

MINUTES OF THE OCTOBER 1, 2024 MEETING OF THE TOWN BOARD OF THE TOWN OF POUND RIDGE HELD AT 179 WESTCHESTER AVENUE, POUND RIDGE, NEW YORK, AND VIA ZOOM VIDEOCONFERENCE, COMMENCING AT 7:30 PM

PRESENT: SUPERVISOR KEVIN HANSAN
DEPUTY SUPERVISOR/COUNCILPERSON DIANE BRIGGS
COUNCILPERSON ALISON BOAK
COUNCILPERSON NAMASHA SCHELLING
COUNCILPERSON DANIEL PASCHKES

ALSO

PRESENT: TOWN ATTORNEY WILLIAM HARRINGTON
TOWN CLERK ERIN TROSTLE

I. CALL TO ORDER OF REGULAR MEETING: Supervisor Hansan called the meeting to order at 7:32 pm.

II. CALL FOR EXECUTIVE SESSION

Board Action: Motion by Councilperson Schelling, seconded by Councilperson Boak, all voting aye to call for an executive session at 6:30 pm on Tuesday, October 8, 2024.

III. ANNOUNCEMENTS

- The Pound Ridge Land Conservancy (PRLC) will host a mushroom foray on Saturday, October 5, from 10:00 am to 12:00 noon at the Armstrong Preserve.
- On Sunday, October 6, from 10:00 am to 12:00 noon, PRLC is sponsoring a photography workshop, also at the Armstrong Preserve.
- October is Domestic Violence Awareness Month. There will be a special showing of "Dear Sister" at the Bedford Playhouse on October 9.
- The Westchester County Board of Elections is required by state law to offer local voter registration in presidential election years and will be doing so at the Town House on Thursday, October 10, from 12:00 noon to 9:00 pm.
- Construction to expand the firehouse, which is expected to last approximately 18 months, is scheduled to begin on October 17 with work on the driveway. The construction will prevent the Fire Department from hosting its annual haunted house; there will be a movie night in the Town Park instead. Also during construction, the 9/11 memorials behind the firehouse will be moved to Sachs Park temporarily.
- The tri-town THRIVE Alliance was recently awarded a grant of \$125,000 annually for the next five years. Funds will be used to hire a full-time director.
- The Pound Ridge Historical Society will host a poker night on Thursday, October 10, from 7:00 to 10:00 pm at Conant Hall.

IV. MINUTES

Board Action: Motion by Councilperson Briggs, seconded by Councilperson Paschkes, all voting aye to approve the minutes of the September 17, 2024 Town Board meeting.

V. PUBLIC COMMENT I

Resident John McCown, of 25 Miller Road, said that hours for cannabis retail business activity should end at 8:00 pm.

Mr. McCown said that the referendum on water district formation should be determined by the vote of a majority of eligible voters, not by a majority of votes cast.

[Note: Later in the meeting, the Town Attorney explained that how the majority is determined is a matter of state law and that the Town Board thus does not have the discretion or the authority to make the suggested change.]

VI. NEW BUSINESS

**A. Town Board – Zoning Code amendment to regulate Cannabis retail business activity
RESOLUTION 221-24**

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

WHEREAS, on December 5, 2023, the Town Board of Pound Ridge enacted a local law creating a moratorium on development in the PB-A, PB-B, and PB-C Zoning Districts following the legalization of cannabis in New York State to evaluate the addition of retail uses associated with cannabis; AND

WHEREAS, the Town Board, in considering issues related to further commercial Development of cannabis retail establishments in the commercial zoning districts of the Town, prepared a draft local law for the purposes of circulation, consideration, and discussion on the topic of time, place, and manner regulations for cannabis dispensaries and consumption sites; AND

WHEREAS, the Town Board of Pound Ridge conducted a public hearing at 179 Westchester Avenue, Pound Ridge, New York on July 16, 2024, and again on September 17, 2024, at which times all those with intent were given the opportunity to speak; AND

WHEREAS, the Town Board of Pound Ridge revised the draft local law with respect from comments and suggestions from Town staff and consultants and from the public as a result of the public hearing process; AND

