



FINAL REPORT OF THE CITY OF ALBANY, NY CANNABIS ADVISORY COMMITTEE



MAY 15, 2023

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EXECUTIVE SUMMARY

The purpose of the City of Albany Local Cannabis Advisory Committee is to create a community-led process to help inform and shape cannabis rules and regulations at the municipal level. The Cannabis Advisory Committee, comprised of 15 community members, and employees from nine City of Albany Departments, worked to solicit feedback about cannabis sales tax reinvestment, hours of operations for dispensaries and on-site consumption facilities, dispensary and on-site consumption facility locations and other community concerns, comments, and questions about the newly legalized recreational cannabis market.

The City of Albany Local Cannabis Advisory Committee recognizes that the prohibition and criminalization of cannabis has resulted in the disparate enforcement and incarceration of Black and Brown individuals and continues to contribute to racial and social inequity. The Cannabis Advisory Committee approached the local conversation through the lens of equity. The Committee recognized that in order for this process to be considered legitimate, and for meaningful opportunity in the newly legalized cannabis industry to exist, that all work must be viewed and conducted through the lens of racial and social equity.

Since its inception in July of 2022, the Cannabis Advisory Committee has worked hard to gather and disseminate information, about legal cannabis. The Committee held six public input and community listening sessions, passed out 600+ informational flyers, and collected more than 1,000 responses to its Community Cannabis survey.

The City of Albany Local Cannabis Advisory Committee solicited community feedback from every neighborhood in the City of Albany including, Arbor Hill, Beverwyck, Bishop's Gate, Buckingham Lake, Center Square, Delaware Avenue, Downtown, the Dunes, Eagle Hill, Helderberg, Krank Park/Cherry Hill, Mansion, Melrose, Mount Hope, North Albany, Second Ave/Hoffman, South End, and West Hill.

Community feedback was vital to the Committee process and shaped the four working group topic areas and working groups reports included in this Final Report of the Cannabis Advisory Committee. The Cannabis Committee has included a number of recommendations and strategies for improving municipal policies and programs to help ensure that the City of Albany is welcoming to the newly legalized adult-use recreational cannabis industry.

City of Albany Cannabis Committee – Members

Cannabis Committee Co-Chairs:

Lydia Brassard Bio:

Lydia Brassard is a cultural anthropologist by training and currently works at a labor union for public employees. She has a longstanding commitment to equity, education and social justice, and is eager to take part in this historic opportunity to shape the social and material fabric of our beautiful city. Lydia lives on the border of the Pine Hills and Washington Park neighborhoods with her husband and their two black labradors.

Raziq Seabrook:

Raziq Seabrook is a prominent public policy and political expert who has direct experience drafting and negotiating the Marijuana Regulation and Taxation Act. A graduate of SUNY and Albany Law School with honors, his experience working with New York's cannabis legislation dates back to 2018 where he worked on Labor provisions of the bill in his position as Deputy Chief of Staff at the New York State Department of Labor. After transitioning from agency work, he participated in the negotiations of the bill between the Executive and Legislature while serving as Senior Advisor to the Governor. Post his tenure in government, Raziq worked directly with prominent advocacy organizations like the Drug Policy Alliance to insert and strengthen aspects of the bill that promote equity to those most harmed by the war on drugs. He is a passionate champion of social equity and recently co-founded Back Chamber Consulting, an elite strategy firm that represents clients who reside at the intersection of racial justice and public policy, along with the former Executive Director of the New York State Black, Puerto Rican, Hispanic & Asian Caucus.

Community Members:

Dr. Bob Wishnoff:

I have been a resident of Albany since 1973 coming here initially as a Doctoral Student at SUNYA. For the last almost 50 years I have been involved in many aspects of life that involve cannabis and the impact on individuals, employers, and society in general. As a Licensed Mental Health Counselor, Certified EAP professional, DOT and OASAS Evaluator, I have consulted with lawyers, judges, district attorneys, employers and many hundreds of individuals about the use and abuse of cannabis. I look forward to using my experiences as a member of the Albany Cannabis Advisory Committee.

John McGuire:

My name is Inspector John McGuire and I am a 22-year veteran of the New York State University Police at Albany (UPD). I am the Commander of the Criminal Investigative Unit, I have spent over two decades serving the citizens of Albany. I have dedicated my career to drug education topics, including both legal and illicit drug use.

Judith Morgan Harris:

Judith Morgan-Harris is currently a Senior Legislative Associate and I lives in Albany County for over 30 years. My children and I have been educated in the Albany School District. As I am passionate about my community, I have been a volunteer in Albany County for various positions from cheerleading coach to victim's advocate.

Kaciem Swain:

Swain is the Founder + CEO of FlagshipUltra - a creative think tank and idea lab that invests in Black founders and startups across a range of industries including fashion, culture, real estate, food, events, and hospitality. Our mission is to reimagine and rebuild underserved communities through strategic investments that support Community, Economic & Workforce Development. Whether providing much needed services to entrepreneurs or leading project teams for community activations, he keeps himself busy and fulfilled with what he loves the most --- starting, growing, and supporting vital neighborhood businesses.

Lee Kindlon:

Lee Kindlon, is the founding partner of the Kindlon Law Firm, an Albany-based law firm. An Albany native, he attended Williams College and graduated in 1998 with a degree in History. After graduation, Lee attended the University of Connecticut School of Law. He concentrated his studies in Constitutional and Criminal Law and received his law degree in 2002. He is currently enrolled in the Financial Compliance and Risk Management LLM program at Albany Law School.

Maelisa Rivera:

My name is Maelisa Rivera I currently work as a Cultivator for one of the largest Cannabis companies in the country. I have participated in the movement for Medical and Recreational to become legal in NYS. I also have played a pivotal role in recreational Cannabis in Massachusetts and Chicago. My passion is to eliminate the negative stigma, by bridging the gap through education and social awareness. I enjoy all things Cannabis.

Nik Eames:

Nik Eames is a New York State employee who is proud to call the South End of Albany home. His specialty is in teaching mathematics, education finance and budgeting. Since moving to Albany in 2004, Nik has used his education, skills and positive energy to give back and enhance his community. Whether he is tutoring students in the neighborhood or maintaining his rental property, Nik is committed to the advancement and beautification of his community. Nik Eames earned a Bachelor of Science in Chemical Engineering and an MBA from Howard University before making the South End of Albany his home. He is a former local middle school mathematics teacher and is also a NYS licensed real estate broker and notary public.

Quinn Lee:

Quinn Lee is a Buffalo NY native and relocated to Albany in April of 2021. Quinn is a Director of Program Services at a local nonprofit that serves 15 counties of Northeastern New York. I have a background in community engagement, grants, and Human Services, with a focus on harm reduction and trauma informed

care. Quinn possesses a unique understanding of public policy and the intersections with underserved communities.

Robert Anderson III:

Originally from Niagara Falls, NY. Graduated from UAlbany 1992 BA English; Worked 20 plus years in the NYS Assembly, 16 as Special Assistant to the Chairman of Ways and Means. Currently, Director of State Relations @ State University of New York Systems Administration. Single father of 3, with kids in Albany City School District. Looking forward to working with others to help ensure a smooth rollout of local policies related to the cannabis industry in our community.

Saladin Amir:

Saladin Amir is an urban farmer skilled at cultivation of cannabis with decades of experience. He also has a comprehensive understanding of the MRTA legislation and a clear vision for equitable cannabis policy. Saladin is an organized, diligent and detail oriented professional with expertise in residential and commercial electrical engineering. He currently works as an electrician for the Office of General Services at the Empire State Plaza.

Susan Appe:

Susan Appe is a Capital Region native who has settled in Albany's Washington Park neighborhood. She is Associate Professor of Public Administration and Policy at Rockefeller College of Public Affairs & Policy at the University at Albany, SUNY, where her research focuses on government-nonprofit relations, collaborative governance and foreign aid provision. She teaches graduate and undergraduate classes on public service, philanthropy and nonprofit management. At UAlbany, she has created the Student Philanthropy Fund which allows students to distribute funds to local Capital District nonprofit organizations as part of coursework in which they learn about philanthropy and the role of nonprofits in building vibrant communities (see here). She serves on the Board of Directors RISSE (Refugee & Immigrant Support Services of Emmaus, Inc.) which is a local, Capital Region nonprofit organization that supports newcomers to the region in building sustainable lives. In her free time, she enjoys playing racquet sports, collecting art from local and emerging artists and cycling during the warmer months in New York State.

Tabora Marcus:

Tabora Marcus is the President of The New WHNA and owner of TBE Property Management LLC. A business that empowers and educates the community on ownership. Ms. Marcus was born and raised in Miami, Florida. In 2003, she relocated to Albany, New York with her children. She moved to the Westhill neighborhood and was faced with some difficult decisions but decided to stay and be the change she wanted to see in the community. Ms. Marcus became a mentor to young women in her community and recently worked with other community leaders to re-engage the West Hill Neighborhood Association. Ms. Marcus believes this opportunity would be a start to ensuring the community has a voice to discuss and advocate for the things that affect their quality of life. She has been successful in her advocacy work, and is instrumental in ensuring that the West hill community needs are addressed. Making sure that underserved communities can take part in a

sustainable and equitable program that will help build a thriving industry by providing job opportunities and training to POC. Educating communities of color that were disproportionately affected by the war on drugs, where many have apprehension, and little experience.

William Yager:

Albany has been William “Tragedy” Yager’s home since 1969 when he was born at Albany Medical Center. It’s where he grew up, and learned many lessons in life, some of which were hard. In 1999 I was found guilty of Conspiracy to Transport Marijuana, a Federal Class B Felony. He was sentenced to 48 months in Federal Prison and 36 months supervised release (Federal Probation). Since returning to society, every day, William Yager has striven to be a better person. He wants people to be able to see that a person can learn from past mistakes to succeed in business and to continuously give back to their local community. Currently he is the proud owner of a number of businesses in downtown Albany which include: Patsy’s Barber Shop, Patsy’s Barber Shop on the Concourse, Modern Body Art, Shocker Tattoo, Lucky Cat Laundromat, The Bull and Bee: Taproom & Meadery, and Fuze Box.

Elected Officials:

Hon. Alfredo Balarin, City of Albany Common Councilmember 11th Ward

Alfredo D. Balarin was born in New York City to Peruvian immigrant parents and he moved to the Capital District to attend college. He received his Bachelor’s degree in Political Science and his Master’s degree in Education Administration from the State University at Albany. He currently works at Hudson Valley Community College as Director of EOP and Student Life. In November of 2017, Mr. Balarin was the first Latino elected to the City of Albany Common Council. He currently serving on the Finance, Assessment and Taxation Committee, Planning, Economic Development & Land Use Committee and the Public Safety Committee. Mr. Balarin is a proud resident of the City of Albany, where he lives with his wife, son, and two dogs.

Hon. Carolyn McLaughlin, Albany County Legislator - 1st District

Honorable Carolyn McLaughlin has over 30 years of experience in public service, preceded by 10 years as a research chemist in the areas of cosmetics development and nuclear weapons research. After serving three terms as Second Ward Council Member, McLaughlin was elected President of the Common Council in 2009. In January 2010 Ms. McLaughlin began her first four-year term as the first African American President of the Albany Common Council. She was re-elected to this position in 2014. In addition, McLaughlin served as Chairwoman of the Albany County Democratic Committee in September 2014. - September 2016. Under her leadership as Chairwoman, the first African American was elected as Judge to the New York State Supreme Court for the Third Judicial District in November 2015 and the first African-American was elected Judge to the Albany County Court in November 2016. After a run for mayor of Albany, New York in 2017, Carolyn retired from political service. However, she resumed public service after being elected to the Albany County Legislature in 2019. She is also currently a Doctoral student at St. John Fisher University.

