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Inside ExploreLI

**TOP STORIES**

# LIMITS EYED FOR

## Municipalities weigh bans, 1-year delays, zone changes

**BY SCOTT EIDLER**
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Some Long Island municipalities are trying to keep retail marijuana sales away from busy downtowns and residential areas, confining them to less populated areas zoned for auto body shops, manufacturing and vape shops.

The villages, and some towns, are reacting to a proposal by Democratic Gov. Andrew M. Cuomo in his 2019-20 budget to legalize the sale of recreational marijuana statewide. The proposal is expected to pass the Democrat-controlled State Senate and Assembly.

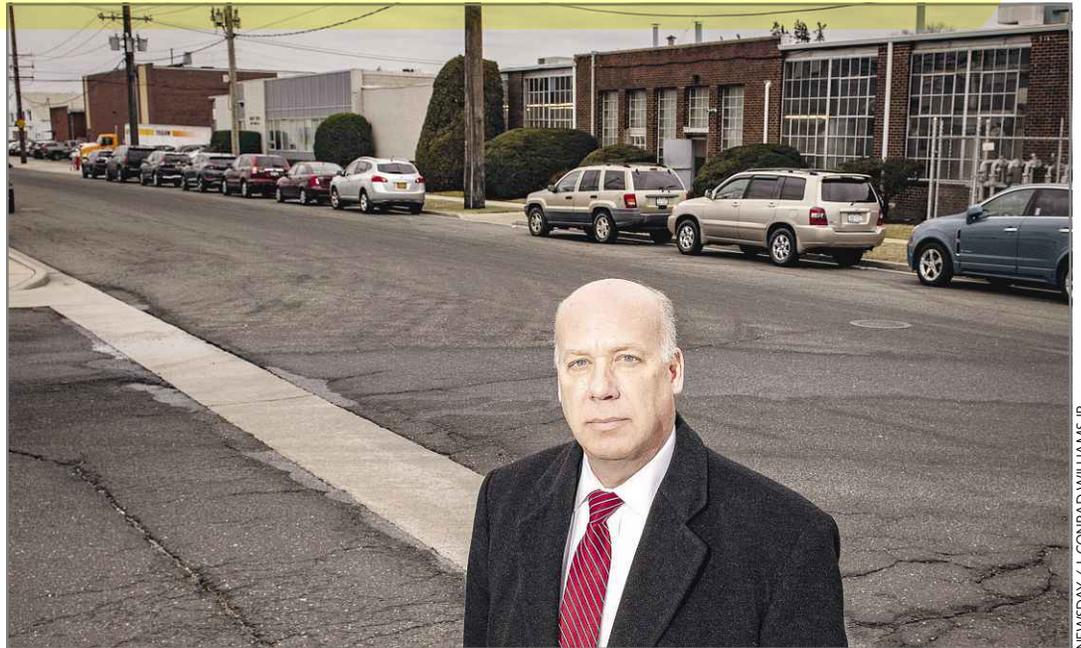
The plan has generated anxiety among municipal, law enforcement and education officials. They say they may have to rethink decades-old policies and procedures — from training police officers to detect whether motorists are drug-impaired, tightening town boating-while-intoxicated codes and determining whether students are high.

Villages in Nassau and Suffolk, which have broad zoning powers, have been among the first municipalities in the state to confront the issue of where to allow retail sales.

“If we’re going to embrace it, let’s embrace it on our terms,” Mineola Mayor Scott Strauss said.

Recreational marijuana “will be a very high-requested item,” he said. “Once it goes legal, people are going to try it. I’m anticipating long lines, parking problems, so what better place to put it [than] into those light industrial areas where there’s plenty of parking, less traffic, and they’re not circling ... through neighborhoods looking for places to park.”

Mineola has voted to confine retail sales to its light industrial section, where auto body shops



Mayor Scott Strauss at corner of Union and East Second streets, Mineola’s “light industrial district.”

“If we’re going to embrace it, let’s embrace it on our terms,”

— Mayor Scott Strauss of Mineola

and manufacturing companies are located, and away from the main traffic corridor on Jericho Turnpike.

### Poised to make changes

This week, the villages of Floral Park and New Hyde Park are scheduled to consider limiting sales of retail marijuana to sections zoned for “adult use,” where codes allow hookah bars, vape shops, tattoo parlors and adult bookstores.

Some villages and towns want to prohibit recreational marijuana outright.

But even though they’re considering such moves — or already have enacted bans — the Cuomo measure only permits counties and cities with more than 100,000 residents to ban, or “opt out” of allowing retail sales.