WHEREAS, the State established and continues to update an Office of Cannabis Management (“OCM”) with its own rules and regulations relating to the operation of cannabis establishments; NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the State Environmental Quality Review Act regulations, the Town Board of the Town of Pound Ridge hereby adopts a negative declaration on the grounds that the proposed action will not result in any significant adverse environmental impacts since the proposed local law is meant to regulate the time place and manner of cannabis uses which have been legalized by New York State and are regulated by the Office of Cannabis Management, and since the time, place, and manner restrictions are designed to mitigate the potential impacts retail cannabis uses could have on land use and community character; AND BE IT FURTHER

RESOLVED, that the Town shall approve and enact a local law, the text of which follows, creating an application process and requirements for the development of cannabis dispensaries and consumption sites in the PB-B and PB-C Zoning Districts:

SECTION 1. Title.

This Local Law shall be entitled “A Local Law on Cannabis Retail Business Uses in the PB-B and PB-C Zoning Districts.”

SECTION 2.

The Town Code of the Town of Pound Ridge is hereby amended to include the following:

§ XXX. Cannabis Dispensary and Consumption Site.

1. Purpose. The purpose of these cannabis regulations is to provide for the placement and regulation of adult use recreational cannabis dispensaries and consumption sites as authorized pursuant to state law and regulations with the goal of minimizing potential adverse impacts on adjacent properties, neighborhoods, and the Town of Pound Ridge.

2. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

Cannabis

All parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the Federal Food and Drug Administration.

Cannabis Retail Business or Cannabis Dispensary

Any business, collective, establishment, association, or any other organization, or any person engaged in the licensed activities of adult-use cannabis retail sales (sometimes referred to herein as a “dispensary”).

Public Youth Facilities

A location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger.

On-Site Consumption or Consumption Site

The consumption of cannabis in an area licensed by the Cannabis Control Board. An on-site consumption license authorizes the acquisition, possession, and sale of cannabis from the licensed premises of the on-site consumption licensee to cannabis consumers for use at the on-site consumption location or another location.

3. Applicability. Cannabis retail dispensaries and cannabis consumption sites are hereby permitted by special permit of the Town Board within the PB-B and PB-C zoning districts only.

4. Application. Any applicant for a cannabis dispensary or consumption site shall provide no less than the following when submitting a registration application:

- A. Completed special use permit application and checklist.
- B. An operating license from the Cannabis Control Board (CCB) and the Office of Cannabis Management (OCM) established pursuant to the Marijuana Regulation and Taxation Act (MRTA) § 72 for regulatory jurisdiction over adult-use cannabis or demonstration that a license has been applied for with the understanding that the special permit will be conditioned on the permittee obtaining and maintaining all required state permits and licenses.
- C. A written description of day-to-day operations and hours of operation.
- D. Complete site plan showing any alterations to the property.
- E. Floor plans certified by a licensed professional engineer or architect detailing ventilation as well as interior and exterior security plans in compliance with New York State law.
- F. Sign application with all proposed building-mounted and freestanding signs.
- G. Any additional materials requested by the Planning Board or Town Board during the review process for the special permit and site plan.

5. Provisions, Requirements, and Approvals.

- A. Special permit approvals by the Town Board and site plan approvals by the Planning Board shall be required for the operation of a dispensary or consumption site in the Town of Pound Ridge.

B. The dispensary or consumption site use must comply with all requirements as specified in the zoning district where the dispensary or consumption site is located, except as specified in this Section XXXX.

C. All permitted dispensaries and consumption sites shall have applied for a license from the NYS Cannabis Control Board (CCB) and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations.

D. A special use permit issued pursuant to this section shall be conditioned on the permittee obtaining and maintaining all required state and local licenses and/or permits and complying with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. No building permit or certificate of occupancy shall be issued for a cannabis dispensary or consumption site that is not properly licensed.

E. A special use permit authorizing the establishment of a cannabis retail dispensary or consumption site shall be valid only for the site on which the cannabis retail dispensary or consumption site has been authorized by such special use permit. Relocation of a dispensary or consumption site to a different site shall require a new special use permit. A separate special use permit shall be required for each premises from which a licensed cannabis retail dispensary or consumption site is operated.

