

MINUTES OF THE DECEMBER 5, 2023 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT THE TOWN HOUSE, 179 WESTCHESTER AVENUE, POUND RIDGE, NEW YORK, AND VIA ZOOM VIDEOCONFERENCE, COMMENCING AT 8:00 PM

PRESENT: SUPERVISOR KEVIN HANSAN
COUNCILPERSON ALISON BOAK
COUNCILPERSON CARLA BRAND
COUNCILPERSON DIANE BRIGGS
COUNCILPERSON DANIEL PASCHKES

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON
TOWN CLERK ERIN TROSTLE

NOT

PRESENT: DEPUTY SUPERVISOR LES MARON

I. CALL TO ORDER OF REGULAR MEETING

Supervisor Hansan called the meeting to order at 8:05 pm.

II. ANNOUNCEMENTS

- There will be a work session for diversity, equity, and inclusion training at the Pound Ridge Library from 6:00 to 7:30 pm on Tuesday, December 12, 2023.
- There will be a public hearing at 10:00 am on Saturday, December 9, 2023 at the Pound Ridge Elementary School gymnasium for the purpose of hearing public comment on proposed changes to the zoning code to regulate cannabis retail business activity in the business district. Residents wishing to speak should contact the Town Clerk via email no later than 4:30 pm on Thursday, December 7.
- A memorial service for Ebie Wood will be held at 11:00 am on December 7 at the Pound Ridge Community Church. Police will be on hand to assist with parking.
- The Town has been awarded a tentative recreational trails grant of \$250,000 by the New York State Office of Parks, Recreation, and Historic Preservation.
- Chabad of Bedford will be hosting a menorah lighting ceremony at 3:00 pm on Sunday, December 10 at the Village Green. All are welcome to attend.
- There's still time to enter the Pound Ridge Garden Club's annual mailbox-decorating contest. Prizes will be awarded in youth and adult categories. Entries must be received by December 20. For more information, visit the garden club's website.

III. MINUTES

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Briggs, the motion passing 3-0 with Supervisor Hansan abstaining, to approve the minutes of the November 14, 2023 Town Board meeting.

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

**IV. PUBLIC HEARING ON PROPOSED LOCAL LAW REGARDING ENACTMENT OF A MORATORIUM
ON CANNABIS RETAIL BUSINESS ACTIVITY**

Town Attorney Harrington explained that the purpose of the proposed moratorium was to pause development in the business district to allow the Town Board the time necessary to consider zoning changes to regulate cannabis retail business activity. Once legislation is passed, public discussion would follow if a dispensary license is ever granted by the state.

Board Action: Motion by Councilperson Paschkes seconded by Councilperson Boak, all voting aye, to open the public hearing.

Resident Norman Bernstein, of 2 Pheasant Road, suggested that the exemption for applications submitted before November 14 be stricken, along with the provision for possible cancellation within six months. He also suggested that “severe financial hardship” be defined as a loss of at least \$750,000 and that the use of projected future income to claim losses be disallowed except under specific circumstance. He provided a redlined version of the proposed moratorium.

Resident Alexander Goldfarb, of 21 Patterson Road, agreed that the exemption for pre-November 14 applications should be removed and said that there should be no exemptions for financial hardship. He also stated that he was puzzled by the Town Board’s failure to opt out in 2021.

Resident Michele Braun, of 2 Pheasant Road, said that many opportunities for public discussion and consensus building had been missed but noted that a properly constructed moratorium would provide a chance for such discussions to take place. She urged the adoption of the changes proposed by Mr. Bernstein.

Resident Jay Goodgal, of 11 Apple Tree Lane, expressed support for the comments made by the three previous speakers. He stated that there should be a total moratorium until the town communicates to residents how it will address possible problems associated with cannabis retail business activity, such as increased traffic and declines in property value.

Resident Peggy Seton, of 35 Trinity Pass, expressed full support for Mr. Bernstein’s proposed amendments.

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

Resident Nicholas Cianciola, Sr., of 29 Autumn Ridge Road, said that the moratorium had “too many holes” in it. He then asked whether the moratorium could be adopted that night, whether amending the proposed moratorium language would make it necessary to delay the vote to a subsequent meeting, and whether it would be possible to amend the moratorium once adopted. Town Attorney Harrington explained that the Town Board could choose to adopt an amended version of the moratorium without waiting until a subsequent meeting and that once adopted, the moratorium could be amended.

Resident John McCown, of 25 Miller Road, endorsed Mr. Bernstein’s proposed amendments.

