

## PLANNING BOARD MINUTES

A hearing before the Village of Hudson Falls Planning Board was held on December 18, 2023, at 6:00 p.m.

Attendees: David Hutchinson, Chairman  
Lynn Leland, Board Member  
Robyn Cronin, Board Member  
Deborah Breeyear, Board Member  
Diane Santa Croce, Board Member  
William Nikas, Village Attorney

Absent: Joelle Timms, Board Member  
Richard Wagner, Board Member

Public Present: 25 members of public present

Chairman Hutchinson called the meeting to order at 6:00pm.

The first item on the agenda is a site plan review application submitted by Belinda McPhee, 52 Green Barn Road, Hudson Falls, NY 12839 to operate a cannabis dispensary to be located at 345 Main St., Hudson Falls, NY 12839.

Chairman Hutchinson welcomed everyone and invited applicant, Belinda McPhee to come forward and give the board an overview of her proposed project. Ms. McPhee informed the board that she is seeking to change their current candy shop into a cannabis dispensary, she provided the board in her application with a layout of the proposed retail space. She has had a business in the village for five years that has always been in compliance and followed all regulations. The state will be regulating all the packaging, it will be local growers and distributors that provide the product from Hartford and Argyle. She is here to ask the board for permission to open at the location of 345 Main Street. She is generating jobs for twelve to fifteen employees and possibly more.

Chairman Hutchinson asked if she could speak to the required approvals she has already acquired from the state. Ms. McPhee has a provisional license, the location through the state has been approved and all documentation she had provided to the state has been approved at this time. She does need to have the location approved by this Village Planning board to move forward and submit to the state by the 26<sup>th</sup> of December 2023. The store would be inspected and have to meet all guidelines required by the state of New York, before being allowed to open. Chairman Hutchinson asked if she has met with the Village Board as well. Ms. McPhee stated she has, and her landlord has given permission as well, to have this type of business at this location. Board Member Breeyear asked if she runs the smoke shop located next door. She does run that business as well as the smoke shop located at 56 ¾ Main St. in Hudson Falls.

Chairman Hutchinson asked Ms. McPhee if she could give the board a broad umbrella of the types of regulations that NYS puts on her as far as ID checking, marketing, etc. Ms. McPhee explained anything that is packaged must be packaged by the supplier, the supplier is liable to get product tested for compliance, so it would be all in compliance with NYS regulations before it hits her shelves. There will be security at the front door that will check ID's before you are allowed into the showroom part of the store. You will also need your ID while cashing out at the register. Board Member Cronin asked what the hours of the operation would be. They are planning to operate Monday through Saturday from 10:00 am - 9:00 pm and Sundays from 10:00 am – 8:00 pm. The state has guidelines that you have to be open a certain number of hours. Board Member Cronin asked if there is any on site usage once someone purchases the product. There will be no on-site usage allowed on the property and there will be signs stating this.

Chairman Hutchinson asked during the closed hours what are the steps that the product is secured? Ms. McPhee stated there is a requirement that you must have 24-hour surveillance from a monitoring company such as ADT. All product would be stored in a secure area of the store each evening. Board Member Breeyear asked if there is vetting for the employees. Ms. McPhee is willing to do a background check, the state has already required her to send them a list of the employees. Employees are also required by the state to take an educational course on how to

follow state regulations. Chairman Hutchinson asked if the people on the floor selling the product must be 21 years of age. Yes, the people on the sale floor must be 21 years of age.

Chairman Hutchinson asked about parking for the store. Ms. McPhee believes there is approximately thirty to forty parking spaces in the newly done parking lot where the store is located. Board Member Cronin asked once the product reaches her store, there is no processing that requires fans or anything of that sort. It was determined there is no processing, the product comes pre-packaged, labeled, and sealed by the supplier, there will be no loose product. Board Member Breeyear asked how many secured doors are in the front of the store. The customer will have to enter in through two doors before entering the showroom. The back doors will be secured and have 24-hour surveillance as well.

