

**VILLAGE OF CATSKILL  
PLANNING BOARD  
422 Main St.  
Catskill, NY 12414**

**Board Members  
Gilbert Bagnell\*Tom Gibson\*  
Ann Gibbons\*Michele Pulver\*  
Anthony Petrianni\*Sam Perez\*  
Benjamin McCarthy**

**Draft Minutes: November 13, 2023 (These minutes will not become official until approved, as they may be amended, at a subsequent Planning Board Meeting)**

**Roll Call:** Sherri Downes, Anthony Petrianni, Sam Perez, Benjamin McCarthy, Tom Gibson, Gilbert Bagnell, Michele Pulver, Ann Gibbons, Joseph Kozloski, Kevin Conklin, Greg Smith, Anna DiStefano, Lisa Marafioti, Wayne Thompson, Bertram Downes, Shari Kimmel, Darren Farrell, Dawn Moyer, Paul Moyer, Tiffany Greenwaldt-Simon, Brittany Palmateer, Matthew Wiedman, Poliany Weidman, Wayne Murphy, Robin Smith, Joan Razickas, Roz Viemeister, Sarah Verdon, Bill DeLuca, Eva Chriss, Deacon Neal, and Neva Wartell.

**Began Meeting at 6:30PM**

Gilbert Bagnell called the meeting to order at 6:30PM with the Pledge of Allegiance and took roll call (all members present).

Gilbert Bagnell requested a motion to approve the meeting minutes from October 23, 2023. Tom Gibson motioned to approve the minutes. Second by Anthony Petrianni. All in favor. Motion carried.

Gilbert Bagnell opened with a statement that the Planning Board has declared lead agency on the topic of the public hearing this evening, but informed the public that there would not be a SEQR hearing this evening, but would consider comments as part of its consideration in classifying the action for purposes of SEQR.

Planning Board Secretary, Sherri Downes, read the public notice aloud: Please take notice that the Planning Board of the Village of Catskill, Greene County, New York will hold a public hearing on Monday, November 13, 2023, at 6:30PM at the Senior Citizen's Center, 15 Academy Street, Catskill, NY 12414. The public hearing is for the purpose of site plan application for a cannabis dispensary including a separate café establishment at 79-81 Maple Avenue, (Route 9W) Catskill, NY (Tax ID # 156.17-5-39). Members of the public can be heard on the application at the public hearing or may submit written comments to the Village Clerk at 422 Main Street, Catskill, NY, or by email to [codes@villageofcatskillny.gov](mailto:codes@villageofcatskillny.gov) no later than 11:00AM on the date of the meeting. Please reference the street address above. The application materials are on file with the Village of Catskill and are available for public inspection during normal business hours. THIS WILL BE THE ONLY NOTICE OF THIS PUBLIC HEARING.

**Gilbert Bagnell requested a motion to open the public hearing. Sam Perez made motion. Second by Michele Pulver. All in favor. Motion carried. Public hearing opened.**

**Public Hearing (79-81 Maple Avenue, Kevin Conklin)**

The applicant was present and turned in all of the receipts for the required certified mailings. Kevin Conklin explained in detail the proposed project to the PB and members of the public. Currently there are three (3) structures on the site. The log structure will be removed from the location. The 1100 sq. ft. residence structure will contain a café that has no connection to the proposed dispensary and will be leased. It will receive a new paint of coat and a handicapped ramp. The 2200 sq. ft. concrete structure will contain a cannabis dispensary which will also receive a coat of paint. There will be 20 parking spaces on site. Landscaping will be added along 9W and there will be a small grassy area behind the café that could possibly be used for outdoor seating. The lighting in site is required for security and the entryway lights will be on from sun up to sundown. A solid wood fence will connect the two (2) structures on both sides of the property. The site will have 24-hour surveillance directly to The Catskill Police Department. The concrete building is only for retail and is not a lounge space. It will have one (1) entry and one (1) exit and should take approximately 7 minutes from entry to exit. The traffic should include about 120 cars per day to the location.

