

Town of North Greenbush Planning Board
2 Douglas Street, Wynantskill, NY 12198
Meeting Minutes
November 27, 2023 - 6:30 pm

Attendance: Mary Jude Foley, Mark Lacivita (Chairman), David Wilson, Leanne Hanlon (Secretary), Mark Ahern-absent, Eric Westfall (Town Engineer), Ian Silverman (counsel).

Public Hearing(s):

- **Applicant Jacquelyn Evenhouse, 28 A Collegeview Drive, Loudonville, NY 12211, for the purpose of operating a cannabis dispensary located at 716 Bloomingrove Drive, Rensselaer, NY 12144, in a BN zone, having parcel ID#: 144.2-4-1.**

Ms. Evenhouse spoke about her plans for the dispensary. She received a license from the state and then followed all the flow of information. She has purchased the building. Updates: She has met with the FD, PD and received approval from them. She also thanked the board members to help figure out that she needed a new architect. She did get one since last meeting. She contacted the manager at Stewarts who did not oppose. She also contacted Jeremy at CDTA and they stated she can use their overflow parking. Ms. Evenhouse contacted the church but did not receive a response from Bloomingrove Church. She contacted the Quakenderry project manager as well. His is not opposed as well per Ms. Evenhouse. She sent letters to all of those neighbors and has received no opposition. She prepared a security plan with the PD. She hired a security company who prepared a plan for her and the PD is not opposed to that plan.

There will be changes to the building which are slightly different from the last rendering. Dan Morelli, her architect, spoke about the project. He presented the revised site plan and discussed it with the board. They have discussed mitigation with the neighbors regarding screening. They will add a 900 sq foot addition to the building. 12 parking spoke with handicapped ramp. There will be a one way out and they will add some greenspace.

Lighting: low resolution lighting will light the parking area. The side and rear will also be lit. Customers will not enter through the front of the building, only egress in case of an emergency. He submitted sight details to the building department. There will be a basement that will be secured for storage of products. They will put siding on the building and follow the RT. 4 design guidelines.

Ms. Foley has concerns if customers park at CDTA- will they have a sidewalk. Ms. Evenhouse stated they will not have to walk far. Ms. Foley stated she does not want people who are walking from across the street and not have to walk in the driveway. Per Eric explained what is needed. They will have a small walkway so they do not have to walk up the driveway or through the parking lot. They will also install catalpa trees and arborvitaes. Mr. Wilson asked about the dumpster location. It will be enclosed with screening per Mr. Morelli.

Chairman asked about snow storage and plowing. Mr. Morelli stated they have not planned for that. Ms. Evenhouse stated they will check to see where is the best place and Chairman stated the final site plan needs to show it.

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Chairman Lacivita asked that the CDTA lot use be in writing. Ms. Evenhouse will get that for the file.

Chairman Lacivita stated he spoke to the Police Chief. Chairman Lacivita read the Police Chief's letter. Fire District stated he reviewed the plans and have no concerns expect a Knox box.

Town Historian would like a historical sign and she will get that as requested.

Eric Cioffi stated there are no ZBA issues. They will need 12 parking spots. Bloomingrove Drive near this building will need to have no parking signs along Bloomingrove. She will also contact the town board. Ms. Evenhouse stated she has been trying to speak with county highway but they have not responded.

Any approval she receives from OCM has to be copied to the BD per Chairman.

Traffic: What traffic will this business add? M. Evenhouse will have a security person outside the first month to move traffic along. She is considering opening a little later so there is no conflict with parking for church services on Sunday.

She stated hourly 13-18 customers. She will have online sales and delivery. CDTA stated her staff can park at the CDTA lot so there are more spaces for customers.

Public Hearing opened:

Chairman Lacivita read 8 letters received in the file.

First: concerned that there is a daycare close and traffic will be bad.(Jennifer Haggerty)

Second: In favor. (Art Brail)

Third: supportive (Dan Figueroa III)

Fourth: Supportive (John Tubs)

Fifth: Supportive (Lindsey and John Pipas)

Sixth: supportive (?)

Seventh: in support (Kyle Lucifer)

Eighth: Supportive (Francesca Anderson)

Lawrence Howard: Representing Allison and Craig McCabe who are the owner and operator of the day care called Bloom and Grow at the Bloomingrove Church.

The state has identified buffers for a cannabis. The Bloom and Grow is within 500 feet of the proposed cannabis location. This is the stated requirements. Mr. Howard gave the board a letter from the state that identifies that as a school. Mr. Howard stated the school is on the premises of the church. The cannabis regulations clearly show the limits for a nearby school. This business is within 500 feet of the school. Chairman Lacivita stated the board will turn this over to counsel. This is not a PB issue. 3 agencies will have to look at this and make a decision. Chairman clarified that the Bloomingrove preschool is listed as a day care not school.