Board Member Leland asked if the state would do unannounced visits. Ms. McPhee stated they come the beginning of every month and they may come at other times. They will immediately shut down a store if it is not in compliance. They will not be allowed to open until the state has deemed them fully compliant.

There being no further questions from the board, the meeting was open to public comment.

Tony Trello of Chelsea Square, Hudson Falls, NY said that he lives across the street from the proposed shop. He is not a user and will not be a customer but has written a letter in regard to this project. (The letter has been added to the file.) He would like to go on the record as he supports this business. He feels Ms. McPhee is a good businesswoman, he feels this business is a commodity that will be good for the community. Mr. Trello reviewed his letter and a few bulleted points he wanted to point out. Her deadline for the application with the state is coming quickly so he feels we need to pass this now. This will bring people into the town helping other businesses. Further discussion ensued.

Brianna Novack of 488 Glen Street, Glens Falls, NY is a SUNY Adirondack student and a business major. The college has started offering some business courses in agriculture in marijuana and hemp. She feels this is an amazing opportunity for our community and for students to stay in our area and in this community. She feels it will create great jobs and learning opportunities for students.

Dan Ward of 314 Dewy Ridge Road, Whitehall NY, he is here representing the school district on East LaBarge Street, Hudson Falls, NY. He is not here to speak against Ms. McPhee or her business, he is here to inform the board of some adjoining properties that the school has been in talks about obtaining, which would make it well within 500ft. of the store front. They have been talking with the owner of the property, Dennis Hogan about him donating or the school district purchasing the property known to some as Carpy's woods to make an entrance and egress to the school to help them out with the traffic concerns that you see on East LaBarge every morning and afternoon. A discussion ensued about the proximity of the dispensary to this property and how it would affect the students. Mr. Ward provided the board with drawings showing footage from the property front to the proposed property the school is looking at.

Jeff Gaulin, Board President for the Hudson Falls School District, stated his concerns for this are the proximity to the school and the several walking students that live in that general area as well as buses in the area. His main concern is we can not say with certainty that the customers will make their purchases and then leave that parking lot, there is potential that they could smoke in that parking lot, now they are under the influence and our kids are walking through that parking area. That is a major concern for the fact of the safety of our students is at risk. Mr. Gaulin and Mr. Ward went over further the drawings that Mr. Ward presented the board.

Village Attorney Nikas commented that Dana Hogan had contacted him a week ago about this and they are correct that there is a 500 ft. restriction. Mr. Nikas contacted the cannabis agency, and he conveyed back to Mr. Hogan that the 500ft. is not to school grounds but it is to the building. The fact that there may be an access way or road to the school, does not qualify to eliminate this dispensary. Mr. Ward stated they received different counsel from their school attorney. A brief discussion ensued.

Mr. Gaulin wanted to reiterate that we are a walking district as well as a bussing one and there are several students in that area that do walk to school. Board Member Cronin asked what was the rough population of walkers for the school district. Mr. Ward replied a rough number of the high school is 700 students with 150-200 walkers.

Florence Sherman – 247 Main St., Hudson Falls, NY, is the applicant's mom. She does not partake in cannabis but can speak to the integrity of her daughter, the applicant, and her raising of her children, her donations to the community and her donations to the children of the school. She spoke of Ms. McPhee's integrity and that her own four children are successful and have never been in trouble. There used to be a liquor store in that area, liquor is

legal, and cannabis is legal. She expressed Ms. McPhee has been working day and night with New York State and feels the board should consider her endeavor here tonight as she knows she will help the community and it will bring a lot of people into our community.

Jill Ward, 35 School Street, has hoped for years to see cannabis become legal. The state is one hundred percent making the McPhee's jump through hoops, which she thinks they should be doing. She believes it is not as terrible as everyone makes it out to be. She said it is legal if you can smoke a cigarette outside to smoke a joint outside and she has yet to see anyone smoking a joint in the parking lot. She does not believe the presentation from the school this evening based on "if's", should hurt Ms. McPhee's business.