Hon. Gabriella Romero, City of Albany Common Councilmember 6th Ward

Gabriella A. Romero represents the 6th Ward, which encompasses the Park South, Hudson/Park, Center Square, and Washington Park neighborhoods. She is the first Latina to represent the 6th Ward, and the first public defender to serve on Albany's Common Council. As a public defender, Gabriella has witnessed first hand the devastating financial, social, and generational consequences of the War on Drugs and is focused on bringing equity to the city's implementation of local cannabis businesses

Hon. Joyce Love, Albany Common Councilmember 3rd Ward

Joyce Love was born and raised in the Arbor Hill Neighborhood of Albany. Like her late Mother Grace Love and her late father Jewel Love Joyce is a much loved pillar of the community. In her present position of City of Albany Common Councilwoman for the 3 rd Ward she is a tireless advocate for the people of Albany. From coordinating receipt of Covid Vaccines, assisting with home ownership, delivering food for those in need, providing coats, school supplies, and toys for youth; Joyce is available 24/7 for those in need. Joyce has had an eclectic work life. She retired from the New York State Tax Department after 38 years. She then worked for the Arbor Hill Community center. Later became a School Bus Driver for Durham School Services. Joyce then went on to work for the Albany County Department of Social Services. Joyce is also an Albany County Committee Person and has been for over 40 years. Joyce was also a Democratic Statewide Committeewoman.

Hon. Sergio Adams, Albany Common Councilmember 7th Ward

Sergio Adams is a newly elected Council member for the City of Albany. Sergio received his degree in Urban Planning from the University at Albany. Sergio's experience combines Community development and project management. Over the last decade Sergio has worked in Homeless Services serving the Capital region. In 2016 Sergio served on Albany's Poverty Reduction Steering Committee to examine ways to reduce poverty in the City of Albany.

City Staff:

Avi Epstein, Principal Planner, City of Albany, NY

Avi serves as the Principal Planner for the City of Albany's Department of Planning and Development. He assists in the management of the city's land use policies, Unified Sustainable Development Ordinance, and various strategic planning activities. As an Albany native, Avi proudly attended the University at Albany, where he earned his Master's Degree in Urban and Regional Planning.

Dylan Spring, Financial Analyst, Department of General Services, City of Albany, NY

Dylan Spring oversees the budget, purchases, and verify we received items/services before payment is made. Dylan has been working at DGS for nearly two years.

Jasmine Higgins, Chief Equity Officer, City of Albany, NY

Jasmine serves as the Chief Equity Officer for the City of Albany. Jasmine has worked on a number of City-wide initiatives including the 2020 Census Albany Counts Complete Count Committee, Policing Reform, the West Hill Community Center Needs Assessment, the Conviction Sealing Clinic and Community Resource Fair, Document Translation and the Cannabis Advisory Committee. Jasmine was born and raised in the City of Albany and is a proud graduate of the Albany Public Schools. Jasmine attended undergrad at Siena College and graduated in 2019 with a Bachelor's in Philosophy. Jasmine currently attends Marist College where they are pursuing a Master of Public Administration.

Joseph Toomey, Deputy Chief, Albany Fire Department, Albany, NY

Joe Toomey is a 35-year member of the Albany Fire Department with the position of Executive Deputy Chief. Joe has been a lifelong resident of Albany.

Matt Toporowski, Senior Assistant Corporation Counsel, City of Albany, NY

Matt Toporowski is a Senior Assistant Corporation Counsel with the City's Corporation Counsel's Office. His focus is criminal justice reform and police accountability. He is lead counsel on all Albany Police Department disciplinary matters, advises the Community Police Review Board, is tasked to the Law Enforcement Assisted Diversion Eligibility (LEAD) Eligibility Criteria Subcommittee, and manages special projects like the City's Conviction Sealing Clinic and Community Resource Fair. Prior to public service, he was in private practice and represented clients in complex commercial actions in state and federal court as well as before the American Arbitration Association and FINRA. He is President of the Green Tech Charter High School Board, Vice President of the New York Capital Region Hispanic Chamber of Commerce, and a graduate of The College of St. Rose.

Rick LaJoy, Director, Buildings and Regulatory Compliance, City of Albany, NY

Formerly Deputy Director, Rick was promoted to Director of the Department of Buildings and Regulatory Compliance in May 2018. His first position with the City was in 2015 as the Assistant Director of Operations for the City's Department of General Services where he developed a passion and commitment to help the residents of Albany. Prior to coming to work for the City Rick worked as a building inspector for Albany County, overseeing and inspecting properties the County took ownership of. Rick has worked in the building industry for over 30 years starting as a NYS Certified Union Journeyman Carpenter and then ran his own home remodeling company for a combined 20 years. Rick has continued to stay engaged in the field of building inspections and code enforcement where he completes yearly on-going continuing education for his NYS Code Official and NYS Home Inspector licenses.

Valerie Scott, Deputy Director, Buildings and Regulatory Compliance, City of Albany, NY

Valerie has over 25 years of experience in the Public Safety sector, having worked for Albany County and the City of Albany in the field of Code Enforcement. She is a nationally recognized speaker, having presented on topics such as "Alternative Methods to Achieving Code Compliance: Sometimes You're the Carrot, Sometimes You're the Stick" and "Expanding the Tools in your Law Enforcement Toolbox." She holds certifications from both New York State and the International Code Council. She is a member of both the New York State Building Officials and the Capital District Building Officials, for which she has served as Chapter Secretary and 2nd Vice President and continues to chair numerous committees, while currently serving as the 1st Vice-President. Valerie currently serves on the New York State Code Enforcement Disaster Assistance Response Team (CEDAR) and as the 2nd Vice President for the New York State Building Officials Conference.

Vincent Foley, Deputy Chief, Albany Police Department, City of Albany, NY

Vincent Foley, Deputy Chief of Police Operations. I have been a police officer with the City of Albany for 31 years. Over the course of my career I served the city in many ways including walking the beat in Arbor Hill, detective in the narcotics unit, midnight Sergeant in Center Station, Detective Sergeant in the Capital Region Crime Analysis Center and Commander of Detectives.

The City of Albany Cannabis Advisory Committee Timeline

June 6, 2023

Mayor Sheehan announces the call for applicants for the City of Albany Cannabis Advisory Committee. 50+ applications received.

July 15, 2022

Mayor Sheehan announces the 15 appointees to the City of Albany Cannabis Advisory Committee.

August 18, 2022

The public Cannabis Informational Committee Kick-Off meeting is announced

August 23, 2022

The Informational Kick-Off meeting took place from 6:00pm-8:00pm. The 15 Community members, 9 representatives from City Departments, 4 Councilmembers and 1 County Legislator were introduced.

September 14, 2022

The Committee public meeting schedule is announced:

1. **September 20, 2022**
2. **September 27, 2022**
3. **October 6, 2022**
4. **October 11, 2022**

September 23, 2022

Working Group assignments and topic areas announced including: public engagement and education, planning, zoning, codes and enforcement, and revenue taxes and public benefit

February 2, 2023

The Community Cannabis Survey was launched to help gather feedback about sales tax revenue reinvestment, dispensary, and on-site consumption facility hours of operation and more.

May 13, 2023

The submission of the final report of the cannabis advisory committee to Mayor Sheehan and the Albany Common Council.

REPORT I. Public Engagement & Education

Chair:

Quinn Lee

Working Group Members (Civilians and Elected Officials):

Quinn Lee

Maelisa Rivera

Dr. Bob Wishnoff

Sergio Adams (Councilmember 7th Ward)

City Staff:

Danielle Gillespie (City Clerk)

Valerie Scott (Buildings and Codes)

Dylan Spring (Dept. of General Services)

I. Introduction

This working group will create texts, both print and media, aimed at educating different Albany communities and constituencies about existing federal, state, and local cannabis regulations, the City Cannabis Advisory Committee, existing planning and zoning regulations that relate to cannabis and the operation of a cannabis business or facility. Additionally, this group will be responsible for advising on best public engagement practices and engaging various Albany constituencies in discussions about legal cannabis by meeting people where they are.

II. Mission Statement

To aide in ensuring that public engagement and education around the Albany Cannabis Market, laws, rights, privileges and dangers are delivered in a manner that is socially equitable appropriate and tailored to suit the residents of Albany and visitors interested in participating in the legal cannabis market.

III. Challenges

It has been a challenge to develop and seek out guidance around education and engagement given the short tenure of the Cannabis market in NYS. There is a lack of guidance outlining the parameters on education. The State guidance is constantly updated as NYS pushes forward to implement the Cannabis market. The Albany School District is in the process of collecting data and feedback to shape a curriculum around Cannabis.

IV. Assets

The committee was able to engage with The School District of the City Of Albany's Assistant Superintendent for Curriculum, Instruction & Professional Development.

V. Findings & Recommendations

We have found that the public has an interest in education around the following;

- The different types of business and career opportunities available in the industry and how to access these opportunities
- Possible negative effects on communities when a dispensary opens in their area and how they can be prevented or thwarted (tailored to the specific audience ie: business/civilian/children & families)
- Education around the dangers of the illicit market
- Safe use/storage and consumption
- The opportunities that will be made available with the tax revenue that goes back into the social equity fund

Educational texts, both print and media should be tailored around the guidance and messaging of NYS.

REPORT II. Planning, Zoning, Codes and Enforcement

Working Group Members (Civilians and Elected Officials):

Susan Appe

Rob Anderson III

Alfredo Balarin (Councilmember 11th Ward)

Nik Eames

Lee Kindlon

City Staff:

Avi Epstein (Dept. of Planning and Development)

Deputy Chief Foley (Albany Police Department)

Deputy Chief Toomey (Albany Fire Department)

Rick LaJoy (Buildings and Codes)

VI. Introduction

The Planning, Zoning, Codes & Enforcement Subcommittee, created in October of 2022, met five times over five months to discuss and learn about the City of Albany [Unified Sustainable Development Ordinance \(USDO\), Albany's zoning and land use code](#) as it relates to cannabis dispensaries and on-site consumption sites. New York's Cannabis Law allows for municipal governments to regulate the time, place and manner of cannabis dispensaries and on-site consumption sites. These elements are dealt with almost entirely through the USDO, which serves as the primary land use management tool and policy guide for the City of Albany. The following describes the Planning, Zoning, Codes & Enforcement Subcommittee's objectives, process and research, and recommendations.

VII. The Subcommittee's Mission Statement

The Planning, Zoning, Codes & Enforcement Subcommittee was established by the City of Albany Cannabis Advisory Committee in September of 2022 to take a deeper dive into the City of Albany Unified Sustainable Development Ordinance (USDO) and related policies that regulate uses, current procedures, and enforcement. The Subcommittee will evaluate current practices and standards related to commercial cannabis establishments and provide recommendations on how the City of Albany should proceed. Input from public meetings, 1000+ survey responses and professionals with related experience will help form the basis of the Subcommittee's findings and recommendations.

VIII. Challenges

The topic of codes, zoning and the revision of land use laws that can often be very technical, creating the challenge of explaining current procedures and proposed amendments in a manner that is understandable for all involved. In addition, the role of NY State (OCM and DASNY) can often be confused with the role that is played by local municipalities, such as Albany. This confusion was apparent during public meetings and other outreach, including surveys, when many people assumed that Albany would be responsible for certain actions that are the purview of the State. For example, many people were under the impression that the City would be issuing dispensary licenses or that the City could still opt out of allowing cannabis dispensary and on-site consumption premises.

To address this challenge, the Subcommittee prepared easy-to-understand materials that provided an overview of the Unified Sustainable Development Ordinance (USDO) and explained the current status of cannabis-related regulations and what questions we could – and would -- address in our analysis and recommendations.