Resident Stacie Campbell, of 200 Lower Trinity Pass, agreed that Mr. Bernstein’s changes should be adopted. She said a moratorium was needed in order to address concerns such as the potential for increased crime.

Resident TJ Tarateta, of 15 Winterbottom Lane, said he agreed with Mr. Bernstein but expressed the view that the proposed moratorium was merely an effort to appease angry citizens. He stated that the amount set as a definition of financial hardship should be very high and encouraged extending the length of the moratorium to one year.

Resident Calli Hayes, of 4 Brook Farm Circle, asked whether the moratorium could be extended beyond six months.

Resident Steve Kushner, of 98 Upper Shad Road, said that it would be easy for anyone applying for a dispensary license to dispute the moratorium. He said it was offensive for the board to say the moratorium is urgently needed when there was no sense of urgency in 2021, when an opt-out decision could have been made.

Resident Richard Mendes, of 30 Peters Lane, expressed concern that the moratorium could impose hardships, both financial and otherwise, on all businesses in Scotts Corners and would create more work for the Town Board, since it would have to review exemption requests.

Resident Cheryl Schacht, of 10 Old Pound Road, expressed support for Mr. Bernstein’s amendment. She asked whether the opt-out could be revisited, given that there was no prior opportunity for public comment.

Resident Rica Mendes pointed out that recreation and medical marijuana is now legal in New York State. She said we already have businesses in town that sell tobacco, which is arguably more dangerous than cannabis and businesses that sell alcohol, which likely cause more traffic problems than a dispensary would. She noted that concerns about increased traffic in

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

the business district seem misplaced, given that increased traffic would likely benefit local businesses.

Mr. Kushner objected to the comparison of cannabis with alcohol, noting that there are many liquor stores nearby but that there will not be dispensaries in nearby towns.

Board Action: Motion by Councilperson Brand seconded by Councilperson Boak, all voting aye, to close the public hearing.

Supervisor Hansan and Town Attorney Harrington emphasized that there are no pending applications with the town from prospective cannabis retail businesses for permits or approvals.

Councilperson Paschkes expressed concern about the impact of the moratorium on non-cannabis-related small businesses. Town Attorney Harrington explained that most small businesses don't need land use approvals in order to open.

Councilperson Boak stated that she would prefer a six-month term for the moratorium.

Supervisor Hansan expressed concern about the impact of the moratorium on the expansion of the firehouse. Town Attorney Harrington said that the fire district would not be precluded from starting the process of seeking approvals and added that the fire district would have little trouble showing the financial hardship necessary to seek an exemption.

RESOLUTION 251-23

Board Action: Motion by Councilperson Brand, seconded by Councilperson Boak, the board polled and the motion passing 4-1, with Councilperson Paschkes voting no, on the following:

RESOLVED, that the Town Board hereby amends the proposed moratorium such that "severe financial hardship" is defined as losses in excess of \$750,000; that the exemption for applications submitted before November 14, 2023 is stricken; and the provision for termination prior to six months is stricken.

RESOLUTION 252-23

Board Action: Motion by Councilperson Boak, seconded by Councilperson Brand, all voting aye on the following:

BE IT ENACTED by the Town Board, for the Town of Pound Ridge as follows:

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

SECTION 1. TITLE

This local law shall be entitled, “A Local Law, pursuant to Municipal Home Rule Law §10, to enact a moratorium with respect to the approval of building permits, variances, special use permits, site plan and subdivision applications concerning properties located in the PB-A, PB-B and PB-C Zoning Districts by means of amending Chapter 113, Zoning, of the Code of the Town of Pound Ridge and superseding the corresponding sections of the New York State Town Law as they apply to time periods, filing deadlines and statutes of limitations for said “applications.”

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The Town Board hereby finds as follows:

1. In January 2010, pursuant to N.Y. Town Law, the Town adopted an updated Comprehensive Plan (the “Comprehensive Plan”) setting forth goals, principles, policies and standards for the immediate and long-range enhancement, growth, and development of the Town, including land use and zoning.
2. The Comprehensive Plan identified the Town’s existing business districts and specifically recognized the unique issue facing Pound Ridge regarding future commercial development in those districts. The Comprehensive Plan noted the importance of maintaining the small-town character of Scotts Corners while permitting sufficient commercial development to meet the Town’s local needs.
3. While the Town is considering issue related to further commercial development in its commercial zoning districts, New York State legalized adult Cannabis use in March of 2021.
4. The State also established an Office of Cannabis Management (“OCM”) with its own rules and regulations relating to the operation of cannabis establishments.
5. The Town Board believes that a moratorium is necessary and advisable to maintain the status quo while it assesses the implications of these new State rules and allow the Town to collaborate with OCM to protect the best interests of the Town as it relates to further commercial development within the Town, including the location of businesses related to adult cannabis use within the Business District.
6. The Town Board finds that maintaining the status quo will protect the public interest and welfare. A moratorium will promote community planning values by regulating land development based on a carefully considered plan and will prevent potential applicants from obtaining certain land use approvals that could conflict with or comprise the Town’s Comprehensive Plan while the Town evaluates the impact of future development in these areas.