Joanne Davidson, 22 Kelly Ave., asked if when Ms. McPhee stated she needs approval from the town, did she mean village, was she just confusing the two or did she need approval from the town as well. Attorney Nikas stated village only. She stated she believes people would be foolish to smoke in the parking lot and get in their cars and drive away. Attorney Nikas stated it is now legal to smoke marijuana in public.

Gabrielle Flexon, returning to 66 King Ave., she is currently a McPhee's employee, and she does not see kids walking through parking lot, it doesn't happen. She does not have children coming in the smoke-shop that is currently there unless accompanied by a parent, which would be the same situation with the cannabis store. It will be even stricter at the dispensary. She believes it will bring business revenue to our community, we have a good community full of good people, and the McPhee's are responsible business owners and good people.

Denise Montana, 7 Poplar St., she is a registered nurse that has been studying cannabis for five years and the benefits it has on the human body. She feels there is quite a large elder population using cannabis and we might as well have it here as opposed to them going to other counties to get it. She does not see anything bad about it. She feels the McPhee's are good business owners and that they would do a good job in following regulations. She stated there are a ton of studies online that show the benefit of having cannabis dispensaries in your town. Board Member Cronin asked if she had any specific ones she could refer to. Ms. Montana said she doesn't off hand but if you just google it, you will find studies.

There being no further comments, public comment was closed.

Attorney Nikas asked the board if they had any questions concerning regulations. Board Member Leland asked if the prices would be regulated. Attorney Nikas explained the governor's office boasted that there are some thirty-seven dispensaries that will be open by the end of this year across the state. He posted it is legal if you are twenty-one, to walk the streets smoking a joint. This Village Board wanted you to know that they had a public hearing over a year ago and left it open for at least two months and there were no objections as to whether they should opt out and prohibit dispensaries or whether they should allow it. They did not opt out. The rationale was not the tax revenue, the rationale was because it is legal and because you can walk the streets, you can be in that parking lot, you can be ten feet from the school on somebody else's property and you can smoke marijuana. We have all heard about the fentanyl which has contaminated the on the street product and that was the concern. The Village Board was impressed with the regulations that addressed safety and carved out the street sales. You can grow it legally as long as you are twenty-one, you cannot sell it for compensation, but you can exchange it and you can give it away. So, it was really a matter of safety of the community that prompted the Village Board to agree to a dispensary and they wanted that on record for tonight.

Chairman Hutchinson asked when you mentioned to opt out that is an agreement if you will with New York State as to whether the village wants to opt in our out. Attorney Nikas said every municipality had the option to opt out if you opted out you were not allowed to have the dispensary in your community, if you opted in and did not withdraw that vote then you were bound to allow the dispensary to locate in your community as long as they abide by all the regulations given. The Planning Board's issue is not whether it's a benefit, it is whether this operation meets your site plan considerations, days and hours of operation, traffic and so forth. That is the Planning Board's function with respect to this application. Attorney Nikas stated as far as the 500 ft. rule, that was brought up if that is in fact the prohibition here, the cannabis agency would deny the permit. Chairman Hutchinson brought up that this is not the last step for this project. There still needs to be approval from New York State, we are just one step in the process.

There being no further questions or comments from the board;

Village Attorney Nikas reviewed the short EAF form with the Board, the environmental assessment form questions were read aloud, and the Board answered each of them stating no or small impact.

Upon motion made by Board Member Breeyear , seconded by Board Member Cronin and carried it is

**RESOLVED**, after reviewing a short form EAF, the board has determined that the action does not present any adverse environmental impacts. The Board further determined that, based upon the foregoing, a negative declaration be issued.

AYES : Chairman Hutchinson, Board Members Cronin, Breeyear, Leland and Santa Croce  
NOES : N/A  
ABSENT: Board Members Timms and Wagner

The board had a discussion regarding having a background check for employees of the dispensary as a condition in the approval of the site plan review. Board Member Cronin asked if that would be a financial hardship for the owner of the dispensary. Attorney Nikas stated if they are inclined, they could require a prior criminal background check be done by the Hudson Falls Police Dept. Chairman Hutchinson asked if the regulations say that they cannot be hired if they are a felon? Ms. McPhee stated there are no rules or regulations as to the employees themselves with the exception of them having to do a training program for the guidelines and regulations. The state OCM, did ask her for a list of her employees so she is not sure if they are running a background check or not. Jeffrey Gaulin, mentioned as a former detective of the Hudson Falls Police Department, he is quite certain they are not allowed to run background checks for private businesses, he believes there is a legality piece of that, they may want to discuss with Chief John Kibling.