The Subcommittee also reviewed the survey data to properly limit the review of responses of only those who reside in or own a business within the City. The relatively large percentage (approximately 15%) of survey respondents who live outside the City were identified and removed for the purposes of survey analysis.

IX. Assets

The Subcommittee is comprised of highly experienced individuals with backgrounds in education, policing, local laws, building and code enforcement, as well as city land use planning. Assistance from the City's Chief Equity Officer was instrumental in ensuring that the information analyzed and recommendations provided were consistent with the City's Equity Agenda ([Chapter 183](#)). Access to a wide breadth of data from various City departments and NY State allowed for a comprehensive analysis, which led to the Subcommittee's findings and recommendations below.

X. Findings

A. Major Questions Raised by Albany Residents and Business Owners

The Subcommittee worked to assess the major questions and concerns posed by residents, businesses owners and other stakeholders within the City of Albany. The Subcommittee began with a broad view to make sure that all concerns would be addressed by either New York State or the City of Albany. Questions or concerns raised

during public meetings or subsequent communications can best be summarized as follows:

- Will cannabis-related uses be allowed in all neighborhoods?
- Will cannabis-related uses be restricted based on the current zoning districts?
- Will another method be created to regulate the location of cannabis-related uses?
- Will cannabis-related uses have restrictions on proximity to other similar uses (dispensaries or on-site consumption) as well as to schools and houses of worship?
- Will cannabis-related uses be restricted in a manner that limits the potential over-concentration – and hence impact -- in certain neighborhoods?
- How will delivery services be regulated locally?
- Will there be any changes in enforcement from the City's Dept. of Buildings and Regulatory Compliance and the Albany Police Department?

B. Differentiating Between NY State Municipal Roles in Cannabis Regulation

NY State has issued a series of proposed regulations and standards that apply to cannabis-related businesses. Among these laws are restrictions on how municipal governments may or may not enact ordinances that affect certain aspects for particular cannabis-related businesses. Pursuant to the NY State [Cannabis Law](#), municipalities are authorized to enact laws and regulations that relate specifically to the time, place and manner of dispensaries and on-site consumption sites. However, the law stipulates that enacted municipal regulations cannot make the operation of said businesses “unreasonably impractical”.

Following a thorough review of the proposed regulations created by New York State and the Office of Cannabis Management, the Subcommittee determined that many of the questions and potential concerns raised by Albany stakeholders and Subcommittee members were adequately addressed under the proposed NYS regulations. The Subcommittee's recommendations are intended to support the State's regulations and overall vision, while providing some specific regulations that pertain exclusively to the City of Albany.

C. Assessment of Data Used by the Subcommittee

The Subcommittee used a variety of sources, information and datasets to inform its recommendations. Data that was evaluated included maps and tables that show the zoning districts that allow for cannabis dispensaries as-of-right or conditionally, and which districts prohibit them. This data was then compared to licenses from the State Liquor Authority for stores and other establishments that sell alcohol, tobacco and medicinal drugs. The results showed a clear distinction between where dispensaries are

allowed (as of this writing) under our USDO and where similar uses such as liquor stores, pharmacies, or tobacco smoke shops are permitted by that ordinance.

XI. Recommendations for USDO Changes Regarding Cannabis

The following are the specific recommendations put forward by this Subcommittee:

- 1. Align cannabis-related uses to similar uses that currently exist in the USDO*
 - a. Cannabis dispensaries should be treated like liquor stores or pharmacies. This use should be classified as “General retail” in the USDO. Currently it falls under “Controlled substance dispensary.”
 - b. Cannabis on-site consumption sites should be treated like bars. The category of “Bar or tavern” within the Permitted Use Table ([§375-302](#)) should be amended to “Bar or cannabis consumption site.”
 - c. The term “marijuana dispensary” should be removed from the definition of a “Controlled substance dispensary.” This would allow for a Cannabis dispensary to be classified as “General retail” instead.
- 2. Define cannabis-related uses in the USDO in a manner that aligns with the NYS Cannabis Law*
 - a. “Cannabis Dispensary” - A retail establishment that is registered or licensed in the State of New York that sells or otherwise distributes cannabis products directly to consumers for consumption off-premises.
 - b. “Bar or Cannabis Consumption Site” - An establishment where alcoholic beverages or cannabis are sold to be consumed on the premises, and where any sale of food is secondary to the sale of alcoholic beverages or cannabis. This definition includes, but is not limited to, a bar, grill, saloon, pub, public house, beer garden, brewpub, cannabis lounge or similar establishment, but does not include a banquet facility.
- 3. Utilize Use-Specific Standards in the USDO*
 - a. Ensure that all matters regarding cannabis dispensaries and on-site consumption sites, reference the need to comply with the NYS Cannabis Law by adding the following – “No person or entity shall operate a business that sells cannabis product or hold itself out as a New York State registered or licensed organization unless they are in compliance with New York State Cannabis Law and the prevailing regulations therein.”
 - b. Set hours of operation for dispensaries at 8am to 11pm
 - c. Set hours of operation for consumption facilities until 2am

- d. Amend subsection 375-303(4)(b)(i) of the USDO to read “Bar or cannabis consumption site” instead of “Bar or tavern.”
- 4. *Maintain the current USDO regulations on the following*
 - a. Delivery service as an accessory use per the Permitted Use Table
 - b. Drive-in or drive-through facility as an accessory use per the Permitted Use Table
 - c. Sign regulations pursuant to §375-409
 - d. Parking regulations (as General retail) pursuant to Table 375-405.1
 - e. Operating and maintenance regulations pursuant to §375-410
 - f. Enforcement and penalties pursuant to §375-507

XII. Rationales for the Subcommittee’s Recommendations

Based on the information available and the newly adopted and proposed regulations put forward by New York State, protecting the general welfare of those within the City can be accomplished quickly and efficiently through relatively minor amendments to the USDO that the Subcommittee is proposing.

The Subcommittee has made the above recommendations for the following reasons:

A. Aligning the City’s USDO with the NY State Cannabis Law

The proposed amendments to the City’s USDO listed above would accomplish the goal of regulating cannabis-related uses without making the operation of such businesses “unreasonably impractical,” as is required by NY State. Removal of a cannabis dispensary from the classification of “controlled substance dispensary” and placement instead under “general retail” in the USDO would change where a dispensary could locate, but would keep it restricted to commercial zoning districts.

B. Treating Cannabis Establishments as Similar Uses (Liquor Stores, Bars, Smoke Shops and Pharmacies)

Redefining and reclassifying cannabis uses for dispensaries and on-site consumption expands the number of locations and areas where these businesses could potentially locate. This aligns with the feedback provided at public meetings and the public survey results, which showed approximately 70% of respondents were in favor of treating cannabis-related uses to similar uses such as liquor stores, bars, smoke shops and pharmacies.

C. Preventing the Over-Concentration of Cannabis Establishments in the City

These proposed changes would make cannabis dispensaries permitted as-of-right in nine zoning districts and conditionally in one. In comparison, the current regulations only permit dispensaries as-of-right in two zoning districts, both of which are industrial, and conditionally in four other zoning districts.

Under these proposed recommendations, cannabis consumption sites would be permitted as-of-right in seven zoning districts, and conditionally permitted in three. This would mirror the locational restrictions that bars or taverns currently have pursuant to the USDO.

Elements related to proximity from one cannabis dispensary to another, and distance requirements from schools and houses of worship, are handled by the New York State regulations under Chapter II of the Cannabis Law. The NY State regulations stipulate a 1,000-foot radius from a cannabis dispensary or cannabis consumption site and another premises where the same type of license has been issued. Similar to alcohol, NY State will also limit cannabis dispensaries and cannabis consumption sites from locating on the same road and within 500 feet of school grounds and 200 feet from a building that is exclusively occupied as a house of worship.

NY State and the Office of Cannabis Management will also be reviewing proposed cannabis dispensary and cannabis consumption sites to ensure they are in locations that are consistent with “public convenience and advantage standards.” Under the NY State Cannabis Law, that term refers to a set of standards used to determine if a license will result in over-saturation of adult-use cannabis establishments. The NY State Cannabis Controlled Board considers elements such as number and type of existing licenses in close proximity, demonstrated need, pedestrian and vehicular traffic, noise, and other factors that impact the public interest of the community. The Subcommittee is confident that allowing these cannabis uses in zoning districts that permit general retail, along with the adherence to distance requirements provided by NY State and the public convenience and advantage standards, enough safeguards are in place to address concerns of over-concentration in particular areas of the city.

D. Change the term “Marijuana” to “Cannabis”

Several recommended changes to the USDO include changing the term “marijuana” to “cannabis.” This is recommended to ensure that the local ordinance best reflects NY State’s language and to move away from a term (marijuana) that was first popularized during the early 20th Century as a means to play-off of anti-immigrant stereotypes. Changing the term may help to address the stigma that surrounds a use that has now been legalized by NY State.

E. Defining Enforcement Responsibilities and Penalties

Discussions with City departmental staff made it apparent that the current USDO regulations for enforcement would also apply to cannabis-related businesses. Albany’s USDO has a section on operating and maintenance standards (§375-410) which apply to all uses and structures. This would extend to cannabis uses without the need for any changes. The operating and maintenance regulations oversee things such as noise, odor, material waste, lighting, and other elements of property maintenance.

In addition to the operating and maintenance standards, the USDO provides a means to oversee enforcement and penalties. Section 375-507 of the USDO specifies the requirements for compliance, how complaints are submitted, and the violations and penalties associated with failing to comply with USDO provisions. Similar to the operation and maintenance standards, the Subcommittee does not believe that additional requirements specific to cannabis-related uses are necessary. The Subcommittee also notes that the NY State Cannabis Law provides extensive oversight in regards to compliance and has the ability to levy additional penalties to ensure compliance.

The Department of Buildings and Regulatory Compliance (BRC) will enforce all local regulations and all NYS Building Code regulations that fall within their purview. If a person or entity is found to be operating a business without the necessary permit(s) and/or a Certificate of Occupancy, they will be treated as any other unpermitted business, which consists of BRC issuing a Stop Work Order along with the necessary fines.

The Albany Police Department (APD) will work with other city departments and NY State's Office of Cannabis Management to ensure that all cannabis operations are compliant with NY State laws as well as City of Albany codes. Additionally, APD will work with licensed cannabis retailers with regards to security of their employees and places of operation.

If adopted, the recommendations provided by this Subcommittee would ensure that cannabis-related businesses are treated similarly to uses of a comparable type. It is recognized that each and every use, whether cannabis related or not, has its own potential impacts. Regulating cannabis related uses in the manner recommended by this Subcommittee would help achieve the goals set forth in the City's Equity Agenda by promoting equitable economic growth.

Report III. Tax, Revenue, and Public Benefit

Chair:

Saladin Amir

Working Group Members:

Saladin Amir, Black Cannabis Industry Association

Tabora Marcus, President, West Hill Neighborhood Association

William Yager, Business Owner

John McGuire, SUNY Police Deputy Chief

Councilmember Gabriella Romero,

Councilmember Joyce Love, 3rd Ward

City Staff:

Matt Toporowski, Senior Asst. Corporation Counsel, City of Albany, NY

XIII. Introduction

The Tax, Revenue, and Public Benefit Subcommittee (“TRPB”) used their individual and collective expertise and experiences but focused on public input in order to construct equitable reinvestment of cannabis sales tax revenue generated by legal cannabis sales in Albany.