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This board will need to follow the guidance of counsel. Mr. Lawrence stated his clients do not oppose a cannabis dispensary in the town just the location. He will contact Ian Silverman (Town Counsel).

Catherine Dupree: Nurse at Albany med that worked with Jackie Evenhouse. She has interacted with all her children and they have been friends for a long time. This town should be honored to have a female owned business if you out weigh the good and bad.

Jenny McGarland-Manning Blvd Albany: She is in favor of this and know Jackie. She has a letter from OCM and stated that she is within boundaries specified. She said this is not a dangerous or unhealthy business that is now legal. Chairman asked that the letter from OCM be out in the files.

Daniel Figueroa – 279 Troy Road : He feels her site location is within the rules. There will be increased tax revenue with this.

Mr. Lawrence spoke again: he is asking the board not to complete the process tonight to give time for counsel to speak.

Mr. Morelli spoke again. This is a PB proceeding not a legal issue. He feels there is no reason to table this project. The public hearing showed more support than not. Let the attorneys speak and get things settled and not hold up the approval.

Kim Enzien-North Greenbush resident: not opposed to the use or cannabis however this falls within 500 feet of a school. She feels this is a big issue.

Ms. Evenhouse spoke. The church contacted OCFS as well as Ms. Evenhouse and they are aware and the church is listed as a childcare day car per OCFS. She does not want to be a bad neighbor to the church. She will also work with mental health and substance abuse.

Outstanding issues: No storm water issues per Mr. Westfall. Permit for a sign through ZBA. Snow storage. Acquisition of a historical sign. No parking area signs on Bloomingrove Drive. Final approval document from OCM. Rt .4 design guideline. Letter from CDTA. Chairman stated this complies with OCM. Counsel stated he understands the applicant does not want further delay and has suggested this be table this evening until he contacts OCM to settle this and get it resolved. Chairman stated this board does not want to make a mistake. He feels the board should wait until counsel settles this for the next meeting December 18th. Ms. Evenhouse is concerned that another cannabis store is going to be allowed to open before her store. Chairman Lacivita stated that this application should be resolved before the other

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application. The BD agrees. She also got her card license approved today. Mr. Silverman will keep Chairman informed.

Motion made to table until December 18th to allow time to work out details by Mr. Wilson and seconded by Ms. Foley. All in favor.

Presentation(s): None

Old Business/Discussion(s):

- **Pheasant Lane Major Subdivision – An updated subdivision map has been submitted and shows the revised sewer termination point on Willow Lane which had previously crossed lands of Sunkes but has now been shifted northerly to the lands of Kern, shows adjoining lands being conveyed to Kern and Beberwyck, and shows the proposed existing road widening has been extended in front of units 3 and 4 to show proper road width.**

Steve Hart (Hart engineering). It's been 3 or 4 month since they have been before the board. They also submitted 25 page of slightly changed plans. He stated the alignment of the sewer line but they are going through the lands of Kern. Mulino worked with the neighbors acquired a small piece of land. They extended the widening of the roadway. 20 total units. They will be working with the county health department with water district extension.

Ms. Foley asked about drainage going through some of the yards/homes and has it been resolved. Mr. Hartt stated along with the BD that is as rectified as it can be. HOA will cover any maintenance issues and the BD s working through that.

Motion made to table by Mr. Wilson and seconded by Ms. Foley. All in favor.

- **Minor revision to the site plan for The Gables project on Morner Road regarding the modification of a shared driveway system.**

Mr. Westfall spoke about a 3 lot shared driveway change and has negligible impact on the site plan. It changes from a 3 shared driveway to 2.

Rt. 4 corridor study: Chairman stated they are working on scheduling a meet on the RT 4 principals. Menands Bridge changes.

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- Business Meeting
- Approval of last month's meeting minutes – Motion made to approve the October minutes by Ms. Foley and seconded by Mr. Wilson. All in favor.
- Motion to Adjourn at 8:30pm by Ms. Foley and seconded by Mr. Wilson. All in favor.
- Next meeting date: **December 18, 2023** (a week early due to the Christmas holiday)

All written public comments (mail, e-mail, faxes or hand delivered) are due to the Building Department by 4:00 pm on the business day preceding the meeting. If you need additional information or have questions about the process, please contact us at: 518-283-2714 or building@townofng.com . **Please see the Planning Board page on the Town's website to view the application(s).**