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

SECTION 3. MORATORIUM

1. Effective immediately and continuing for a period of six (6) months following the date on which this Local Law is filed with the Secretary of State, the Town Building Inspector, Planning Board and the Zoning Board of Appeals (collectively, "Land Use Boards") shall not issue any determination under the State Environmental Quality Review Act ("SEQRA"), or issue any final determination on any non-exempt building permit, variance, special use permit, site plan, certificate of occupancy and/or subdivision application for property located in the PB-A, PB-B or PB-C Zoning Districts.
2. Any non-exempt applications submitted on or after November 14, 2023 may be heard and reviewed by any Land Use Board, but may not be subject to a vote on a determination pursuant to SEQRA or a final determination on the application. The Land Use Board may hold public hearings and discuss the application, but the Land Use Board may not formally approve or deny such application while this moratorium is effective.
3. Notwithstanding the foregoing, the following applications shall be exempt from this moratorium:
 - a. Area variance(s) for 1-family or 2-family dwellings.
 - b. Building permit applications for work that does not require approvals from a Land Use Board.
 - c. Applications of any kind which involve work that the Building Inspector reasonably believes is being performed primarily for health or safety reasons, or which will be undertaken in existing commercial or retail structures for existing operations having a gross floor area of less than 3,000 square feet.
4. The Town may, by resolution, extend the moratorium for a period of six (6) months, as the Town, in its sole discretion, deems necessary to properly study the impact of development in the PB-A, PB-B or PB-C Zoning Districts under the Town's existing zoning regulations and allow for the adoption of any zoning amendments deemed necessary.
5. In the event this Local Law causes a severe financial hardship to a property owner, an application may be made in writing to the Town Board requesting an exemption from the provisions of the moratorium. To qualify as "severe financial hardship" for purposes of such application, applicant must show an actual financial loss in excess of [\$750,000] in funds already expended on the development by the applicant. Projected future loss of income shall not be considered in any claim of "severe financial hardship" unless (a) based on actual net income from one or more other

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

locations owned and operated by the applicant that are shown to be comparable to the proposed Pound Ridge location, and (b) that the net income amount or amounts shown at the other locations owned and operated by the applicant are certified to in writing by a licensed New York accountant as prepared in accordance with Generally Accepted Accounting Standards. After due notice and a public hearing on such application, the Town Board may grant an exemption, if but only if, the applicant has demonstrated “severe financial hardship” as set forth above, with such conditions as it may deem reasonable and necessary, provided such exemption is the minimum relief necessary. No exemption shall be granted except upon a determination by the Town Board that “severe financial hardship” was directly caused as a result of the application of the provisions of this Local Law.

6. Pursuant to Municipal Home Rule Law Section 10, this Local Law shall supersede any inconsistent provisions of New York State Town Law for the entire duration of this moratorium, including any extension thereof.

SECTION 4. NOTICE TO APPLICANTS – ZONING CHANGES

This section provides notice to all applicants that although an application may proceed through the review process, the applicant proceeds at its risk, because such application may be impacted or denied because of a change in zoning requirements. Approval shall not be granted unless the application complies with all zoning and other requirements in effect on the date of approval.

SECTION 5. SEPARABILITY

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

V. PUBLIC HEARING ON PRELIMINARY 2024 BUDGET

Board Action: Motion by Councilperson Paschkes seconded by Councilperson Briggs, all voting aye, to open the public hearing.

Director of Finance Steven presented the Preliminary 2024 Budget. He noted that the increase in the levy is under the tax cap for the seventh year in a row. The cost of the increase to the average household is approximately \$73.

Mr. McCown said that he doesn't understand how the board can assess the financial condition of the town without having audited financial statements for 2021 and 2022. He also questioned the inclusion of \$75,000 for a town administrator and \$95,000 for wastewater.

Councilperson Boak explained that the second amount represents funding for an income study for residents in the business district, legal fees for possible formation of a special district, and professional grant writing and engineering services.

Supervisor Hansan said that the town administrator line is a placeholder and does not actually create a new position.

In response to Mr. McCown's remark, Mr. Conti explained that the board and the auditors have financial data through year-to-date 2023.

