

CITY OF OSWEGO

PLANNING BOARD

August 3, 2021

MEMBERS PRESENT: Cory Moshier, Brit Hallenbeck, Daniel Breitweg, Kim McPherson, and Chairman Freeman.

MEMBERS ABSENT: James Scanlon and Jeffrey Hinderliter.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday August 3, 2021. Roll call was duly noted.

A motion to approve the minutes of the July 2021 meeting was made by Brit Hallenbeck and seconded by Cory Moshier; minutes unanimously approved.

Cory Moshier made a motion that all actions taken tonight are excluded, exempt or Type II actions for the purpose of the State Environmental Quality Review Law unless otherwise stated. Motion seconded by Brit Hallenbeck, unanimous approval.

OLD BUSINESS:

1. Site Plan Review & Approval – 249 East Seventh Street, Case 21-60; to allow for the installation of a new driveway, Section 280-35 thru 280-37.

DISCUSSION: Teresa Benzing was present for the discussion. Ms. Benzing said she would like to put a new driveway in her side yard. Jeff McGann said they have an existing driveway on the right hand side of the house and it is a small driveway. He said they have teenage kids and they have room on the other side for a driveway. He said it is under the allowed coverage. Chairman Freeman asked if they will keep the old driveway. Ms. Benzing said yes. Chairman Freeman asked if the end of the new driveway will be right at the fence. Ms. Benzing said yes.

DECISION: Brit Hallenbeck made a motion for site plan approval. Motion seconded by Cory Moshier, unanimous approval.

2. Advisory to the ZBA – 249 East Seventh Street, Case 21-61; to allow for front yard parking, Section 280-42(B).

DECISION: Cory Moshier made a motion for a favorable advisory to the ZBA. Motion seconded by Chairman Freeman, unanimous approval.

NEW BUSINESS:

3. Review & Approval of Revised Signage – The Organic Earthling – 43 West Bridge Street, Case 21-63; Signage (Wall), Downtown Oswego Design Standards B.2.4.

DISCUSSION: Lindsay and James Gaffney were present for the discussion. Ms. Gaffney said they would like to include their entire logo on their sign and also to give a little more clear vision of what is actually in their store. She said they have had a lot of people come in to ask if they are a yoga store. She said they don't really know what they have to offer so they wanted to be able to provide that from the store front. She said they met with them about a year ago and it was agreed that they would not include the hemp leaf in the original sign. She said they would like to have that now as it is a representation of their store and their brand. She said they have been here for a year and have developed relationships with the people and community. She said a lot of different business owners don't have a problem with it. She said they just recently had Oswego Health ask them to donate towards their 5K. She said the Director of Community Relations came right into their café where they have their logo displayed very largely. Mr. Gaffney said when they initially spoke to them a year ago the committee wasn't sure if they were a head shop or not. He said they are not a head shop. He said they are a health and wellness store. He said Peaceful Remedies, the YMCA, 55+ Magazine, and Oswego County Business Magazine are using their logo. Ms. Gaffney said Saint Mary's Church asked them to donate to their bazaar. She said she doesn't think they would ask them to donate gift cards if they felt like it was offensive. Mr. Gaffney said they need more verbiage on their sign to tell people what they are because they also opened up the fruit smoothie bar on the top level and they would like to use their logo. He said the leaf encapsulates the herbal essence of the logo. Ms. Gaffney said she definitely wants to include the fruit smoothie part of it on the sign. She said they just recently started with Door Dash and the drivers are having trouble finding them because The Organic Earthling doesn't convey that message that they have smoothies. She said there needs to be that messaging for people. Jeff McGann said there was a discussion about the old sign. He said with legalization coming, the city has made provisions that dispensaries can only be in Commercial Business. He said he doesn't think it is anything with what the sign says. He said this is traditional downtown and is that what you want on signs downtown. He said they need to be consistent going forward and this could be the start of what they may see in the future. Mr. Caraccioli said signage is protected under the first amendment. He said there are some community content standards that can come into play with that. He said the law allows for a pretty broad spectrum of expression that local municipalities are somewhat restricted in regulating. He said with the new zoning they did contemplate the likelihood of the legalization of marijuana. He said they did proactively identify certain areas where dispensaries and on-site consumption facilities can be located. He said those are in the Central Business District. He said this is in the traditional downtown. He said he heard other businesses in the area think they are established and they are going to be able to, once the dispensaries are opened, open a dispensary because they are downtown and grandfathered in. He said that isn't going to happen because the law does allow communities to regulate through zoning the location of these dispensaries and on-site consumption facilities. He said it gets back to their ability to express what they do. He said a hemp leaf has many