### **Public Comment**

-Bill DeLuca expressed concerns with traffic and asked if the existing curb cuts would be used or if new ones would be added. Kevin Conklin explained that the existing curb cuts would be used. One (1) for entry and one (1) for exit.

-Roz Viemeister asked for more transparency on who owned the proposed business. Kevin Conklin explained that the owners were operating under "Catskill Roots" and that "The Juice Branch" will be in the café location, leasing from the owner. Roz also asked if the owners had a current dispensary elsewhere. Kevin stated that they had a dispensary in New Jersey.

-Neva Wartell asked if there was a website for the owner's current location that the public could have access to in order to be an informed community. Kevin Conklin said that he would try and retrieve that information.

-Brittany Palmateer stated that she (Athens) and a partner (Greenville) were the new owners of the current Pizza Hut location and had plans to open a dispensary there as well. Under a local women owned business. Letters from their attorney and Brittany have been attached for review.

-Matthew Weidman had concerns about the traffic flow and stated that he has done research and the traffic flow would be increased significantly, also stating that the 20 parking spots would not be enough for staff of both businesses and consumers. Kevin Conklin stated that they were only required to have 20 parking spots.

-Paul Moyer shared his concerns about the increased traffic.

-Village Attorney, Wayne Thompson, stated that the proposed easement requires two (2) parties to sign and that ownership needs to be signed before moving forward. Wayne also stated that the PB needs to confirm and clarify what Kevin Conklin states as the easement agreement that will be submitted.

**Gilbert Bagnell requested a motion to close the public hearing. Michele Pulver made the motion. Second by Tom Gibson. All in favor. Motion carried. Public hearing closed.**

Michele Pulver stated that the traffic will be a concern, but that it is out of the PB's hands as DOT is not willing to put in an additional traffic light. Tom Gibson stated that he was not sure that a traffic light would help, but suggested a traffic study be completed. Gilbert Bagnell asked Kevin Conklin for \$5000.00 escrow in order to get a traffic study done, stating that the check could be dropped off to the CEO's Office. Wayne Thompson encouraged the PB to reopen and adjourn the public hearing.

**Gilbert Bagnell requested a motion to reopen and adjourn the public hearing for the purpose of obtaining a traffic study and proper easement agreement. Anthony Petrianni made motion. Second**

**by Benjamin McCarthy. All in favor. Motion carried. Public hearing reopened and adjourned until the rest of the proper documentation was obtained and submitted.**

**Additional Public Comment**

Not pertaining to this evening's public hearing: Dawn Moyer read aloud a statement regarding 22 Liberty Street (see attached).

**Board Discussion**

**Gilbert Bagnell requested a motion that going forward, a copy of draft meeting minutes could be placed on the Village website as soon as possible, pending approval from the Chairman, until the official minutes have been approved and posted. Tom Gibson made a motion. Second by Michele Pulver. All in favor. Motion carried. Going forward, after the PB members review the meeting minutes and the Chairman approves, the draft minutes will be posted to the Village website.**

**Tom Gibson motioned to adjourn the meeting. Second by Ann Gibbons. All in favor. Motion carried. Meeting adjourned at 7:17PM**

**Next Meeting is scheduled November 27, 2023 at 6:30PM at The Senior Center.**



Law Office of Paula Collins  
LLC

Gil Bagnell  
Village of Catskill  
422 Main Street  
Catskill, New York 12414  
TRANSMISSION VIA EMAIL: codes@villageofcatskillny.gov

**Please forward to all members of Planning Board.**

RE: The Green Hut, LLC, Retail Cannabis Dispensary License Application

November 9, 2023

Dear Mr. Bagnell,

I am writing to express concern over a letter sent to a client of mine, The Green Hut, LLC. Please see the attached letter denying The Green Hut a hearing before the board of the Village of Catskill for consideration of a cannabis license application on the basis that they believe that another cannabis licensee will gain approval.