Still, Cuomo’s plan would give municipalities authority to

regulate the “time, place and manner” in which such businesses will operate. The plan states that those laws cannot “make the operation of such licensed retail dispensaries unreasonably impracticable...”

North Hempstead Town already has approved a prohibition on retail marijuana sales.

Hempstead Town later this month will consider whether to outlaw marijuana consumption in parks and a one-year moratorium on marijuana sales in the town.

Some officials in the Village of Munsey Park also are considering banning retail pot sales.

“Right now, we don’t have anything on our books that would prohibit or regulate that type of sale,” said Munsey Park trustee Lawrence Ceriello. “We don’t want to wake up one day and find out before us an application for that type of use.”

North Hempstead Supervisor Judi Bosworth said of the town ban: “I think the safety and well-being of our children and the sense of well-being that this gives to their parents is something that is very important.”

Asked if the town’s law barring retail sales is in conflict with the language of the governor’s bill, North Hempstead spokeswoman Carole Trottere

said: “Since the details are still being worked out in Albany, it would be premature to speculate on how the law that the state may ultimately adopt might affect North Hempstead’s existing law.”

Other Long Island officials said although they opposed legalized marijuana they’re resigned to its inevitability and were planning to make the best of it.

### Could aid revitalization

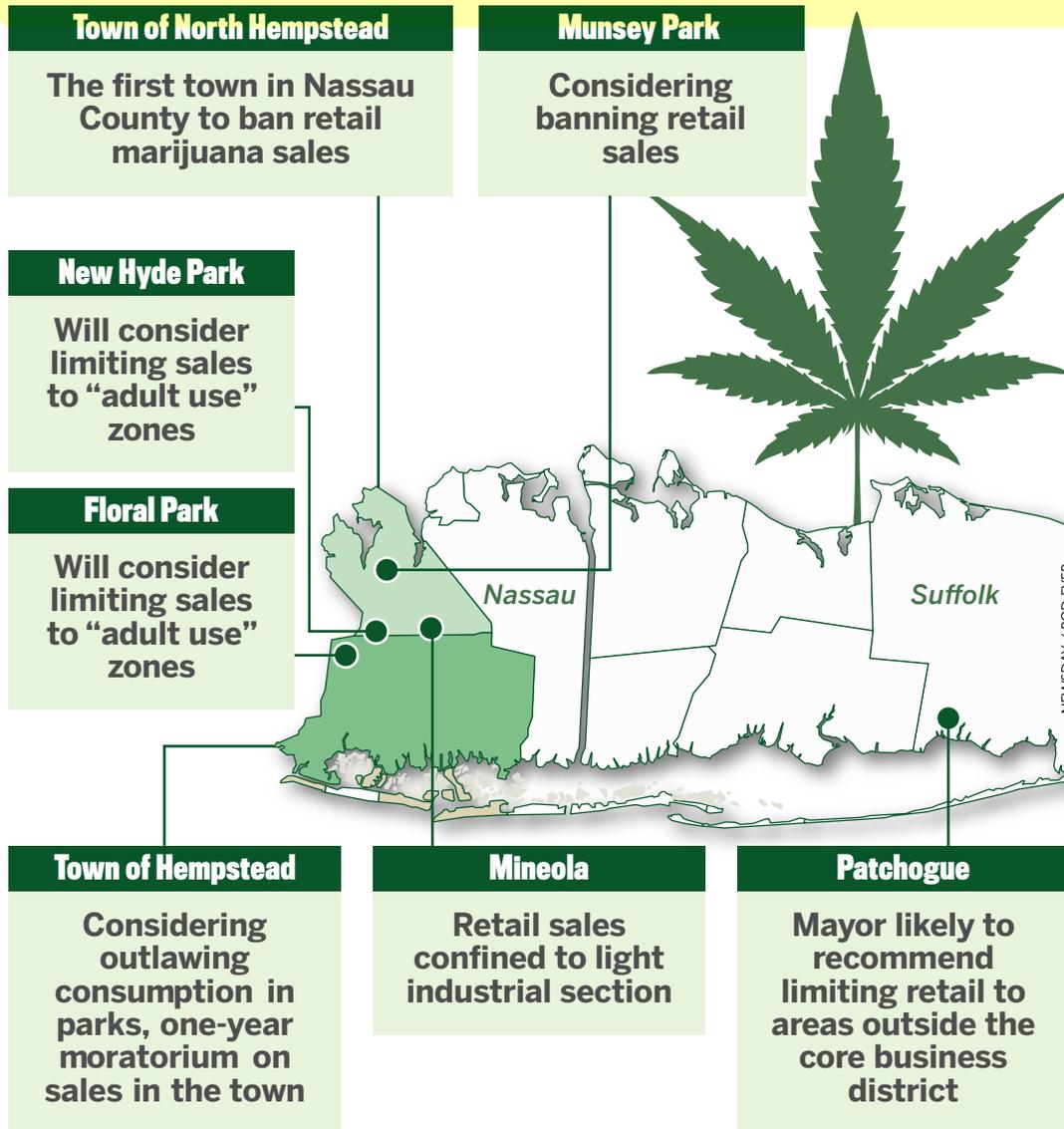
Strauss, the Mineola mayor, said retail marijuana could contribute to revitalization of parts of the village dominated by manufacturing.

