustees
of the Village of Williston Park
Julie Kain, Village Clerk

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
~~Town~~ of Williston Park
Village

Local Law 2 of the year 2022

(Insert Title)

A local law amending Section 230-8, "Business District," of Article II, "Zoning District regulations," of Chapter 230, "Zoning," of the Code of the Village of Williston Park, to require Special Exception permit to operate store, shop or establishment for sale of tobacco products, liquid nicotine, electronic cigarettes and smoking equipment and paraphernalia within the Village of Williston Park.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City
~~Town~~ of Williston Park
Village

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- A. By Local Law No. 3 of 2019, the Village opted out of allowing retail dispensaries and on-site consumption establishments of cannabis and related products as authorized by Chapter 92 of the Laws of 2021, known as the Marijuana Regulation and Taxation Act ("MRTA"), from locating and operating within the Village boundaries. Section 230-8(A)(34) of the Village Code prohibits on-site smoking businesses within the Village.
- B. At present the new State agencies created by MRTA, i.e. the New York State Cannabis Control Board and the Office of Cannabis Management, have not finalized the rules for operating, issuing licenses, and investigating and enforcing infractions of the MRTA.
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products, liquid nicotine, electronic cigarettes and smoking equipment and related paraphernalia under Village Code provisions that permit such a retail use as of right, without the need to apply for or obtain any permit from the Village. Some of these new stores are close to schools, churches, and religious places of worship. The Village Board is aware that similar establishments in other municipalities have been charged with violations of State or local law arising from the unlawful sale of cannabis, concentrated cannabis, cannabis paraphernalia, and/or concentrated cannabis paraphernalia.

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