I did receive a phone call from Attorney Wayne Thompson today. Mr. Thompson made reference to a rule in the Village code that prohibits the Village from considering more than one license or site plan at a time. Yet, I cannot find such a prohibition in any of the Village of Catskill code online.

According to the New York State Office of Cannabis Management (“OCM”) the deadline for applications for adult use retail licenses will be December 18, 2023, with a priority deadline of November 18, 2023. Therefore, unless the business that has applied to the Village of Catskill qualifies for a CAURD license (which is currently under preliminary injunction per decision by NY Supreme Court Judge Kevin Bryant), it is inconceivable that any other prospective licensee has received approval for a license from OCM.

Please find the information from OCM regarding the influence that a municipality has in determining a license. “In accordance with Section 76 of the Cannabis Law, all municipalities and community boards will each receive a minimum of 30 days to review the proposed location for the retail dispensary or microbusiness with retail authorization and be able to provide an opinion to the Office. **Those determinations are recommendations. They are not binding. The State will take recommendations from municipalities into consideration, but ultimately, the final decision will be rendered by the State.**” For your convenience, I have attached the flyer from OCM to this letter. You will find the relevant information in the section titled, “What Role Do Municipalities Play in New Your State Cannabis?”

The properties in question – 79-81 Maple Street (or did they mean Avenue?) for the licensee whom the planning board heard in a meeting in September 2023, and 75 Maple Avenue, which is the location that has been purchased by The Green Hut – are in close proximity. However, the

properties are vastly different. 79-81 Maple does not have a parking area and the intention is that the medical cannabis dispensary will be in a converted garage. Access for deliveries of cannabis products will have to be on easement owned by the Village of Catskill, which may prove to be a liability for the village (if it is even permissible by OCM). Access to the premises will have to go through a residential neighborhood, and a dead end street. Contrast that with 75 Maple Avenue, which is larger, has greater opportunity for reinforcement and security, access off the main road, and a parking lot for 42 cars.

It is possible that neither the applicant for the property at 79-81 Maple Street (who, by the way, already has a New Jersey cannabis license) nor the applicant for the property at 75 Maple Avenue will get approved by OCM for a NY State Cannabis license. Or it is possible that my client, The Green Hut, LLC, will get approval for a NY State Cannabis license and the applicant for 79-81 Maple Street will not. There are many factors beyond the control of the Village of Catskill in making those determinations.

Most disturbing in the denial of the opportunity for a hearing before the Village of Catskill is this: there is the distinct appearance of favoritism in allowing the applicant at 79-81 Maple Street to have a hearing while denying the opportunity for a hearing to other prospective licensees. One of the Trustees, Natasha Law, has been very clear in her desire to move forward with a plan for a restaurant-style café at that location.

It is my sincere hope that this plan by Ms. Law to develop the property for her personal gain is not the root cause for denying The Green Hut, LLC an opportunity for a hearing.

Respectfully, I ask your support as The Green Hut seeks to appeal to the members of the board for a place on their hearing calendar as soon as the November 15, 2023 meeting.

Sincerely,



Paula Collins, EA, Esq  
Attorney for The Green Hut, LLC

Law Office of Paula Collins, PLLC  
35 Morton Street #11  
New York, NY 10014  
646-467-4646    paula@paulacollinslaw.com

## Renee Meryman

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**From:** Brittany Palmateer <bklang89@yahoo.com>  
**Sent:** Monday, November 13, 2023 9:44 AM  
**To:** Codes  
**Subject:** Attn: Gil Bagnell - Proposed Dispensary Public Hearing Questions

This email comes from outside the organization.  
Do not click links or open attachments unless it is an email you expected to receive.  
Good Morning,

I am writing to request a few questions to be answered at tonight's hearing regarding the proposed dispensary at 79-81 Maple Ave.