Upon motion made by Board Member Breeyear, seconded by Board Member Cronin and carried,

**NOW, THEREFORE, BE IT RESOLVED**, to approve the Site Plan Application for 345 Main Street with the condition of a background check for any employees with a felony conviction be disqualified for employment:

Duly adopted this 18<sup>th</sup> day of December 2023, by the following vote:

AYES : Chairman Hutchinson, Board Members, Cronin, Breeyear, Leland and Santa Croce  
NOES : N/A  
ABSENT : Board Members Timms and Wagner

The second item on the agenda is a site plan review submitted by William and Melody Smith, 1 Stonehurst Drive, Queensbury, NY 12804 to renovate 188 Main Street, Hudson Falls, NY 12839 and add ten apartments to the building.

Mr. Smith addressed the board; he and Melanie currently own the business Everything Under Foot located at 188 Main Street in Hudson Falls. They have occupied the building for about six and half years, they originally purchased it from Knights of Columbus. The second and third floors have been unoccupied for years. They would like to utilize that real estate for putting ten apartments in. He feels the community is in need of housing and this would be renovated new housing, a state-of-the-art facility with everything being new, wiring, plumbing, etc.

Chairman Hutchinson asked him to explain the apartments, layout, etc. Mr. Smith explained there would be six one-bedroom apartments at around 900 sq. ft and four efficiency apartments at around 500 sq. ft. The second and third floor are almost mirror images of each other, there would be two stairwells and one elevator for the proposed project. The main entrance would be from the ground floor where there will also be a gym for the tenants of the apartments. He is hoping this will bring a better clientele to the area, such as teachers and young professionals.

Board Member Cronin asked what he would be charging for these apartments. Mr. Smith said he will be charging \$1250.00 for the one-bedroom apartments and \$900.00 for the efficiency apartments. Board Member Breeyear asked if there is currently an elevator in the building. There is not. Chairman Hutchinson mentioned that he

believes you have to have one and half parking spaces per apartment so there should be fifteen parking spaces. Attorney Nikas informed the Planning board that the Village board supports this project and has expressed an interest in sitting down with Mr. Smith to carve out an area in the lot in the back to accommodate for parking. This would still have to go in front of the Zoning board as Mr. Smith is asking for one space per unit. The Village would consider leasing their spaces on the east side to accommodate the ten spaces Mr. Smith is looking to acquire. Chairman Hutchinson said they would typically need fifteen spaces, the fact that four of them are efficiencies tend to lean us toward potentially only needing one space per apartment, but he wanted to make the board aware of the site and where the proposed spots might be. A discussion ensued regarding parking and reviewing the map with Village Attorney Nikas as to the proposed spaces.

Mr. Smith stated that the bar located in that area known as the Comfort Zone, he has noticed some trouble over in that area with vehicles getting broken in to. Attorney Nikas suggested to Mr. Smith that he put a fence across the rear of the lot. The patrons of the bar have no business or authority to use that village lot. Board Member Cronin asked if his tenants would want to go that far anyway. Mr. Nikas showed her an alternative to some spots that could be used, however the Village board had some concerns as to there is a right of way/easement that passes through that area, so the parking would need to be north of the easement and this is an area where historically the snow has been piled for plowing that back lot. This creates the potential for some real congestion if you allow the parking areas here.