different uses and connotations. He said he personally doesn't find it offensive and it is probably constitutionally protected. He said it doesn't offend him but he doesn't have a vote either. He said he only advises this Board. He said he thinks it is just a matter of the group's preference and how they want the look and presentation. He said it is a fine sign. Mr. Gaffney said he has four or five pages of customers and local business owner's signatures okaying the sign. Kim McPherson asked if they have done any other signage with different types of leaves or just this one. Ms. Gaffney said that is their logo. She said the one on the old sign was not their logo but they did it to accommodate the wishes of the Board. Mr. Caraccioli said the possession, the growing, and the sale of marijuana was not legal in New York State at the time. He said licenses to dispense and grow have not been issued yet but it is clearly legal now. He said it doesn't give them a foot in the door to be converted into a legal dispensary. He said if they want to do that they would have to be in the Central Business District. He said there's a \$40,000 license fee to apply plus a \$200,000 deposit. He said if you are selected you get a license. He said if you don't get selected the \$40,000 application fee is not refundable. Ms. Gaffney said she has an 83-year-old customer. She said they talked about how her doctor recommended that she start medicinal marijuana. She said she asked her to compare and contrast CBD to medicinal marijuana. She said she had never smoked in her entire life. She said she told her from her personal thoughts on it she doesn't like the feeling of THC and the psychoactive effects of it. She said personally she prefers the CBD because you don't feel those psychoactive effects. She said she understands that there can be great medicinal benefits to THC but it is not for everyone. She said it is good to be able to have those conversations and talk knowledgeably and give the options. She said they have spent a lot of time looking into studies and that is why she thinks it is important to have that hemp leaf on there. Mr. Gaffney said that is the thing with the grandfathered system that they have going on in town. He said they have people on the right of them and on the left of them selling CBD which they didn't come in front of them to ask if they could. He said they also have them that did come in front of them and took the right channels. He said they want the Board to allow them to be the trusted source in this town for the CBD products. He said they have gone through the state program. He said when someone is told by their doctor to go get some CBD to see if it helps with their ailment they want it to be known that they can come to them for it. He said they don't want them going to the vape shop or the gas station but to people who know. Ms. Gaffney said the vape shop is originally where Jim had to go to get his first CBD because there wasn't a health and wellness store that he knew of that was providing it. She said why would you make a grandmother go into a place where there are pipes and all sorts of things that she doesn't feel comfortable with. Chairman Freeman said these leaves are hemp leaves and not marijuana leaves. Mr. Gaffney said that is correct. He said they look very similar. He said marijuana has a high THC count and low CBD. He said a hemp plant has high CBD and low THC. He said if the leaves were next to each other they wouldn't be able to distinguish them. Chairman Freeman said there is a farm in Oneida County that has just been licensed by the state to grow hemp for building products. Kim McPherson said right now their sign just states The Organic Earthling. Mr. Gaffney said yes. Kim McPherson said they are just asking for the new signage which labels what they have going on. She said she knows that wasn't their emphasis the first time they came. She said their emphasis was the organic piece of it. Mr. Gaffney said what progressed there is they opened up a new part of the shop which is the fruit smoothie bar above the

medicinal store. He said no one knows about it. Kim McPherson said that she thinks that signage is what they need. Mr. Gaffney said they felt that if they have to go in front of them for the verbiage and to change the sign then they are going to try to also be able to have their logo as well. Ms. Gaffney said originally they were told they would not even be able to open their store so they didn't want to make any waves and push for the leaf on the sign. She said they just wanted to get open. She said now they've been here for a year and have established these relationships. Kim McPherson said what they have now and what they are showing them is pertinent to know. She said she would support that. She said they also want to draw attention to themselves. Mr. Gaffney said he's sure that they will have people asking them if they are a dispensary and they will tell them no. Ms. Gaffney said they will be able to tell them that they have CBD products. She said that she would rather pull those people towards a better option.

DECISION: Brit Hallenbeck made a motion for signage approval. Motion seconded by Daniel Breitweg, unanimous approval.

Brit Hallenbeck made a motion to adjourn at 6:57 p.m. Motion seconded by Daniel Breitweg, unanimous approval.

Approved: _____

Richard Freeman

Planning Board Chairperson

Jeff McGann

Planning Board Secretary