F. Upon the revocation or expiration without renewal of the NYS license or registration for a cannabis retail dispensary or consumption site, the special use permit shall terminate, and a new special use permit shall be required.

G. No drive-through sales to the public shall be permitted at a dispensary or consumption site.

H. On-site use or consumption of cannabis shall only be permitted at a licensed and approved consumption site, and

shall not be permitted at any cannabis dispensary or at any other retail or service business located in the Town.

I. No dispensary or consumption site may sell alcoholic beverages or allow the consumption of alcoholic beverages on their premises.

J. All cannabis dispensary or consumption site buildings and sites shall be designed to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

K. A cannabis retail dispensary or consumption site shall not have opaque, unwelcoming ground-floor facades that may detract from other retail activity in the district. Where interior activities must be screened from public view, opaque facades should be minimized, and where they are necessary, they should include architecture and design that will contribute to visual interest and community character subject to Planning Board approval.

L. The parking requirements for dispensaries shall be 1 space for each 200 square feet of "gross floor area" or major portion thereof, and the parking requirements for consumption sites shall be 1 space for every 3 seats or 1 space for each 100 square feet of "gross floor area" or major portion thereof, whichever is greater. The Planning Board may deviate from the parking requirements on good cause shown by the applicant at the time of site plan review for the purposes of good planning while balancing the needs of fostering and developing new businesses and of protecting the community.

M. A cannabis dispensary or consumption site shall not create a nuisance to abutters or to the surrounding area, or create any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in

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the area and all site operations shall comply with all local laws, ordinances, rules, and regulations.

N. A dispensary or consumption site shall not provide outdoor seating or outdoor smoking areas for the smoking or other consumption of cannabis.

O. Any activities, other than those explicitly permitted by this local law and any approved special permit, are prohibited at a cannabis retail dispensary or consumption site.

P. The hours of operation of a cannabis retail dispensary or consumption site shall be limited to 10:00 a.m. to 9:00 p.m., or as otherwise established by the Town Board as a condition of the special use permit, but in no case shall the Town Board permit a cannabis retail dispensary or consumption site to operate between 9:00 p.m. and 6:00 a.m., nor shall the Town Board restrict the operation of a cannabis retail dispensary to fewer than 70 hours a week, unless the operator agrees to do so.

Q. All dispensaries and consumption sites shall operate within a fully enclosed building and shall not operate within any mobile facility.

R. The Town Board or Planning Board may require an applicant to prepare a parking study for an application where, due to the specifics of the application, the Board feels that parking will be of particular concern. The parking study shall conform to the most recent ITE Parking Generation Manual at the time of the application.

S. The Town Board or Planning Board may require an applicant to prepare a traffic study for an application where, due to the specifics of the application, the Board feels that the traffic generated by the application will be of particular concern. The traffic study shall conform to the most recent ITE Trip Generation Manual at the time of the application.

T. If any provision, paragraph, sentence, or clause of this section shall be determined to be in conflict with applicable state law or regulations, the provisions of said state law or regulations shall prevail.

U. Where not expressly defined in the Pound Ridge Zoning Ordinance, terms used in this section shall be interpreted as defined in the New York State Marihuana Regulation and Taxation Act.

V. The provisions of this section are severable. If any provision, paragraph, sentence, or clause in this section shall be held invalid, such invalidity shall not affect the other provisions of this section.

6. Location.

A. Cannabis dispensaries and consumption sites shall be located only within the PB-B and PB-C zoning districts.

B. No dispensary or consumption site shall be located within 500 feet of public or private school grounds as defined in the NYS Education Law, serving students through the 12th grade, or within 500 feet of a public youth facility, or within 200 feet of a house of worship, in accordance with State Regulations. Distance shall be measured horizontally from the front door of the proposed dispensary or consumption site to the front door of school, public youth facility, or house of worship. If no structure exists, distance shall be measured to the nearest entrance of the grounds of the school, public youth facility, or house of worship.