TRPB held three (3) public input meetings from November 2022 through December 2022. Our first meeting was in-person at the Washington Avenue Branch of the Albany Public Library, and the following two (2) meetings were held virtually via Zoom. The community input and concerns surrounding reinvestment focused on investing back into communities harmed during the prohibition of cannabis. A number of topics were suggested, but common themes did emerge, which are discussed further herein.

XIV. Mission Statement

1. Review and assess feedback from community members on ways to reinvest taxes and revenue back into disadvantaged communities.
2. Listen to residents’ recommendations on ways to reinvest into communities and ways to help underserved communities become sustainable.
3. Examine local policies with fiscal implications, including funding for services and programs; budget processes; tax revenue system; legislative oversight; unfunded mandates; and local fiscal relations.
4. Help advise on how the local cannabis sales tax revenue may be reinvested.

XV. Challenges

TRPB identified and discussed challenges around equity, economics, reinvestment, and regulations in communities harmed during the War on Drugs and its prohibition of cannabis. The following questions were identified based on the community input we solicited.

1. **Equity around disadvantaged communities.**
 - a. Who owns the businesses?
 - b. What will support look like in order for businesses to be successful?
 - c. Is the business owner being over or under taxed?
 - d. Is there a “fair share” about site locations for these businesses/property uses?
 - e. Is the industry/business taking up resources that would be better used for something else?
 - f. Is there a justice component, and how are those metrics being addressed?
2. **Economic flow of funds.**
 - a. Will developing the industry increase or decrease the local flow of money in the economy?
 - b. How many local jobs are being created?
 - c. In what communities are these job opportunities created?
 - d. Reinvestment into underserved communities
 - e. Will job opportunities and training be provided for individuals that are justice involved?
 - f. Will funds be utilized for mental health awareness in communities that were impacted during the War on Drugs and its prohibition?
 - g. Justice involved individuals supported through local municipality to bring black market into legal market.
3. **Regulations.**
 - a. How will enforcement for illicit cannabis be handled and who will oversee the enforcement?

XVI. Assets

A key asset is an engaged community. TRPB was fortunate to get robust input during the community input meetings and there seems to be an endless list of ideas on how to reinvest tax revenue from legal cannabis sales.

XVII. Findings & Recommendations

The TRPB held three (3) public input meetings to solicit feedback from community members on ways to reinvest taxes and revenue from cannabis sales back into underserved communities. Common themes emerged. Underserved communities could be lower-income neighborhoods, neighborhoods that have faced redlining, and neighborhoods that have been over policed, impacted by the War on Drugs. The focus of reinvestment should be on justice involved people, their families, and their communities. Reinvestment as a result of public input is discussed below.

1. **Education of the youth:** Now that cannabis is legal, we need to educate the youth of risk factors associated with cannabis use. Does this occur in schools? Should this occur in schools or are there community health workers (or community leaders that would be best equipped to address the education component?)
2. **Investing in early childhood education and development in communities of color:** Several public comments focused on this. There was also a comment to pay kids to do homework with revenue from legal cannabis sales. Apparently in the past a program existed of this nature.
3. **Substance abuse and mental health services:** Investing tax revenue into service providers here to serve disproportionately impacted communities. The aim was not limited to substance abuse associated with cannabis but focused generally on investing in care for people with mental health issues and/or substance abuse issues in underserved communities.
4. **Workforce Development:** Community-based workshops, small business advisement, a program called “Out of the shadows into the light” to provide folks information to go from the illegal market into the legal market and encourage legal, regulated cannabis sales. This could include bringing in lawyers and certified public accountants to help small businesses during the startup phase. Again, the focus in the reinvestment of revenue is into underserved and overlooked communities. Workforce development was a major theme during our meetings. This extended to all aspects of cannabis sales, including growing, cultivating, etc. Education provided to justice involved individuals and families around small business startup. Supporting justice impacted individuals and families with small business opportunities. For example, presently, the state and certain universities are offering classes on cannabis. Reinvestment could fund scholarships to pay for tuition to certain programs. Another idea is a mentorship program that will help those get into the industry from mentors who are in the industry. There was a comment that gardening and farming skills can be taught to the youth so that they know how to plant and grow their own crops that are not cannabis.. A skill that might not come naturally to the youth in an urban setting.
5. **Financial literacy and life skills training:** Suggestions on this topic included using funds to offer trainings on these subjects to parents and young adults
6. **Investing money into affordable housing/home ownership:** For example, providing housing grants for justice-involved individuals and families to help purchase homes within the community. The focus here is not simply more affordable housing but providing funds to people who have been directly impacted by prohibition to purchase homes.

7. **Youth opportunities through community centers:** Another suggestion referenced directing funds towards community centers for programs that would allow youth to navigate different options. Also, investment in programs aimed towards helping youth create resumes or attend classes funded by scholarships from reinvestment. For example, music or performing arts.
8. **Childcare to allow parents to get back into the work force:** Feedback was received about interest in funding childcare whether that be through a community center or through direct investment in childcare support.

APPENDIX

CITY OF ALBANY CANNABIS SURVEY RESULTS DATA

FIGURE 1A.

SURVEY QUESTION: NEW YORK STATE PLACES RESTRICTIONS ON HOW CLOSE LIQUOR STORES CAN BE TO SCHOOLS AND HOUSES OF WORSHIP. DO YOU THINK CANNABIS DISPENSARIES SHOULD HAVE ZONING REGULATIONS THAT ARE SIMILAR TO THE USE REGULATIONS FOR LIQUOR STORES?

Should Dispensaries be treated like liquor stores?	# of respondents	Percent
Yes	586	69%
No	209	25%
Write-in	52	6%
TOTAL	847	100%

FIGURE 1B.

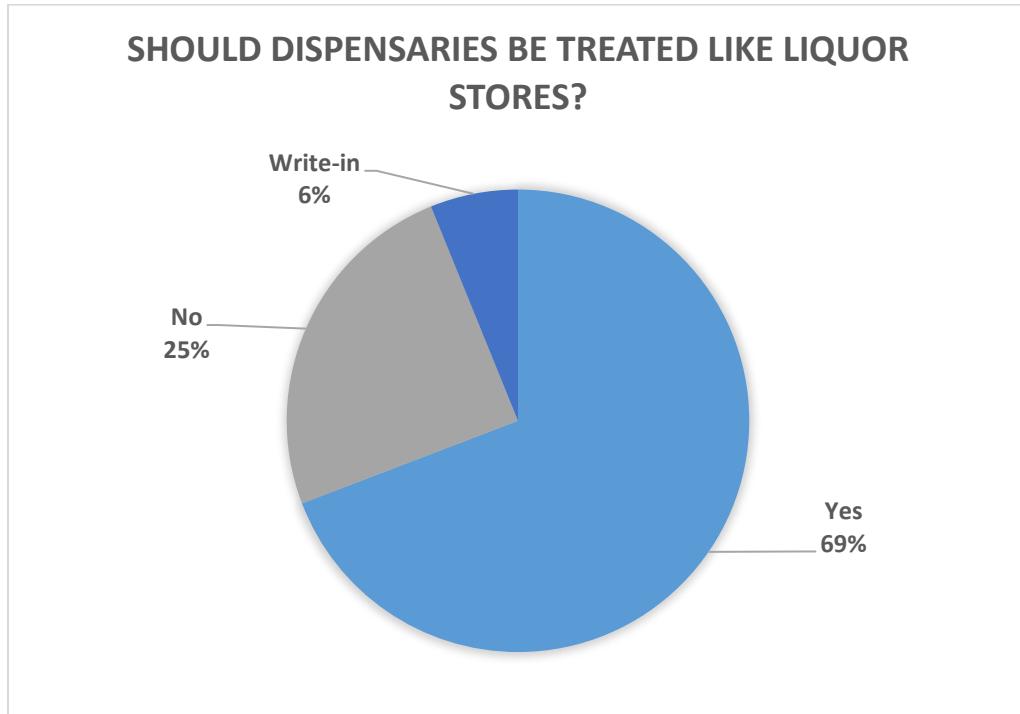


FIGURE 2A.

SURVEY QUESTION: IN OTHER STATES WHERE CANNABIS IS LEGAL, THERE ARE LIMITS ON THE NUMBER OF CANNABIS DISPENSARIES THAT CAN OPERATE WITHIN A CERTAIN DISTANCE OF EACH OTHER. DO YOU THINK THE CITY OF ALBANY SHOULD LIMIT THE NUMBER OF CANNABIS DISPENSARIES (IE: SATURATION) THAT ARE ABLE TO OPERATE WITHIN A NEIGHBORHOOD OR BLOCK?

Should # of dispensaries be limited (Saturation)	# of respondents	Percent
Yes	448	53%
No	370	44%
Write-in	29	3%
TOTAL	847	100%

FIGURE 2B.

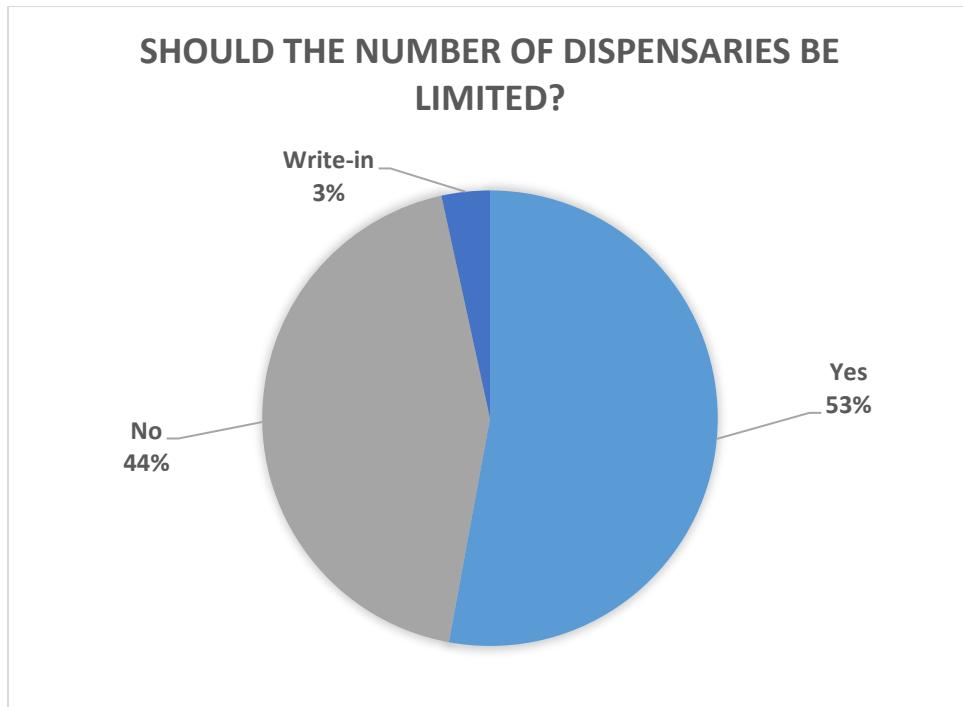


FIGURE 3A.

SURVEY QUESTION: ARE YOU CONCERNED ABOUT THE ODOR OF MARIJUANA?

Are you concerned about the odor of marijuana?	# of respondents	Percent
Yes	249	29%
No	596	71%
TOTAL	845	100%

FIGURE 3B.