Councilperson Paschkes said that it is misleading to say that there are no financials for the last three years. He explained that the board receives continually updated year-to-date figures line item by line item from the Director of Finance, emphasizing that it is not accurate to claim that the Town Board does not have up-to-date financial information or that it is operating in the dark.

Board Action: Motion by Councilperson Boak seconded by Councilperson Paschkes, all voting aye, to close the public hearing.

RESOLUTION 253-23

Board Action: Motion by Councilperson Brand, seconded by Councilperson Boak, all voting aye, on the following:

RESOLVED, that that the Town Board hereby adopts the 2024 Budget as follows:

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

Code	Fund	Appropriations	Revenues	Fund Balance	Raised by Taxes
A	GENERAL	\$8,031,333	\$3,495,252	\$550,000	\$3,986,081
A	LAND RESERVE	\$379,163	\$0	\$0	\$379,163
D	HIGHWAY	\$2,547,778	\$288,500	\$0	\$2,259,278
	TOTAL TOWN	\$10,958,274	\$3,783,752	\$550,000	\$6,624,522

SPECIAL DISTRICTS:

PUBLIC PARKING	\$146,000	\$200	\$96,400	\$49,400
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	2023	2024	2024	2024
	TAX RATE	TAXABLE VALUE	RAISED BY TAXES	TAX RATE
GENERAL/HIGHWAY	16.061799	379,162,773	6,245,359	16.4714
LAND RESERVE	1.0000	379,162,773	379,163	1.0000
PARKING DISTRICT # 1 (NOT TOWN WIDE)	20.979615	2,299,550	49,400	21.4825

VI. NEW BUSINESS

A. Police Department – Ratify decision to hire Nicholas Agoglia and Nicholas Fusco

RESOLUTION 254-23

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Boak, all voting aye, on the following:

RESOLVED, that the Town Board hereby ratifies the decision made in executive session to hire Nicholas Agoglia and Nicholas Fusco as part-time Police Officers effective immediately at a pay rate of \$XX.XX/hour.

B. Town Board – Authorization for Supervisor to sign MOU regarding remote access to county land and legal records

RESOLUTION 255-23

Board Action: Motion by Councilperson Boak, seconded by Councilperson Briggs, all voting aye, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the memorandum of understanding with Westchester County for remote access to county land records and legal files.

C. Recreation Department

1. Approve waiver of Conant Hall deposit and fee

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

RESOLUTION 256-23

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Boak, all voting aye, on the following:

RESOLVED, that the Town Board hereby approves a waiver of the damage deposit and rental fee for Conant Hall for Ebie Woods's funeral reception.

2. Approve Conant Hall refund

RESOLUTION 257-23

Board Action: Motion by Councilperson Boak, seconded by Councilperson Brand, all voting aye, on the following:

RESOLVED, that the Town Board hereby approves the refund of a Conant Hall damage deposit in the amount of \$500 to Cristina Civetta, of 85 Fancher Road.

D. Town Clerk

1. Approval for PRCC banner

RESOLUTION 258-23

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Boak, all voting aye, on the following:

RESOLVED, that the Town Board hereby approves the request of the Pound Ridge Community Church to hang a banner in Scotts Corners to promote its annual Cookie Walk.

2. Approval for sale of cemetery plot

RESOLUTION 259-23

Board Action: Motion by Councilperson Boak, seconded by Councilperson Brand, all voting aye, on the following:

RESOLVED, that the Town Board hereby approves the sale of Plot 372 in Section 3 of the Pound Ridge Cemetery to Frances M. Harrison, of 105 Parkview Road, at a price of \$2,000.

E. Housing Board – Accept resignations of Catherine Marino and Namasha Schelling

RESOLUTION 260-23

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Boak, all voting aye, on the following:

**MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF POUND RIDGE
POUND RIDGE, NEW YORK
DECEMBER 5, 2023**

RESOLVED, that the Town Board hereby accepts the resignation of Catherine Marino as a member of the Housing Board, AND BE IT FURTHER

RESOLVED, that the Town Board hereby accepts the resignation of Namasha Schelling as a member of the Housing Board.

**F. Human Rights Advisory Committee – Accept resignation of Namasha Schelling
RESOLUTION 261-23**

Board Action: Motion by Councilperson Boak, seconded by Councilperson Briggs, all voting aye, on the following:

RESOLVED, that the Town Board hereby accepts the resignation of Namasha Schelling as a member of the Human Rights Advisory Committee.

VII. ADJOURNMENT: There being no further business to come before the Board, Deputy Supervisor Hansan adjourned the meeting at 9:45 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
December 29, 2023