He noted that some restaurants and microbreweries have expressed interest in moving to light industrial areas. A mix of new businesses would “rejuvenate” such areas, and maybe bring them “some weekend life ... where typically that light industrial area is dead on Saturday and Sunday and certainly at night,” Strauss said.

Patchogue Village Mayor Paul Pontieri said he would likely recommend that the village board make zoning changes that section off marijuana retail to areas outside the core business district.

“I think you have to accommodate those people who

# RETAIL SALES OF WEED



would like to purchase it," Pontieri said. "If you go in and you purchase, however it's purchased, and now you walk out into Main Street, are you going to keep it in your pocket, or have a cigarette while you're on Main Street? That's not what you'd want to have happen."

Nassau County Executive Laura Curran, a Democrat, said the county's new marijuana task force wants to hear from municipalities about issues they're confronting.

"I'm really interested to see what the municipalities are doing, what their constituents think, and I'm monitoring what they're doing," Curran said, noting that Farmingdale Mayor

Ralph Ekstrand, president of the Nassau County Village Officials Association, sits on the task force.

"I think that what we see happening within some of these villages is a good barometer [of what] some of our communities are thinking about this," said Curran. "Village officials are always looking out for their communities, they're on the ground."

#### State agency planned

If the state legislation passes, New York would create an Office of Cannabis Management to handle licensing, enforcement and siting of retail outlets. Separate licenses will be issued for growing and selling marijuana,

according to Cuomo's plan.

"A structure that will be set out in future law," the Cuomo administration said in a statement. "This approach allows this new, independent regulatory body to promptly implement a regulatory framework by sharing best practices with the [state Liquor Authority], an agency with 85 years' experience in licensing and regulating New York's alcohol beverage marketplace, while ensuring the protection of public health and safety."

In North Hempstead, the controversy over retail marijuana had its origins in the town's experience with medical marijuana.

Since medical marijuana became legal in New York in July



Advocates urge New York State legislators at the Capitol last year to support the Marijuana Regulation and Taxation Act.

2014, two dispensaries have opened in North Hempstead — in Carle Place and Lake Success. Another medical marijuana dispensary is located in Riverhead.

#### Move opposed

Last year, MedMen, a California company that operates the Lake Success facility, sought to move the dispensary to the site of a mattress store in Manhasset with tall glass windows and 16 proposed parking spaces.

Jennifer DeSena, executive director of the Manhasset Coalition Against Substance Abuse, opposed the plan.

"We wanted to be clear that the residents don't want this business," she said. "We're a family community; people moved here for the schools — family comes first. If you have the ban in place, then the company knows they should go somewhere else to find a community that wants the business."

The episode prompted North Hempstead to pass a law in November barring medical marijuana dispensaries from converting into retail stores.

In December, the town board limited the number of medical marijuana dispensaries to two and barred them from locating within 1,000 feet of a school, park, religious or child care cen-

ter, or within 500 feet of a residential district.

The episode also caught the attention of officials of nearby Munsey Park, which has 840 homes and limited commercial retail space.

"We're taking the position that putting a store in the village that sells marijuana would be an adverse impact on the health, welfare, and safety of the residents and real estate values. Our residents just don't want it," Ceriello said.

Some Floral Park officials would rather ban legal marijuana sales altogether if they could, but for now will seek to limit it to areas zoned for adult use.

"If it were up to me, I would say absolutely not, and not allow it all," Mayor Dominick Longobardi said. But, he said, "This is as close as we can get to a ban until we're allowed to ban."

Doug Greene, legislative director of Empire State NORML, the New York chapter of the National Organization for the Reform of Marijuana Laws, said such village zoning proposals would force "people to go to relatively isolated areas that may not have the atmosphere people are looking for when they're purchasing a legal product."

With Michael Gormley