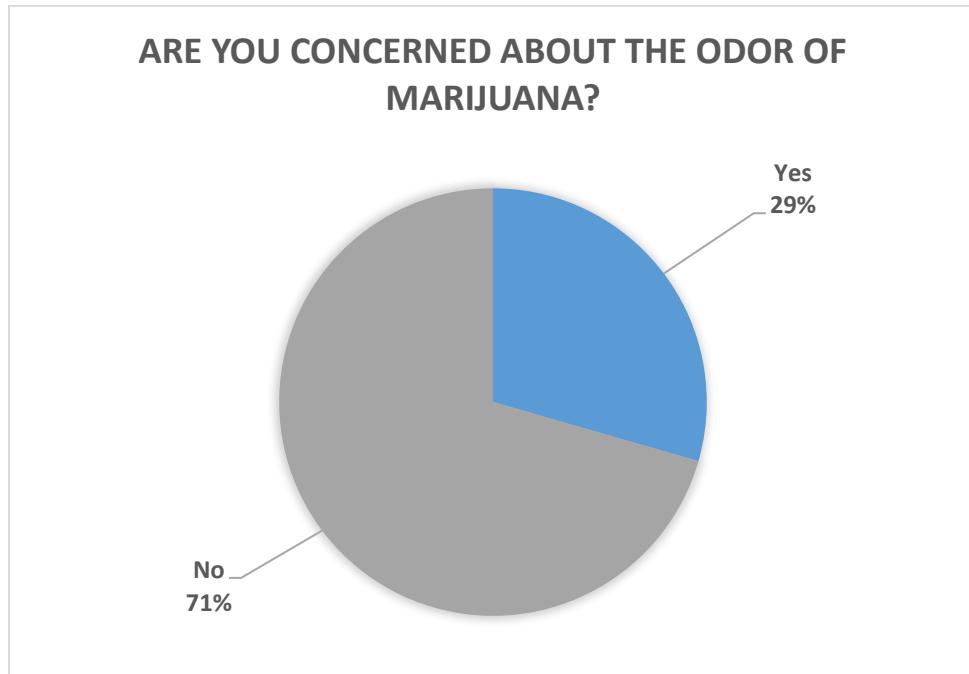


FIGURE 4A.

SURVEY QUESTION: WHAT IS THE LATEST A CANNABIS DISPENSARY SHOULD OPERATE WITHIN THE CITY OF ALBANY? (A DISPENSARY IS A FACILITY WHERE MARIJUANA, MARIJUANA PRODUCTS OR MARIJUANA DEVICES ARE SOLD)

Latest time for dispensaries to close	# of respondents	Percent
Until 9pm	252	30%
Until 10pm	183	22%
Until 11pm	105	12%
Until 12am	205	24%
Write-in (please specify)	102	12%
TOTAL	847	100%

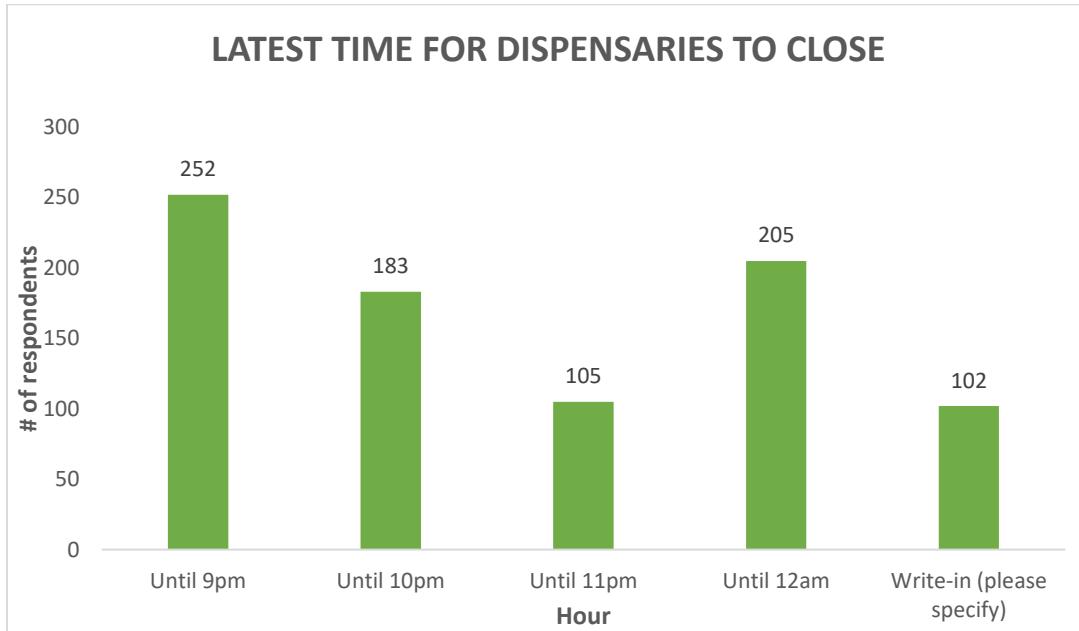
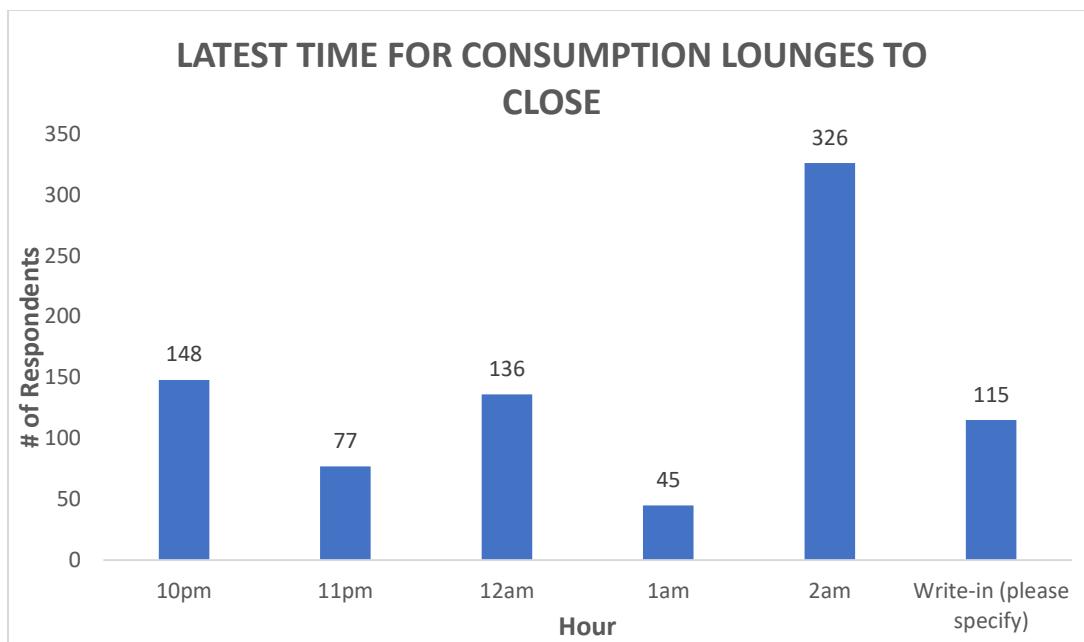
FIGURE 4B.

FIGURE 5A.

SURVEY QUESTION: WHAT IS THE LATEST A CANNABIS ON-SITE CONSUMPTION FACILITY SHOULD OPERATE WITHIN THE CITY OF ALBANY? (ON-SITE CONSUMPTION MEANS THE CONSUMPTION OF CANNABIS IN AN APPROVED AND LICENSED AREA EX: CANNABIS LOUNGE, INFUSED CANNABIS RESTAURANT)

Latest time for consumption lounges to close	# of respondents	Percent
10pm	148	17%
11pm	77	9%
12am	136	16%
1am	45	5%
2am	326	38%
Write-in (please specify)	115	14%
TOTAL	847	100%

FIGURE 5B.

CANNABIS SURVEY – SALES TAX REINVESTMENT

SURVEY QUESTION: IF THE CITY OF ALBANY RECEIVES RECREATIONAL CANNABIS SALES TAX REVENUE, HOW SHOULD THE CITY REINVEST THE REVENUE ASSOCIATED WITH RECREATIONAL CANNABIS RETAIL SALES? (FOR THIS QUESTION PLEASE RANK YOUR TOP 5 CHOICES IN ORDER OF PREFERENCE WITH #1 BEING THE HIGHEST RANK AND #5 BEING THE LOWEST RANK. IF SELECTING "AN EVEN 20% SPLIT TO ALL OF THE ABOVE" PLEASE ENTER A #1 NEXT TO THAT OPTION AND LEAVE THE OTHER OPTIONS BLANK

CHOICE A. COMMUNITY REINVESTMENT GRANTS RELATED TO HOMEOWNERSHIP INCLUDING MORTGAGE ASSISTANCE, HOME REPAIR, AND HOME REHAB.

CHOICE B. COMMUNITY REINVESTMENT TO SMALL BUSINESSES PROVIDING CHILDCARE

CHOICE C. COMMUNITY REINVESTMENT FOR PUBLIC INFRASTRUCTURE IMPACTED BY CANNABIS BUSINESS SUCH AS ROADS, SIDEWALKS, AND PARKS.

CHOICE D. COMMUNITY REINVESTMENT TO COMMUNITY BASED ORGANIZATIONS AND NON-PROFITS PROVIDING MENTAL HEALTH SERVICES

CHOICE E. COMMUNITY REINVESTMENT GRANTS TO HELP JUSTICE-IMPACTED INDIVIDUALS WITH RE-ENTRY

CHOICE F. AN EVEN 20% SPLIT TO ALL OF THE ABOVE

TOP 3 RESPONSES TO SALES TAX REINVESTMENT QUESTION:

1. PUBLIC INFRASTRUCTURE
2. HOMEOWNERSHIP INCLUDING MORTGAGE ASSISTANCE, HOME REPAIR, AND HOME REHAB
3. AN EVEN 20% SPLIT TO THE 4 AREAS (HOMEOWNERSHIP, CHILDCARE, PUBLIC INFRASTRUCTURE, MENTAL HEALTH SERVICES, RE-ENTRY)

FIGURE 6A.

CHOICE A. COMMUNITY REINVESTMENT GRANTS RELATED TO HOMEOWNERSHIP INCLUDING MORTGAGE ASSISTANCE, HOME REPAIR, AND HOME REHAB

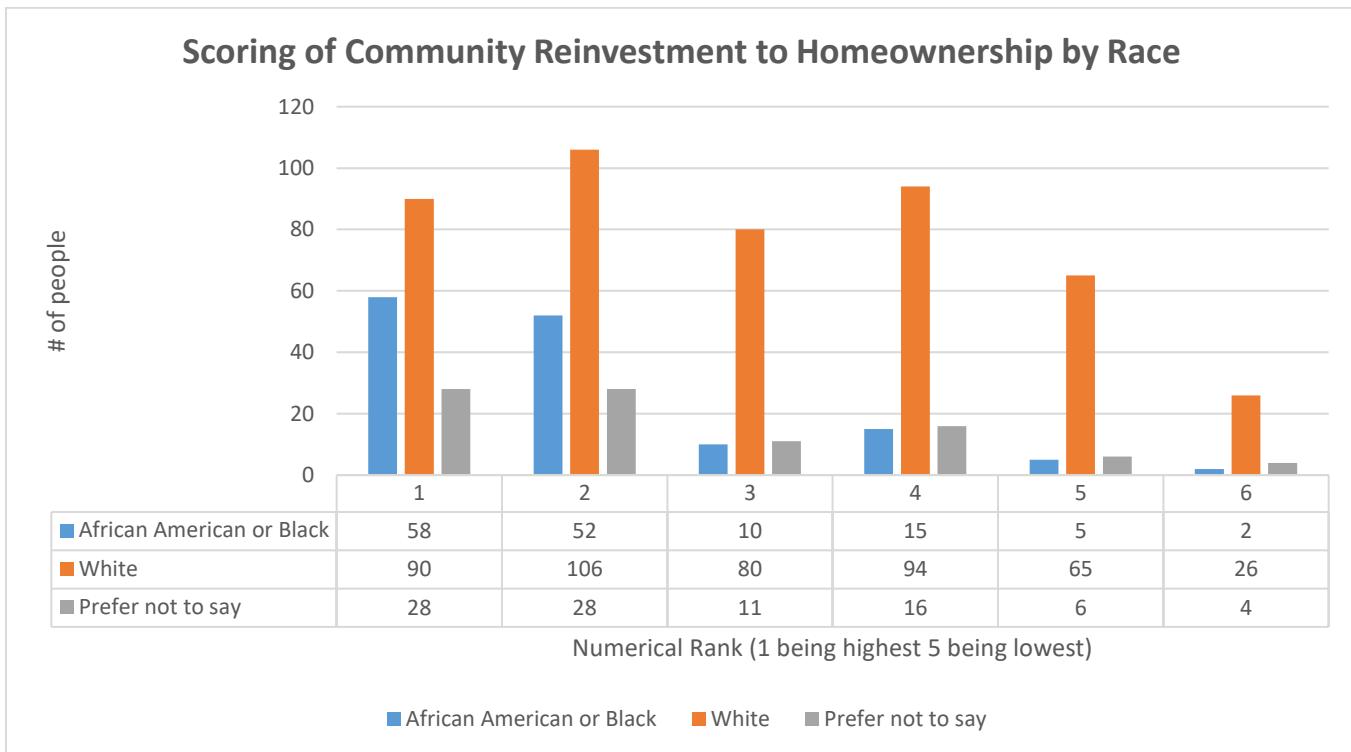


FIGURE 6B.