C. Cannabis dispensaries and consumption sites shall not be located within a 2,000-foot radius of another cannabis related business including but not limited to another dispensary or consumption site, or a cannabis related business including cultivation, laboratory testing, manufacturing, distribution, construction, packaging, technology products, or accessories. Distance shall be measured horizontally between the front doors of the existing and proposed cannabis related businesses.

D. The Town Board may deviate from the proximity restrictions as necessary, on good cause shown by the applicant, balancing the need to foster and develop new businesses and of protecting the community and aforementioned locations.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid part or parts.

Section 4. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

**B. Office of Emergency Management (OEM) – Purchase of Maptitude licenses
RESOLUTION 222-24**

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

RESOLVED, that the Town Board hereby approves the purchase of three updated licenses for the Maptitude software used by the Office of Emergency Management at a cost of \$2,985.00, as budgeted.

C. Recreation Department

1. Part-time Recreation Assistant job description

RESOLUTION 223-24

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

RESOLVED, that the Town Board hereby approves the following job description for a part-time Recreation Assistant:

Part-Time Recreation Assistant (Senior Program Focus)

Responsibilities:

1. Manage senior programs:
 - Supervise chair yoga

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- Coordinate senior events (e.g., manage RSVPs, help with mailings, lead luncheons)
 - Serve as primary contact for seniors
 - Develop new senior program offerings with the recreation department
2. Assist with office operations:
- Support seasonal registrations using the Community Pass platform
 - Help with resident and non-resident registrations
 - Provide coverage in the recreation department office
3. Organize facility usage:
- Maintain the master calendar
 - Coordinate school programs and outside events
4. Support community events and activities led by recreation department:
- Community sports programs, movies in the park, concerts, etc.

Additional Information:

- The Recreation Assistant will report directly to the Recreation Supervisor.
- This is a non-competitive Civil Service position.
- For required qualifications, see county job description at westchestergov.com/hr/jobspecs/ljs/local/R/RECREATIONASSISTANT.pdf
- The position may require occasional evening and weekend hours.
- Candidate must be able to lift at least 50 lbs.
- Salary range: \$16-\$30 per hour, based on experience (no benefits)
- Flexible hours based on program needs

2. Permission to advertise

RESOLUTION 224-24

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

RESOLVED, that the Town Board hereby authorizes the Recreation Supervisor to advertise the position of Part-Time Recreation Assistant (Senior Program Focus).

3. Purchase of picnic tables and garbage/recycling bins

RESOLUTION 225-24

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

RESOLVED, that the Town Board hereby approves the purchase of two picnic tables, two garbage bins, and two recycling bins from Global Industrial Company at a total cost of \$4,980.00, as budgeted.

D. Town Clerk

1. Voting rules for special election

RESOLUTION 226-24

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

RESOLVED, that the Town Board hereby adopts the following rules for the special election on water district formation to be held on October 24, 2024:

1. The special election for the proposed formation of the Scotts Corners Water District in the Town of Pound Ridge shall occur on October 24, 2024 from 8:00 am to 8:00 pm at the Town House, 179 Westchester Avenue, Pound Ridge, New York, 10576.
2. All owners of taxable real property located within the proposed water district are entitled to vote in this election.
3. Every joint tenant, tenant in common, or other person with a direct ownership of taxable real property located within the proposed water district may vote. In other words, each person who owns the fee to real property as a joint tenant, tenant in common, or tenant by the entirety has an ownership in the property that entitles said person to vote. For example, where a married couple owns a property jointly, both persons are entitled to one (1) vote each.
4. A corporation (including a not-for-profit corporation), limited liability company, or partnership owning taxable real property that is titled in the name of the corporation, limited liability company, or partnership and that is located within the proposed water district is entitled to one (1) vote. The person voting on behalf of the entity must present a copy of a resolution authorizing said person to vote on behalf of the entity. A copy of said resolution will be retained by the election inspectors.
5. A trust owning taxable real property that is titled in the name of the trust and that is located within the proposed water district is entitled to one

(1) vote. The person voting on behalf of the entity must present a copy of the trust agreement naming said person as trustee or documentation authorizing the person to vote on behalf of the trust. A copy of any agreement or documentation presented will be retained by the election inspectors.