- In the PB minutes from Sept 25th 2023 (last available minutes on the village website), the proposed dispensary is referred to as a "medical dispensary" is this a medical dispensary applicant or an adult-use retail dispensary applicant? If it is medical, has the village reviewed the specific zoning rules for medical dispensary applicants set forth by the NYS Office of Cannabis Management?
- Who are the names of the people on the dispensary application? The PB minutes only refer to Yoginder Virk from New Jersey. Will there be additional licensees at that location? If so, who are they?
- What is going into the cafe style restaurant? If not finalized, who has shown interest in opening the cafe style restaurant?
- The Sept 25th PB minutes explain the village granting an easement behind the property 79-81 Maple Ave. This easement is an old road, when you look on any map. With that being said, is the land described as the easement for the applicant at 79-81 Maple Ave.; currently owned by the village/town? If so, has the village reviewed the level of liability they would incur by allowing the proposed dispensary an easement for cannabis deliveries and employee parking?

I appreciate your time and look forward to hearing the answers to my questions above.

Thanks,  
Brittany Palmateer  
518-788-4806

Jawn Moyer

As you may know, an oversized shipping container was placed at 22 Liberty Street in August of 2020. This shipping container is over 144 square feet in size and therefore is in violation of the village building code. Around 1 year after the shipping container was installed, a complaint was filed in village court to have it removed in accordance with the building code. However, that court complaint seeking to remove the container was withdrawn in lieu of a stipulation agreement which was proposed by the Catskill Village Board and subsequently signed by the code enforcement officer, the Village attorney, the property owner and the attorney for the property owner, but not by the judge. The property owner said he needed the container to facilitate the restoration of his house, and the village board felt this outweighed the concerns of the neighbors and the existing code and the historic district, so there were explicit terms and conditions added to the agreement to ensure that the container was being used for the stated purpose and that progress would be made towards completion of the project and subsequent removal of the illegal container.

As of this date the property owner appears to not have complied with his obligations under the agreement, and when I pressed for a resolution of this situation I was informed by both the code enforcement officer and village attorney that this illegal oversized shipping container was or may be referred to this board for a building permit approval which would therefore make it permitted and permanent. The stipulation agreement stated that the defendant understood and agreed that the container was only temporary and only for the period of time where he could show yearly progress on restoring/repairing the exterior of his house. The agreement states that when work ceased or was completed the shipping container would have to be removed, which you can read in see section 5 of the agreement. If the property owner failed to comply with the agreement the Village would have the option to return to court to enforce the issue of the oversized container, which you can see in section 4 of the agreement.

If the Planning Board were to now approve a building permit to address the oversize container issue it would effectively make the shipping container on 22 Liberty Street legal and permanent. Thus removal would no longer be enforceable in a court of law and the stipulation agreement would no longer be in effect for this removal either. The Village Board did not choose to permit this container from the start as it wouldn't be fair to the property owners. There is also a new law in the zoning law document which states that a shipping container is not allowed under any circumstances if any neighbor can see it from their property, which is the case for the shipping container at 22 Liberty Street. The shipping container at 22 Liberty Street was never grandfathered under any existing law - it was simply never legal or permitted. My husband and I hope you will consider these conflicts with the zoning law and the stipulation agreement and deny any further actions which would allow the shipping container to become a permanent fixture on Liberty Street in the heart of the historic district.

Questions:

- 1) Has a building permit application for the shipping container on 22 Liberty Street been referred to this Planning Board for approval?
- 2) Will the neighbors affected by such an application be invited to provide comments prior to approval determination if such an application is made in the future?