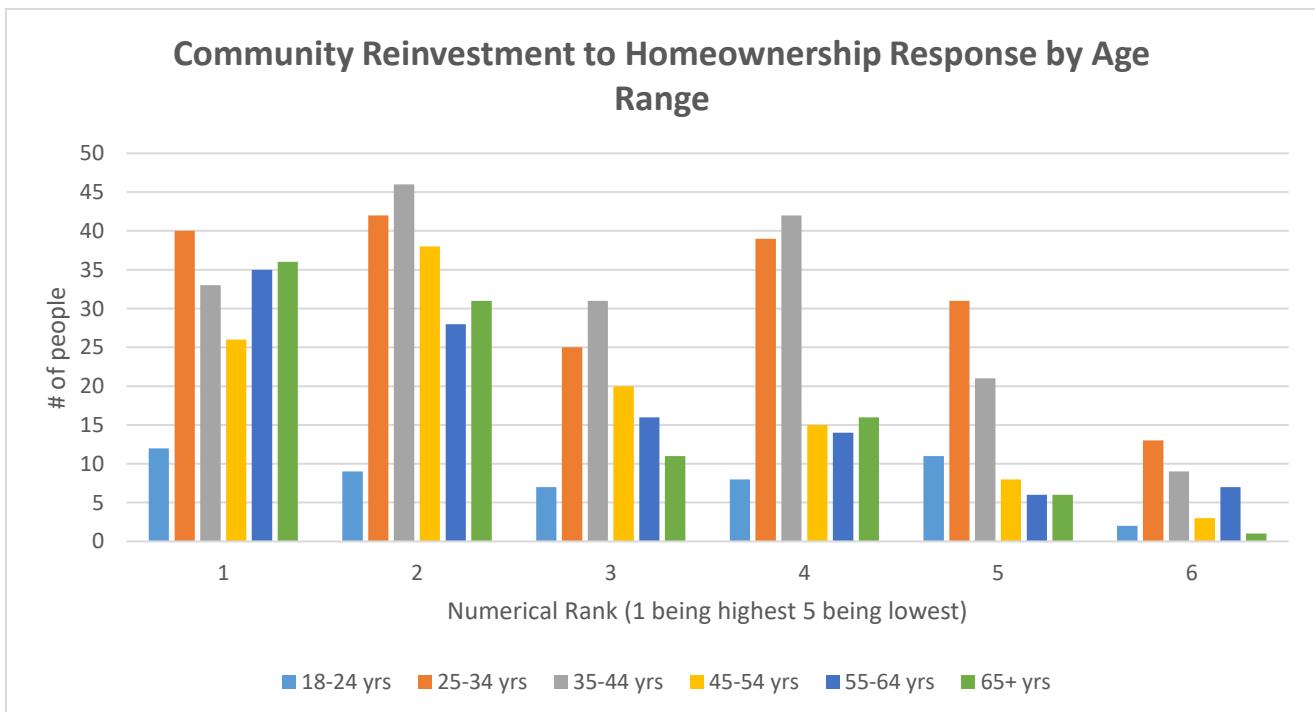


FIGURE 7A.

CHOICE B. COMMUNITY REINVESTMENT TO SMALL BUSINESSES PROVIDING CHILDCARE

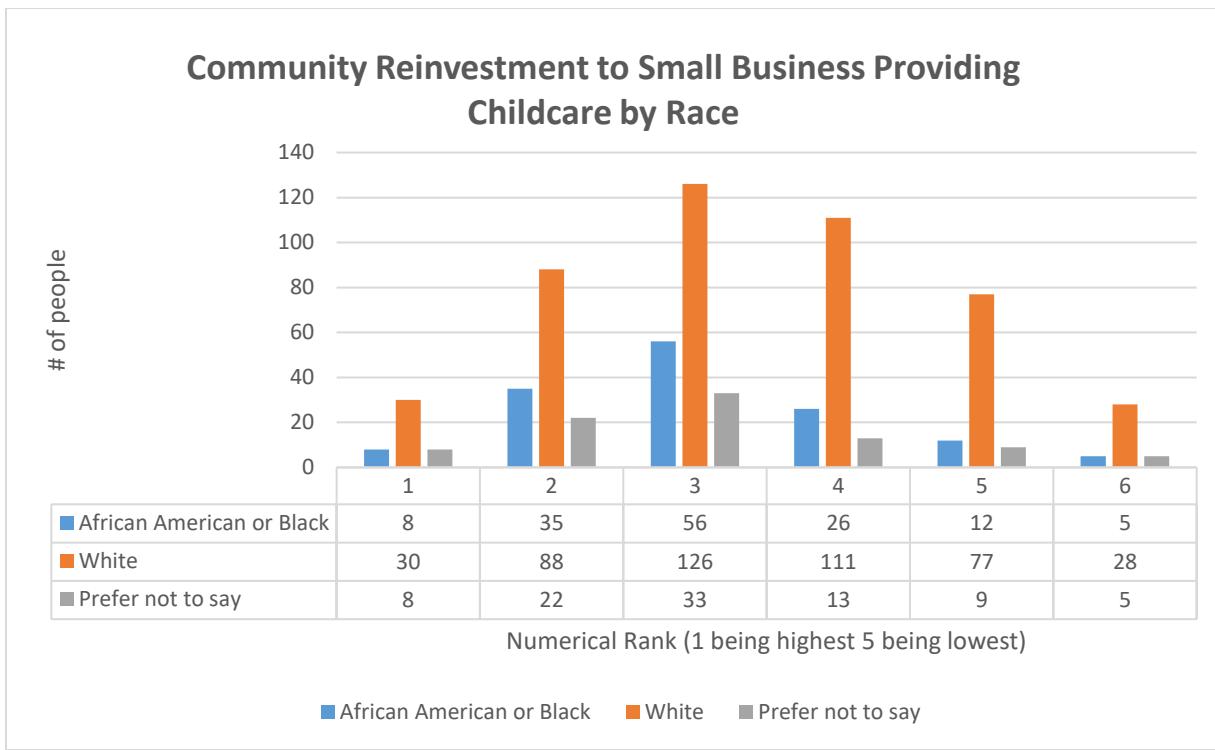


FIGURE 7B.

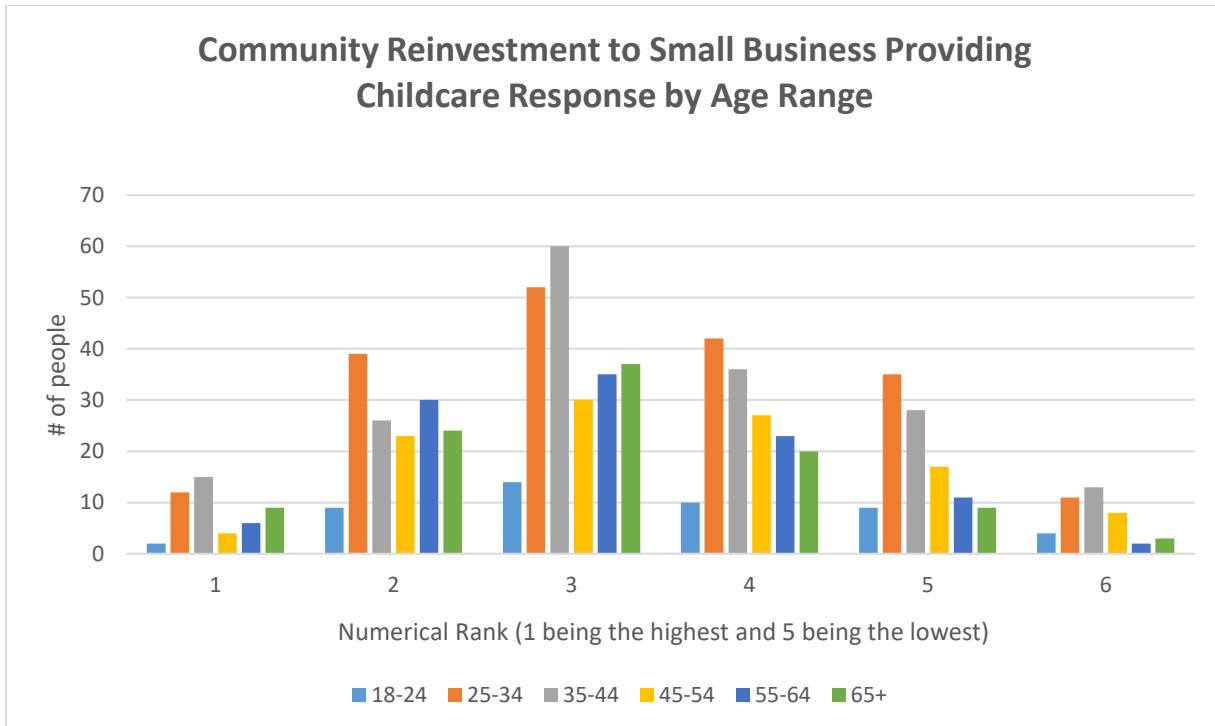


FIGURE 8A.

CHOICE C. COMMUNITY REINVESTMENT FOR PUBLIC INFRASTRUCTURE IMPACTED BY CANNABIS BUSINESS SUCH AS ROADS, SIDEWALKS, AND PARKS.

