

4/13/2026

To: Planning Board Members:

Robert Luntz
Geoff Haynes
John Ghegan
Steve Krisky
Eva Thaddeus
Syed Hossein

CC: Board of Trustees:

Brian Pugh
Len Simon
Nora Nicholson
Stacey Nachtaler
Maria Slippen

I am writing to express my opposition to the change of use application made to the Planning Board to permit a retail cannabis facility at 370 South Riverside Ave. I would like to take this opportunity to submit questions and comments relative to some of the documentation submitted with the application.

Relative to the letter addressed to the Planning Board by Attorney Micci Weiss who represents the applicant, he states "The applicant notes that the proposed operation is a state-licensed adult use cannabis retail dispensary authorized under the Marihauna Regulation and Taxation Act." I have determined, according to the NYS Office of Cannabis Management's (OCM) website, the application OCMRETL-2023-001503 has not been approved as of 4/12/26 and its status remains "In-Process".

My question to the Planning Board is, if a change of use application requires a license certification to operate, can the Planning Board approve same without it? If not, the request should be tabled at this time.

Also stated in the letter, "... the retail site has 9 exclusive parking spaces." And goes on to state "The cannabis shop is anticipated to see about 125 customers a day- half as many customers as the current use". This statement leads one to believe that the aforementioned "9 exclusive parking spaces" are adequate for the anticipated daily customer traffic.

I would like to advise the Planning Board that currently there are four parking spots marked and designated for Dari Mart customers and five for residents of 370 South Riverside Ave., one of which is a designated for handicap parking.

My question to the applicant is, how many employees will be staffed daily to manage the operation and will they be parking on-site and if not where? My question to the Planning Board is, how many parking spaces are required for the number of apartments in the building and how many would be required for the new establishment based upon the anticipated daily customer traffic, including required handicap parking?

In my opinion, parking in the immediate area is already saturated and any expansion of demand will have a negative impact on existing businesses and the surrounding residential area.

The letter goes on to start, “the store will operate during the hours permitted by applicable Village ordinance, anticipated to be approximately 9:30 a.m. to 9:30 p.m.” There is no mention of the days of the week. Will the store be open on Sunday when church services are held at Good Shepard Chapel? If so, this would further exacerbate parking problems in the neighborhood.

Relative to the Village Board and Planning Board Application, as stated on the application:

Per section 230-57. The submission should also include the following documentation:

- B. A cost benefit analysis or similar study to review the estimated municipal costs, services and prospective revenues which would be generated by the proposed use.
- C. Evidence that the proposed use is consistent with goals of the Village Master Plan.
- D. A traffic and circulation study projecting the effects of the proposed use of the existing and probable future traffic and access in the vicinity of the proposed use.

Based upon the documentation currently listed and associated with the application, it appears that the applicant has not satisfied these submission requirements and if so, the application should be denied or tabled by the Planning Board.

Relative to item C., a letter from Amos Bloomberg to the Planning Board, documented in the Correspondence from Residents attachment, clearly outlines that the proposed use is inconsistent with the goals of the Village Master Plan and based upon his arguments, the Planning Board and the Village Board of Trustees should not approve this application.

Part of the application review process by the Planning Board is to assess the potential negative impacts of proposed use on the surrounding community. Studies have shown that retail cannabis establishments have negatively impacted property values.

Several statistical studies have identified localized negative impacts on property values or rental rates following the opening of cannabis dispensaries. While many studies suggest a general "green boom" that increases property values, specific research indicates that disamenities (such as increased crime or nuisance) can depress values in the immediate vicinity of a dispensary.