Board Member Breeyear asked Mr. Smith where his employees for his business currently park their cars during the workday. Mr. Smith stated that most of them use their vehicles on a daily basis, they have remodel trucks that they drive all the time. The trucks are only there first thing in the morning to pick products up and there are two box trucks that do sit in that parking lot, one of them is there probably when they are not using it all the time and the other half the time. Chairman Hutchinson asked if parking is solely a Zoning Board issue and Attorney Nikas said the planning board could make it a condition of their approval with the assumption that the ten lots specified would be the area for parking subject to Zoning Board approval. Chairman Hutchinson asked if the subject of the variance of the quantity of spaces is up to the Planning board or Zoning Board of Appeals. Attorney Nikas stated Zoning Board of Appeals. Further discussions ensued involving parking.

There being no further questions from the board, the meeting was open to public comment.

Joanne Davidson of 22 Kelly Ave. asked the board if the village owns a portion of the land, shouldn't they do a survey, so they know exactly how many parking spots they have available before they even entertain doing a lease to someone else? Attorney Nikas stated they have a survey, and they are not considering it a parking lot for the village.

Kathleen Hallenbeck of Paris Ave. asked how many spots are there? Attorney Nikas stated the area they were discussing would accommodate at least ten spaces. Ms. Hallenbeck asked what the village will do with McCann's, the diner and the tenants that already occupy space there. Ms. Davidson stated it's kind of hard to promote one business over others with parking. She feels it is a little one sided. Mr. Smith something has to be done to help regulate that parking lot and the spaces there, if you don't how will any of those businesses grow? Melanie Smith said she does not feel the village is promoting one business over another as they will be paying for the use of those spaces. Ms. Hallenbeck said that is what she means, offer the other businesses the same opportunities. Attorney Nikas mentioned that every business had an opportunity to join together and clean up the mess out there. Ms. Hallenbeck said giving up your land is not the same as leasing land to one company, there is a big difference. Attorney Nikas stated the village was prepared to do some substantial contributions financially if all business owners could get involved and they chose not to. Ms. Hallenbeck said the Village wanted to charge them for parking permits and plowing. Mr. Nikas replied there was a cost analysis, if they added up the cost of just the plowing they would have saved, the parking permit fee was miniscule. But you needed all businesses on board not just nine out of ten and that could have been a fantastic parking lot for everyone.

Ms. Davidson asked if there would be 2 ways of egress for the space. There will be an entrance and an exit.

Board member Santa Croce asked where the elevator would be located. Mr. Smith stated on the South Side of the building in the center. Board member Leland asked if there would be any storage for the apartments as some will be efficiencies and storage can be a problem. Mr. Smith stated he may look in to having some storage available on the bottom floor.

There being no further questions or comments from the board or public comment;

Village Attorney Nikas reviewed the short EAF form with the Board, the long form was provided as it is required being the building is in a historic district. However, he will use the short form questions as only one

question pertains to this project and that question is does it impact historical resources, which obviously it doesn't. The environmental assessment form questions were read aloud, and the Board answered each of them stating no or small impact.

Upon motion made by Board Member Cronin , seconded by Board Member Breeyear and carried it is

**RESOLVED**, after reviewing a short form EAF, the board has determined that the action does not present any adverse environmental impacts. The Board further determined that, based upon the foregoing, a negative declaration be issued.

AYES : Chairman Hutchinson, Board Members Cronin, Breeyear, Leland and Santa Croce  
NOES : N/A  
ABSENT: Board Members Timms and Wagner

Upon motion made by Board Member Santa Croce, seconded by Board Member Breeyear and carried,

**NOW, THEREFORE, BE IT RESOLVED**, to approve the Site Plan Application for 188 Main St, Hudson Falls, NY as submitted subject to the condition that it satisfies the Village Boards approval process and the Zoning Board for the parking condition;

Duly adopted this 18<sup>th</sup> day of December 2023, by the following vote:

AYES : Chairman Hutchinson, Board Members, Cronin, Breeyear, Leland and Santa Croce  
NOES : N/A  
ABSENT : Board Members Timms and Wagner

Upon motion by Board Member Santa Croce, seconded by Board Member Leland and carried the minutes of the June 26, 2023, Planning Board Meeting were approved as submitted.

There being no further business to come before the Board the meeting was adjourned at 7:39 pm.

  
Deputy Clerk