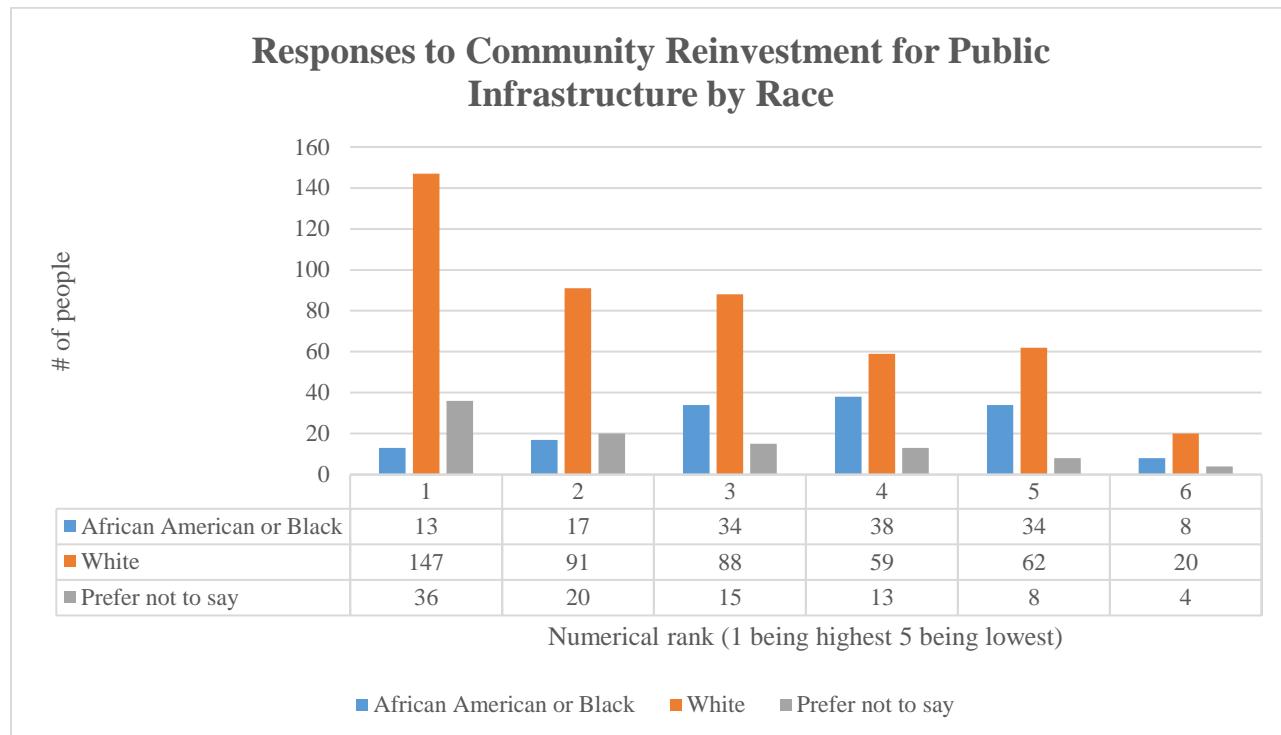


FIGURE 8B.

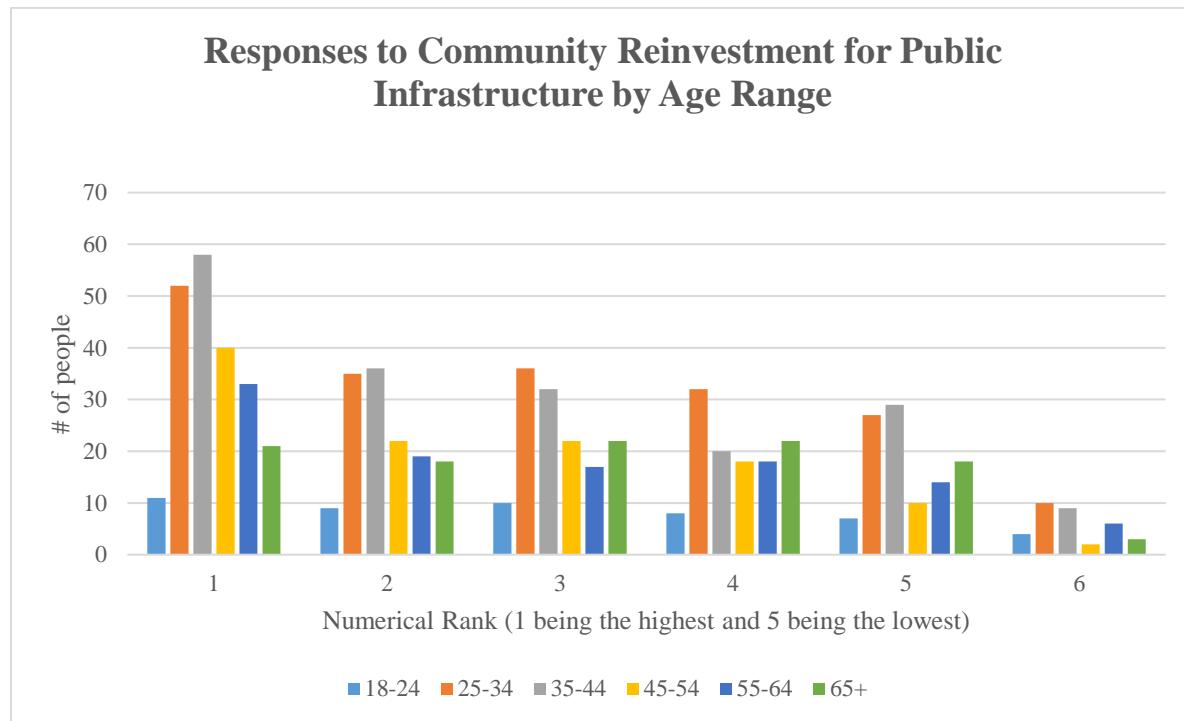


FIGURE 9A.

CHOICE D. COMMUNITY REINVESTMENT TO COMMUNITY BASED ORGANIZATIONS AND NON-PROFITS PROVIDING MENTAL HEALTH SERVICES

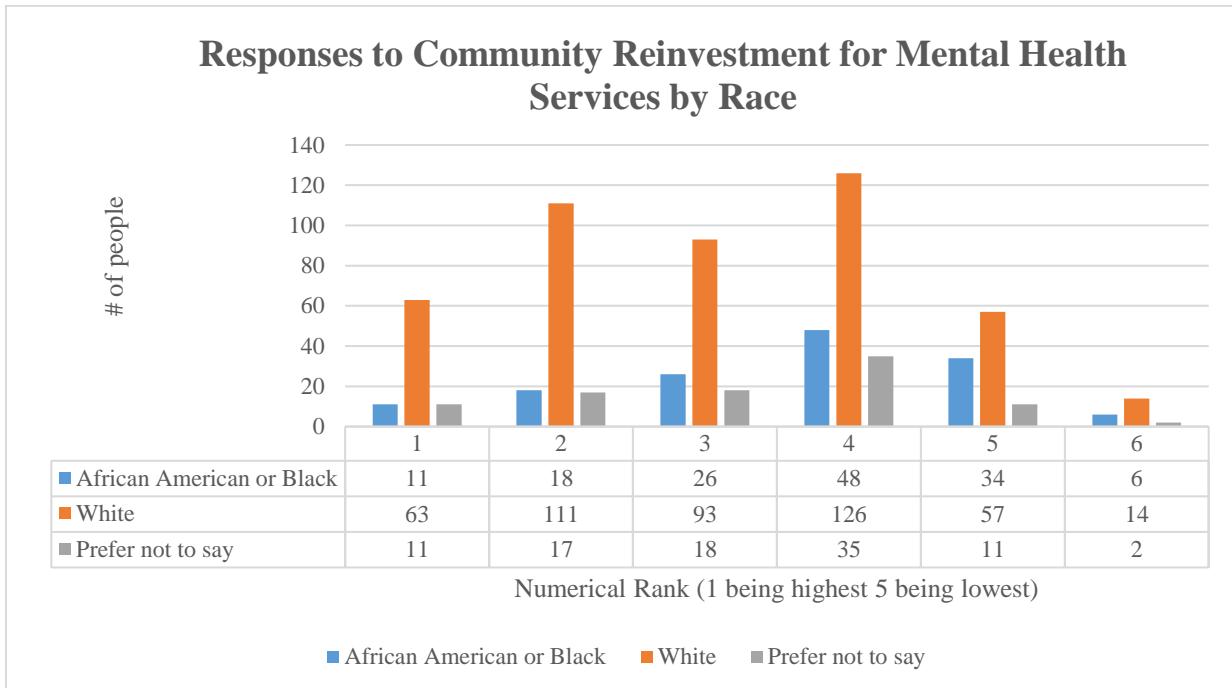


FIGURE 9B.

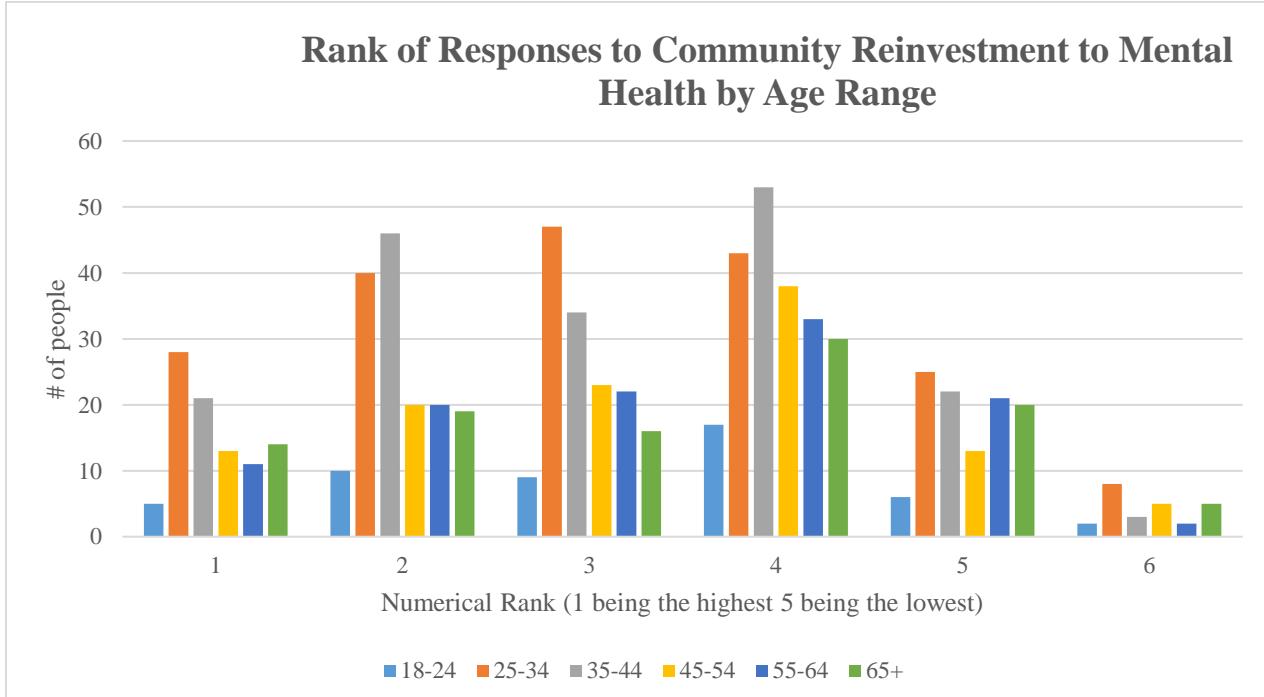


FIGURE 10A.