6. Where the owner listed on the deed has passed away or where a property is listed as being owned by an estate, an estate representative may vote. The representative of the estate must present written proof of representative capacity. A copy of said written proof will be retained by the election inspectors.
7. Each landowner is entitled to one (1) vote only, regardless of the number of properties owned by said landowner.
8. All persons voting must present government-issued photo identification.
9. At the close of the election, the votes shall be tallied on the day of the election.

2. Special event permits for Halloween Walk and Halloween Movie Night

RESOLUTION 227-24

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

RESOLVED, that the Town Board hereby approves the special event permit application by the Pound Ridge Business Association for a Halloween Walk, to be held in Scotts Corners from 4:00 pm until 5:30 pm on October 31, 2024, AND BE IT FURTHER

RESOLVED, that the Town Board hereby approves the special event permit application by the Pound Ridge Fire Department for a Halloween Movie Night, to be held in the Town Park, at 6:00 pm on October 31, 2024.

3. Budget transfers for legal ads and records scanning

RESOLUTION 228-24

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

RESOLVED, that the Town Board hereby approves a transfer of \$3,000.00 from contingency to budget line 1410.0401 (legal ads); AND BE IT FURTHER

RESOLVED, that the Town Board hereby approves a transfer of \$10,000.00 from contingency to budget line 1410.0103 (hourly wages) to fund continued scanning of large-format building department records.

E. Conservation Board – Tree City USA sign

RESOLUTION 229-24

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

RESOLVED, that the Town Board hereby approves the installation of a “Tree City USA” sign in Scotts Corners on the post where the “Firehouse Ahead” sign is currently located.

F. Open Space Acquisition Committee – Appointment of Nirotam Mahes and Peter Teitelbaum

RESOLUTION 230-24

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

RESOLVED, that the Town Board hereby appoints Nirotam Mahes and Peter Teitelbaum as members of the Open Space Acquisition Committee.

G. Water Control Commission – Bond release

RESOLUTION 231-24

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

RESOLVED, that the Town Board hereby approves the release of Water Control Commission Bond #2024-75 in the amount of \$1,000.00 to Dave Coulson, of 63 Lyndel Road, Pound Ridge.

H. Finance – Resignation of Annie Burnham

RESOLUTION 232-24

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

RESOLVED, that the Town Board hereby accepts the resignation of Annie Burnham as an accountant in the Finance Department.

I. Hope’s Door

RESOLUTION 233-24

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

RESOLVED, that the Town Board hereby approves the installation of domestic violence awareness signs in the triangles by the library and at Westchester Avenue, as well as at the Town House and along the bicycle path.

VII. PUBLIC COMMENT II

Resident Katherine Biagiarelli said that the chairs that are used for chair yoga are not particularly well-suited to that activity.

VIII. FINANCIAL MATTERS – Pay bills

RESOLUTION 234-24

Board Action: Motion by Councilperson Paschkes, seconded by Councilperson Boak, the motion passing 4–0 with Councilperson Schelling abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as detailed in Abstract 17-2024:

Fund	Claim Numbers	Total Amount
General Fund	A00996–A01034	\$31,131.77
Highway Fund	D00199–D00208	\$12,226.48
Trusts & Agency Fund	AT00039	\$6,475.00

IX. ADJOURNMENT: There being no further business to come before the Board, Supervisor Hansan adjourned the meeting at 8:12 pm.

X. RECONVENE AS PARKING DISTRICT COMMISSION: Supervisor Hansan called the meeting to order at 8:12 pm.

XI. FINANCIAL MATTERS – Pay bills

RESOLUTION 235-24

Board Action: Motion by Councilperson Boak, seconded by Councilperson Briggs, the motion passing 4–0 with Councilperson Schelling abstaining, on the following:

RESOLVED, that the Town Board hereby authorizes the Supervisor to pay the following claims as detailed in Abstract 17-2024:

Fund	Claim Numbers	Total Amount
Parking District Fund	ST00029–ST00031	\$8,848.50

XII. ADJOURNMENT: There being no further business to come before the Parking District Commission, Supervisor Hansan adjourned the meeting at 8:13 pm.

Erin Trostle, Town Clerk
Dated at Pound Ridge, New York
October 15, 2024