

MINUTES OF THE DECEMBER 9, 2023 SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT THE POUND RIDGE ELEMENTARY SCHOOL, 7 POUND RIDGE ROAD, POUND RIDGE, NEW YORK, COMMENCING AT 10:00 AM

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 10:05 am.

II. PUBLIC HEARING ON PROPOSED CHANGES TO THE ZONING CODE TO REGULATE CANNABIS RETAIL BUSINESS ACTIVITY

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

Town Attorney Harrington explained that there would be additional opportunities for public comment in the future; at least one additional public hearing on a proposed local law will be needed in order to modify the zoning code. Materials related to this process will be posted to the town website.

He pointed out that no state licenses have been issued that for a dispensary to operate in Pound Ridge and that there is no guarantee that the state will issue such a license in the near future or ever. In the event that a license is issued, state law would require the operator, among other things, to ensure that there is no impedance to the public thoroughfare, to prevent the use or consumption of cannabis on dispensary premises, and to comply with local regulations such as those regarding noise and parking.

Resident Debra Coughlin, of 25 Miller Road, expressed frustration that there was no public discussion or public forum regarding cannabis in 2021.

Resident John Nathan, of 155 Upper Shad Road, claimed that the Town Board made a decision not to opt out “off the books” and asserted that it had violated six laws in so doing. He said he would send a letter to the Cannabis Control Board asking that applications be stayed and that the opt-out period be reopened.

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Resident Peggy Seton, of 35 Trinity Pass, expressed outrage at the lack of transparency surrounding the cannabis issue. She stated that traffic associated with a dispensary would make Pound Ridge a less desirable destination and that a marijuana dispensary is not an appropriate fit for the town.

Resident Susan Lee, of 11 Apple Tree Lane, pointed out that all the towns surrounding Pound Ridge opted out. She also noted that in addition to not opting out of dispensaries, the town did not opt out of on-site consumption.

Resident Andrew Klaber, of 43 South Bedford Road, expressed concern that cannabis-related business activity will jeopardize the small-town environment he and his wife want for their children. He noted that studies show a correlation between traffic accidents and retail cannabis sales.

Resident Norman Bernstein, of 2 Pheasant Lane, suggested that any zoning code changes include the following: 1) that no cannabis retail licensee be permitted to operate 3,000 feet of another licensee; 2) that no cannabis retail licensee be permitted to operate within 500 feet of a structure where residential occupancy is authorized; and 3) that any cannabis retail licensee be permitted to operate only between the hours of 9:00 am and 5:00 pm Monday through Friday and not at all on holidays.

Resident Michele Braun, of 2 Pheasant Lane, urged the board to adopt the three principles Mr. Bernstein articulated.

Resident Barry Cohen, of 31 Joshua Hobby Lane, said that a public hearing should have been held long before the opt-out deadline. He expressed concern that the Police Department lacks the resources to address issues that may result from the operation of a dispensary.

Resident Catherine Nathan, of 155 Upper Shad Road, reiterated Mr. Nathan's assertion that a decision not to opt out was made outside a public meeting and asked that the entire Town Board resign.

Resident SuAnn Dorfman, of 90 Horseshoe Hill Road, said that not opting out was short-sighted. She asked how the board thinks a dispensary will benefit residents and how it plans to manage traffic and other problems.

Resident Stacie Campbell, of 200 Lower Trinity Pass, stated that the implications of not opting out will be long-lasting and that the Town Board did not exercise due diligence and failed to act in the best interest of residents.

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Resident Eric Campbell, of 200 Lower Trinity Pass, stated that residents deserve better from the Town Board and added that the moratorium must remain in place until appropriate zoning regulations can be put in place.

Resident Kathleen McCown, of 25 Miller Road, stated that this “debacle of poor governance” can be reversed. She asked that residents be given factual information and an opportunity to vote.

Citing a 2021 study, resident John McCown, of 25 Miller Road, asserted that a dispensary at the former Wine Connection location would negatively impact the value of at least sixty-nine residential parcels in Pound Ridge.

Resident Albert Miller, of 53 Fox Run Road, stated that the fact that cannabis is now legal in New York State is no reason for our town to be a test case for dispensaries. He predicted that families are likely to reconsider moving here and said that public hearings should have been held.