# HILSCHER & HILSCHER

ATTORNEYS AT LAW

THE 1813 COURTHOUSE

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TEL: (518) 756-7647

J. THEODORE HILSCHER

NANCY R. HILSCHER

PLEASE REPLY TO CATSKILL

September 14, 2021

Honorable Richard C. Paolino  
Town of Catskill Justice Court  
422 Main Street  
Catskill, New York 12414

**Re: Village of Catskill v. Raven**

Dear Judge Paolino:

The above referenced matter first came before this court on June 21, 2021. At that time the court heard oral arguments from the petitioner Village of Catskill in support of the position that defendant Raven violated the Village Law in effect in November 2020, when Orders to Remedy were issued. Defendant Raven argued against said position.

The court ruled on September 7, 2021 that defendant Raven did violate Village Law and therefore was keeping and using storage facilities at 22 Liberty Street without having obtained the necessary permits.

On September 13, 2021 the petitioner Village of Catskill and defendant Raven entered into an agreement which allows Raven to maintain the shipping container during the time of his repairs to his home, which is a significant structure located in the Eastside Historic District currently suffering from lack of maintenance. At such time as the repairs are either completed, or suspended without completion, the container must be removed. The full agreement is enclosed herein.

Respectfully, the petitioner village of Catskill hereby withdraws its prosecution of Raven. The petitioner Village of Catskill thanks the court for its time and recognizes the clarity the court brought to the facts and issues herein which helped bring this matter to a resolution.

Sincerely,

J. Theodore Hilscher

Emailed and US Mail

JTH/kro

Enc.

cc: D. Benoit, Esq. (via email only)

STATE OF NEW YORK : COUNTY OF GREENE  
JUSTICE COURT : TOWN OF CATSKILL

-----x  
The People of The State of New York,

Plaintiff,

- against -

STANLEY RAVEN,

Defendant.  
-----x

STIPULATION OF  
SETTLEMENT

IT IS HEREBY STIPULATED and agreed to by and between the parties and their attorneys hereto as follows:

1. That the defendant will cover the existing metal shipping container now on his property located at 22 Liberty St., Catskill, NY with a pitched roof of a design and materials pre-approved by the Village of Catskill Code Enforcement Officer.
2. That the defendant will further disguise the sides of the existing metal shipping container with false sides, paint that matches his existing residential structure, or other manner with a design and with materials pre-approved by the Village of Catskill Code Enforcement Officer.
3. That the defendant will replace the tarps now covering two (2) freestanding storage tent structures with new manufacturer's covers designed to fit the respective storage tents.
4. That the Village of Catskill as Plaintiff herein shall immediately upon execution of this document withdraw all zoning and building code violations currently pending in the Village of Catskill Court against the

defendant and pertaining to the metal shipping container and the two (2) freestanding storage tents, and shall not re-file any such charges unless the defendant fails to comply with the terms of this agreement.

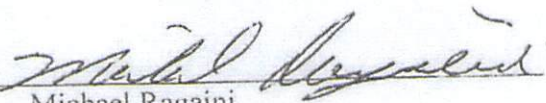
5. That the defendant understands and agrees that placement of the metal shipping container at his property located at 22 Liberty St. Catskill, NY is temporary in nature and may only continue for the period during which the defendant is engaged in the exterior renovation of the residence located at 22 Liberty St., Catskill, NY. The defendant further understands and agrees that he must make progress on a yearly basis towards the completion of the exterior renovations and that such progress can be demonstrated by photographic evidence provided by the defendant to the code enforcement officer who will evaluate the progress on a yearly basis with the first evaluation taking place one year from the date this stipulation is last signed by all parties, and each year thereafter until renovations are completed.
6. That the defendant shall have no more than 6 months from the date this stipulation is executed by all parties to comply with the terms of paragraphs 1, 2, and 3 hereof.

SIGNATURE PAGE FOLLOWS

By:  Dated: September 13, 2021  
Stanley Raven, Defendant

By:  Dated: September 15, 2021  
Daniel A. Benoit,  
Attorney for Defendant

By:  Dated: September 13, 2021  
J. Theodore Hilscher,  
Village of Catskill Attorney

By:  Dated: September 13, 2021  
Michael Ragaini,  
Village of Catskill Code Enforcement