

Planning Board Meeting Minutes
Village of Ballston Spa
Held on January 10, 2024

The meeting was called to order at 7:00pm by Chairman O'Connor

Chairman present: Rory O'Connor

Members present: Scott Burlingame, Peter Martin, Mike McNamara, Alternate Paul Dunkelbarger, Attorney Stefanie Bitter

Members absent: John Battenfield

Pledge of Allegiance

Chairman O'Connor stated that Paul Dunkelbarger was filling in for John Battenfield tonight. He introduced Erin McCredy as a new alternate replacing Michael Raga-Barone. She grew up in Mariaville, just outside Schenectady. She has been restoring a craftsman style home on Hyde Blvd. The alternates are determined by the Village Mayor. As a result of that, we have lost one and have one carried over. He also recognized Alternate Nathan Ward as being in attendance.

Chairman O'Connor requested a motion to approve the minutes of the November 8, 2023 meeting. A motion was made by Member Martin, seconded by Member McNamara, to approve the minutes of the November 8, 2023 meeting. The motion was approved.

Old Business: None

New Business:

114 Milton Avenue– Tax ID #216.32-2-50.1 Applicant -Todd Solomon. Application for a Change of Tenancy

Mr. Solomon presented his application. He ran a tobacco smoke shop business in Glenville for 6 years. His eventual goal for this new shop is the marijuana industry farm to market, not a dispensary. For now, he would just like it to be a tobacco shop with no smoking on the premises. His wife grew up in this neighborhood, and he loves this village and would like to open a shop here. He is planning on closing the Glenville location.

Member McNamara asked if he had any affiliation with the store across the street. Mr. Solomon said that is a vape shop and he has no affiliation with it. He would like to sell cigars and cigarettes, and glass. He will not be in direct competition with them. If New York State does grant him a cannabis license, he will come back to the Planning Board and discuss it with them. Member Martin stated he wasn't sure of the law, but they are pretty close to a church. Mr. Solomon stated that according to the guidelines that he has read, I am across the street, which is OK.

Chairman O'Connor noted that we would have to check with counsel but he understands that regulation states that any business within 200' of a church cannot sell cannabis. His store is too close to the church and would have to move to another location that the state would allow. The Methodist Church is right across the street. Member McNamara asked counsel if she could verify the guidelines if a license is granted. Attorney Bitter stated that New York State would have to verify guidelines first noting that he would have to argue his point of being across the street with the State. Mr. Solomon stated that New York State has not issued any guidelines as of yet, but that is his understanding. Mr. Solomon said he is not looking to cause any trouble. He plans to only sell his own grown products. He is not envisioning long lines of customers buying a large variety of products. Mr. Solomon said he thought that since he is across the street, that he would be eligible to sell cannabis. Attorney Bitter stated his argument that he is across the street location exempts him needs to be verified. It needs to be verified that the rule allows across the street versus adjacent. Chairman O'Connor stated that we should just look at the business at hand now, and if things change in the future, they can address them. Mr. Solomon stated that this could happen 2 years down the line. He said his hours of operation are 10-7 closed on Monday, and Sunday hours would be 12-6. Chairman O'Connor asked about customer traffic, noting that the store is on a busy street and has no off street parking. He noted that there is parking in close proximity to the store. Mr. Solomon feels that he is considered a destination store and will probably have 12 to 15 customers a day.

Chairman O'Connor asked about signage. Mr. Solomon stated that he is working with AJ Signs. He was told they will take care of the sign, incorporating what is allowed in the Village. The sign will only have the business name on it, no lights. He said AJ Signs will submit a sign permit application when they are ready. Chairman O'Connor stated that he might want to apply for the sign permit rather than AJ Signs. Chairman O'Connor stated that he and the Building Inspector have determined that the hanging sign over the door is illegal and with a change of tenancy, it cannot be used. He stated that the code allows for the sign to cover up to 33% of the window and a maximum of 16 square feet if installed on the building. He noted that there is no need to come to the Planning Board if the sign is within guidelines. Mr. Solomon said that he will make sure that the sign is within guidelines. Mr. Solomon asked who is responsible for removing

the old sign. Chairman O'Connor answered that it up to the landlord to remove the old sign. He noted that all the sign requirements are in the code that is on our website.

Attorney Bitter read from the Office of Cannabis Management. The guidance for adult use of a cannabis dispensary, states that within the proximity of houses of worship, a dispensary cannot be on the same street or avenue within 200' of a building occupied by a house of worship. This measurement will be taken in a straight line with the center of the nearest entrance to the building used for a house of worship to the center of the nearest entrance to the premises from the licensee which would like to locate a dispensary at. Chairman O'Connor stated that he thinks they are ready to vote on opening the smoke shop now, with the caveat that if he wants to sell cannabis in the future, he will have to come back to us for review based on state requirements.

Attorney Bitter stated that no SEQR is needed for a change of tenancy.

Elizabeth Kormos asked if there was going to be public comment. Chairman O'Connor stated he had not planned on it, but if she wants to make a comment, feel free. She stated that St. Mary's school may be too close to his location for cannabis sales. Attorney Bitter stated that it has to be 500' away from a school.

Attorney Bitter asked Mr. Solomon what he called his business. He answered it is a micro business, which is where you sell what you grow.

Member Burlingame made a motion that the Village of Ballston Spa Planning Board approve the Change of Use Application to a smoke and CBD shop recognizing that the applicant will have to come before the Board if they offer cannabis products in the future. The motion was seconded by Member Martin. The motion carried unanimously.

Chairman O'Connor welcomed Mr. Solomon to the Village.

A motion was made to adjourn at 7:20pm by Member Martin and seconded by Member McNamara. The motion carried.

Respectfully submitted,

Kathleen Barner
Building Department Clerk