Resident Richard Schlesinger, of 14 West Lane, said that having a dispensary open in town is not the way to “put Pound Ridge on the map.” He expressed the view that over 90% of residents would vote against dispensaries if the matter were put to a vote.

Resident Natalie Fopeano, of 27 Rolling Meadow Lane, said that changes to our unique and special town should be thoroughly vetted and that the board should not make decisions without public input.

Resident Ellen Kearns, of 125 Brook Farm Road East, said she does not want dispensaries in town. Expressing concern about secondhand smoke, she said that what was once a quiet rural retreat is being undermined and slowly destroyed.

Stating that she moved to Pound Ridge for its natural beauty, resident Sara McLeod, of 14 Lower Shad Road, stated that there is no commercial space in Scotts Corners that would be suitable for a dispensary because of the proximity to residences.

Resident Ellen Ivens, of 173 Salem Road, expressed support for a dispensary. She summarized some points regarding dispensary operation that she submitted in writing to the Town Board.

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Resident Jessica Genova, of 53 Fox Run Road, said she was upset about the Town Board's handling of the cannabis issue and asked that the board work with the Governor's office to reverse the opt in.

Resident Steven Kushner, of 98 Upper Shad Road, said it was disingenuous to state that there would not be consumption of cannabis in town because the Town Board failed to opt out of on-site consumption. As one of the authors of the Comprehensive Plan, he agrees with the language of the moratorium. However, he criticized the board for failing to seek public input and claimed that its actions were illegal. He called on the Town Board to work with the Town Attorney to pursue every possible avenue to undo the failure to opt out.

Resident Alberto Araya, of 20 Trinity Pass, stated that the Town Board failed the residents when it failed to opt out. He asked why the board acted so secretively and asserted that actions were taken behind closed doors.

Resident Virginia Araya, of 20 Trinity Pass, reiterated the view that the board failed the town. She expressed concern about possible traffic and crime issues that might be associated with a dispensary.

Resident Jay Goodgal, of 11 Apple Tree Lane, stated that the Town Board failed in its fiduciary responsibility. He said that he finds the failure to opt out difficult to understand. He asserted that he believes that there are potential conflicts of interests related to dispensaries and proposed disclosure requirements and penalties. After describing the dangers cannabis could pose to pets, he asserted that the Town Board's actions constituted gross negligence and said that residents should be able to sue Town Board members personally.

Resident Nicholas Cianciola, Sr., said that the Town Board had failed the residents. He disagreed with the idea that "what's done is done," saying that it is the board's responsibility to reverse the current situation. He went on to suggest that the board has an ulterior motive and a hidden agenda and moreover, that cannabis retail activity would lead to increased taxes and unwanted development.

Resident Robert Vignola, of 199 Eastwoods Road, praised the rejuvenation of Scotts Corners and the expansion of Recreation Department programs. He said that he had voted for members of the current board because they were committed to improving property values but that he now fears that the failure to opt out will have the opposite effect. He thanked the Town Board for holding the meeting and the Town Attorney for his explanation, but urged them to take action to reverse the current situation.

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Resident Jim Dezell, of 15 Park View Place, expressed concern about traffic impacts and loitering. He stated that he believes there are other towns that would be better suited as sites for dispensary operations, and concluded by stating that he is opposed to having a dispensary in Pound Ridge.

Resident Ray Clark, of 165 Salem Road, described the death of a friend from drug use that began with marijuana and said that the town should not endorse marijuana sales.

Resident Cheryl Schacht, of 10 Old Pound Road, said that she was encouraged to hear comments by like-minded neighbors. On first learning in October 2023 that a dispensary might open in Pound Ridge, she was upset that there had been no outreach to residents and no opportunity to participate in a decision-making process. She stated that the Town Board should explain why it did not opt out and asked for disclosure regarding any financial interests board or commission members may have in dispensaries.

Resident Kurt Schacht, also of 10 Old Pound Road, said it would have been helpful to hear from people who support dispensaries. He stated that the gap in process was the lack of a public hearing or referendum and advocated for a referendum regarding on-site consumption.