Key studies showing negative impacts include:

- **Washington State Study (Thomas & Tian, 2021/2022):** This study found that recreational marijuana dispensaries have statistically significant negative effects on housing values, with home prices within a 0.36-mile area falling by 3–4% on average. The study attributed this to a significant increase in nuisance-related crimes, such as loitering and disorderly conduct, in the census tracts where dispensaries were located.
- **Vancouver, Canada Study (Tyndall, 2021):** Research examining the opening of 84 dispensaries in Vancouver found no consistent evidence that local property values increase, instead finding evidence that property values declined for homes within 100 meters of a new dispensary.
- **Commercial Real Estate (Georgia State University, 2025):** A 2025 study found that retail rents near dispensaries declined significantly, particularly in highly walkable neighborhoods (37% decline) and for larger dispensaries (40% decline), indicating a potential decrease in property value for investors in those retail areas.
- **Chicago Study (2026):** Recent research in Cook County found that dispensary proximity reduced property prices by approximately 6% within a half-mile, with the effect being driven by higher-income neighborhoods where owners were more sensitive to a "cannabis stigma".
- **National Association of Realtors (NAR) Surveys:** In states where recreational marijuana has been legal the longest, a 2023 survey revealed that 27% of members observed a decrease in residential property values near dispensaries, compared to 12% who saw an increase.

Common Reasons for Negative Impacts:

The studies often cite the following as causes for the decline:

- **Nuisance-related crimes:** Increase in loitering, trash, and noise.
- **Stigma and Perceived Disamenity:** Residents may view dispensaries as undesirable neighbors, reducing the attractiveness of the area.
- **Cash-Only Operations:** Due to federal regulations, many dispensaries operate in cash, raising safety concerns about potential robberies.

Regarding the current status of the operating license under review by the NYS Office of Cannabis Management (OCM), it is clear to most residents of this village that the proposed site is not favorable due to its proximity to Happy Hearts Take Two, the Croton Music Academy, the Good Shepard Chapel and the playground, however under the definitions of the current law one would argue the site meets the requirements:

- *NYS Cannabis Law Section 72*
 - *6. (a) No premises with a license issued pursuant to this section, or section sixty-eight-a of this article, or section seventy-three of this article that allows for the retail sale of adult-use cannabis, shall be located on the same street and within five hundred feet of a building containing a school.*
 - *(b) No premises with a license issued pursuant to this section, or section sixty-eight-a of this article, or section seventy-three of this article that allows for the retail sale of adult-use cannabis, shall be located on the same street and within two hundred feet of a building exclusively occupied as a house of worship.*
 - *(c) The measurements in paragraphs (a) and (b) of this subdivision are to be taken in straight lines from the center of the nearest entrance of the premises sought to be licensed to the center of the nearest entrance of such school or house of worship.*

Because Happy Hearts Take Two is licensed as a Day Care Center, The NYS Office of Cannabis Management may not be aware the facility also functions as a Pre-School and Public and Private Pre-K facility as identified in the facility's website. I will be submitting a letter to the OCM advising them of this fact.

Because Cannabis law was rushed and haphazardly written when it was legalized, legislators are currently focusing on closing the loopholes and re-writing the deficiencies in the law. There are currently pending bills in both the NYS Senate and Assembly to expand the buffer zones and better define protected facilities. Senate Bills 8940 and 1244 and

Assembly Bills 3501 and 1587 all propose to expand the buffer zone to 1,000' from "school grounds" as such defined in the education law.

Section 409 of New York Consolidated Laws, Education Law states:

"School grounds" means any building, structure and surrounding outdoor grounds, including entrances or exits, contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property boundaries as registered in a county clerk's office."

These bills clearly address the siting controversy surrounding this application and if passed would certainly disqualify a pending license approval for this site.

In closing, I would like to offer up some comments recently made by NYS Senator Joseph P. Addabbo:

"Our responsibility is not just to regulate cannabis, but to do so in a way that prioritizes public safety and prevents the normalization and accessibility of these products to minors. That is why I have introduced legislation, S.1244, which would further strengthen restrictions and ensure cannabis remains out of reach of children by reinforcing commonsense buffer zones and accountability measures.

As cannabis legalization continues to evolve, we must take a careful and deliberate approach. I remain committed to advancing policies that protect our communities, support responsible regulation, and most importantly, safeguard the well-being of our children."

I respectfully submit these questions and comments for review in this matter and request that the change of use application 20260171 for 370 So. Riverside Ave be denied.

Sincerely,

Dennis Michael Kooney

CC:

Pete Harckham, NYS Senator

Dana Levenberg, Assemblymember