Noting that most Westchester municipalities opted out, resident Leah Benincasa, of 11 Southeastern Farm Road, said it would have been preferable to follow other towns. She expressed support for Mr. Bernstein's proposed zoning amendments.

Resident Gus Felix, of 117 Dann Farm Road, worried that a dispensary would change the character of Pound Ridge, creating a more urban environment with increased crime and decreased property values. He expressed the view that the failure to opt out could result in multiple dispensaries and hookah bars in town, not just one.

Resident Steven Morvay, of 49 West Lane, who initially had no opposition to having a dispensary open in town, was surprised to hear so many speakers express opposition. He was dismayed that there was no public input and said that if there were a referendum, he would consider voting against allowing dispensaries.

Resident Maja Tarateta, of 15 Winterbottom Lane, thanked the board for the opportunity to speak but said she should have been able to comment on the opt-in/opt-out decision. She suggested that the Town Board consider zoning regulations similar to those adopted by Long Island towns, including limitations on how close a dispensary could be located to residences. She also expressed concerns about guns and armed guards.

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Resident Craig Braun, of 199 Barnegat Road, pointed out that few other Westchester municipalities allow both cannabis sales and on-site consumption. He stated that the board's failure to opt out was a dereliction of duty.

Resident Kathy Heinzelman, of 124 Upper Shad Road, thanked other speakers for having expressed views she agrees with. She said it was unfortunate that there wasn't a way to turn back time to revisit the opt-out option.

Resident Kris Heinzelman, also of 124 Upper Shad Road, asked whether the board failed to appreciate how controversial legalization was, what benefits the board thought might be associated with dispensaries, and what research was done to assess possible impacts.

Resident Jim Peyton, of 23 Westchester Avenue, said it was positive that there were so many residents willing to participate in the public hearing. He urged concerned residents to write to Assembly Member Chris Burdick regarding the possibility to revisit the opt-in. In closing, he urged his fellow residents to try to work together to move forward in a constructive way.

Resident Ron Asaro, of 253 Westchester Avenue, praised the Supervisor's weekly email newsletter but noted that the opt-out was never mentioned in those emails. He said that residents should have been heard on the issue and that he was strongly opposed to having a dispensary open in town, which would amount to participation by the town in a progressive social experiment.

Resident Peter Avellino, of 38 Pine Drive, said that the Town Board has an obligation to seek input from residents in public hearings. He praised Mr. Nathan's efforts regarding the public hearing and challenged the Town Attorney's comments regarding the cell tower at the ambulance corps buildings. Referring to a map of the business district, he noted that all parts of it are in close proximity to houses. He encouraged the board to establish a committee to explore the variety of issues associated with cannabis.

Nicola Stephenson, of 333 Pine Brook Road, who is a resident and also an owner of a cannabis company, said she was concerned to hear so much typecasting of cannabis users. She pointed out that for many people cannabis provides relief from anxiety, pain, sleep deprivation, menopause symptoms, and other debilitating conditions. She noted that the cannabis industry is highly regulated and that the real danger is not plant-based medicine but the illicit drug market.

Supervisor Hansan thanked residents for their input.

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

Councilperson Boak apologized to the residents of Pound Ridge for not having realized that the cannabis issue was so controversial and divisive. She said that she is committed to exploring the possibility for a look-back and a referendum.

Councilperson Paschkes apologized, stating that the Town Board dropped the ball on the cannabis issue and that there should have been a public hearing and a referendum. He emphasized that there was no conspiracy, as some speakers asserted or implied. Stating that residents' concerns were valid, he said that the board should make every effort to find a way to revisit the decision regarding cannabis.

Councilperson Briggs thanked residents for participating in the public hearing. She echoed Councilperson Paschkes's remarks, as well as Mr. Peyton's statement regarding the importance of cooperation. She also reiterated that there was no conspiracy. She expressed hope that there could be more listening, learning, and working together in the future. She also encouraged residents who would like to talk further to reach out.

Councilperson Brand said she echoed other board members' view that the board was remiss. She said that the board's handling of the cannabis issue was her greatest regret in her time on the board.

Supervisor Hansan expressed frustration that the state had deviated so far from the original plan for cannabis regulation. He assured residents that there would be additional opportunities for public input in the future.

III. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 12:33 pm.

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