CHOICE E. COMMUNITY REINVESTMENT GRANTS TO HELP JUSTICE-IMPACTED INDIVIDUALS WITH RE-ENTRY

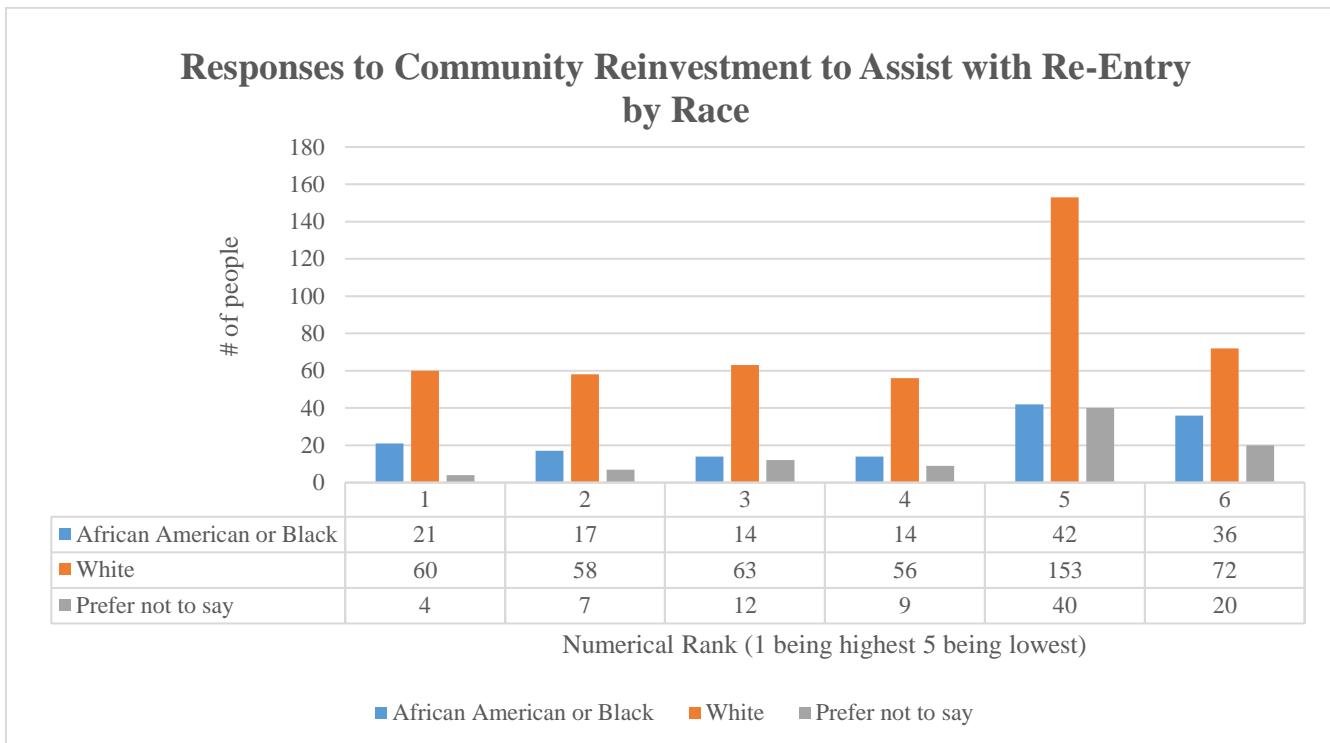
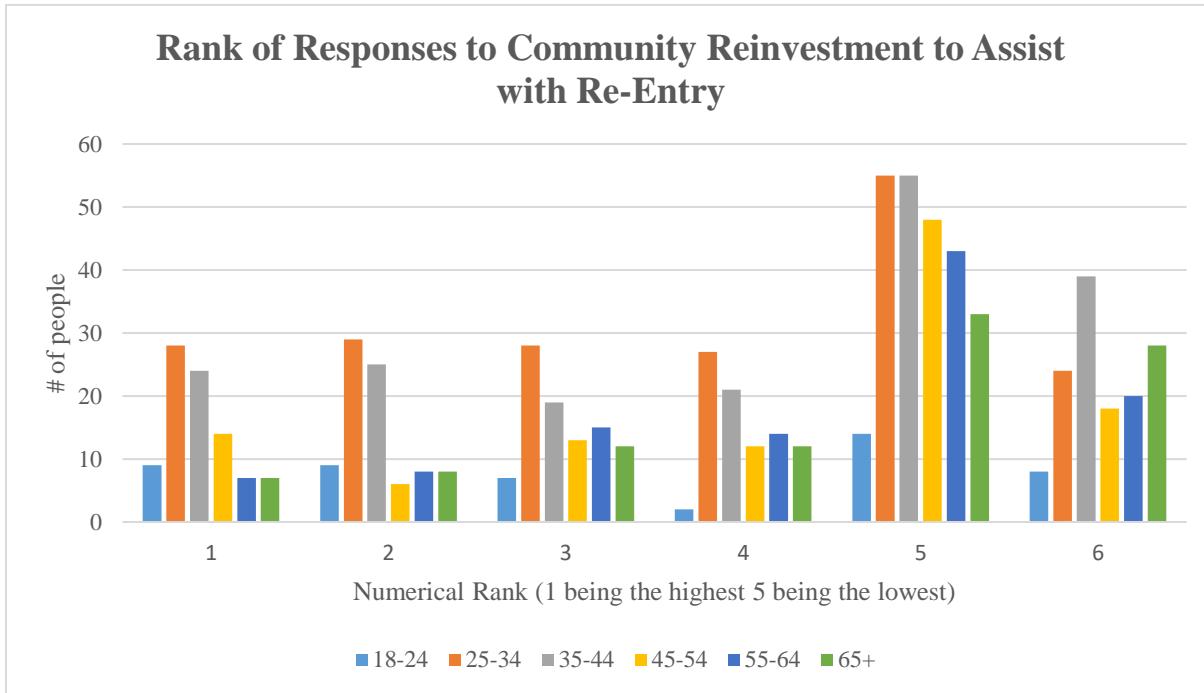
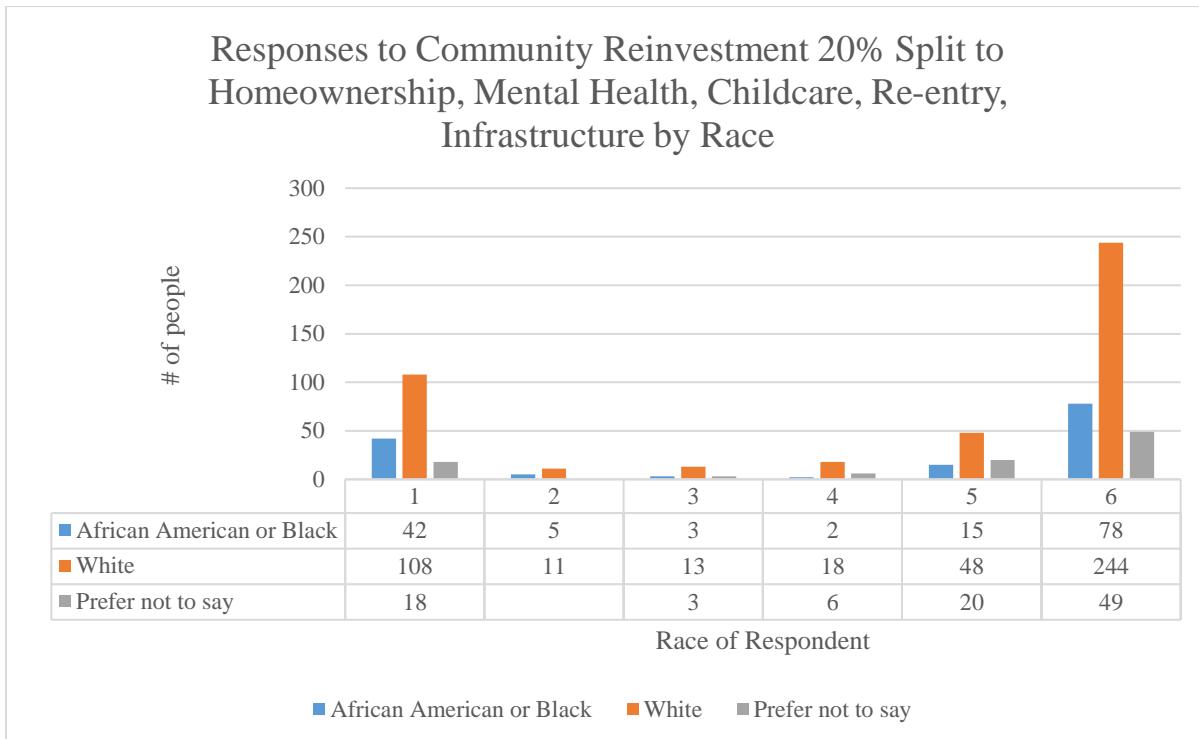
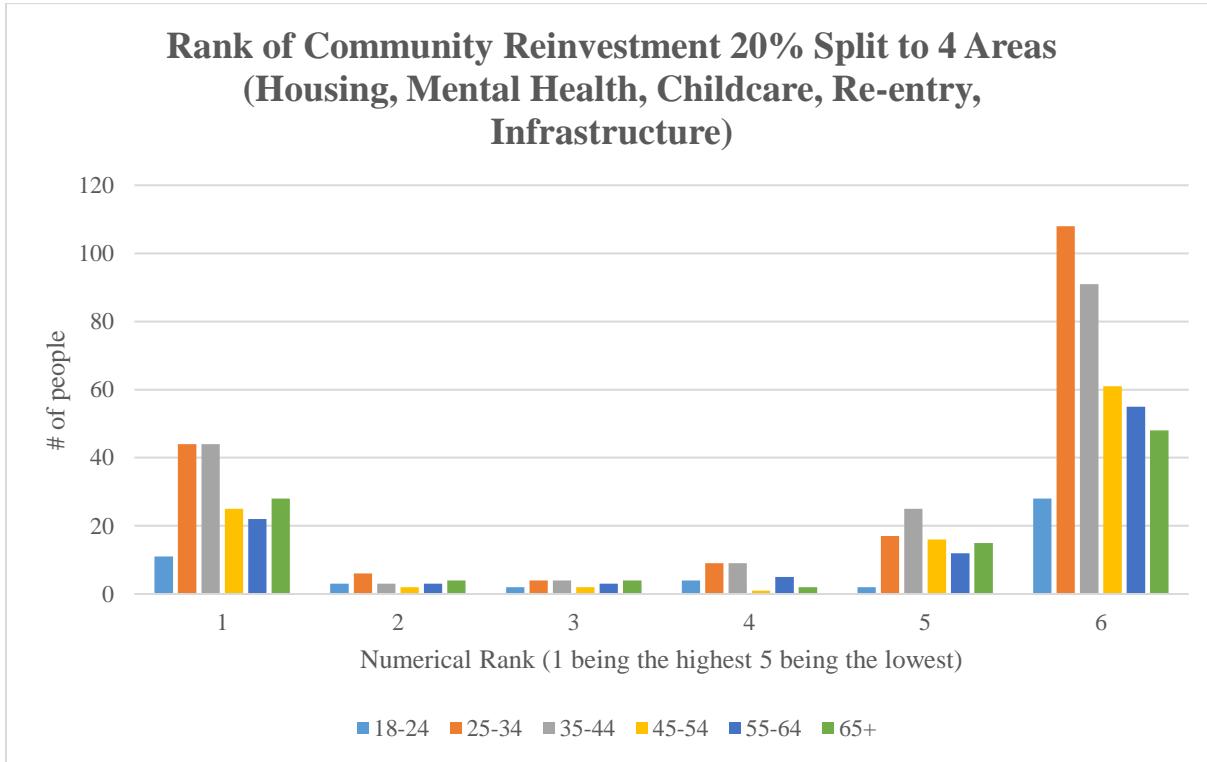
**FIGURE 10B.**

FIGURE 11A.**CHOICE F. AN EVEN 20% SPLIT TO ALL OF THE ABOVE****FIGURE 11B.**

CANNABIS SURVEY RESPONSES – DEMOGRAPHIC OVERVIEW

RESPONDING TO DEMOGRAPHIC SURVEY QUESTIONS WAS OPTIONAL

FIGURE 12A. RACE OF RESPONDENTS

Race	# of Respondents	Percent
African American or Black	155	19%
White	510	62%
Asian	9	1%
American Indian or Alaska Native	10	1%
Prefer not to say	108	13%
Two or More Races	27	3%
TOTAL	819	1

FIGURE 12B.

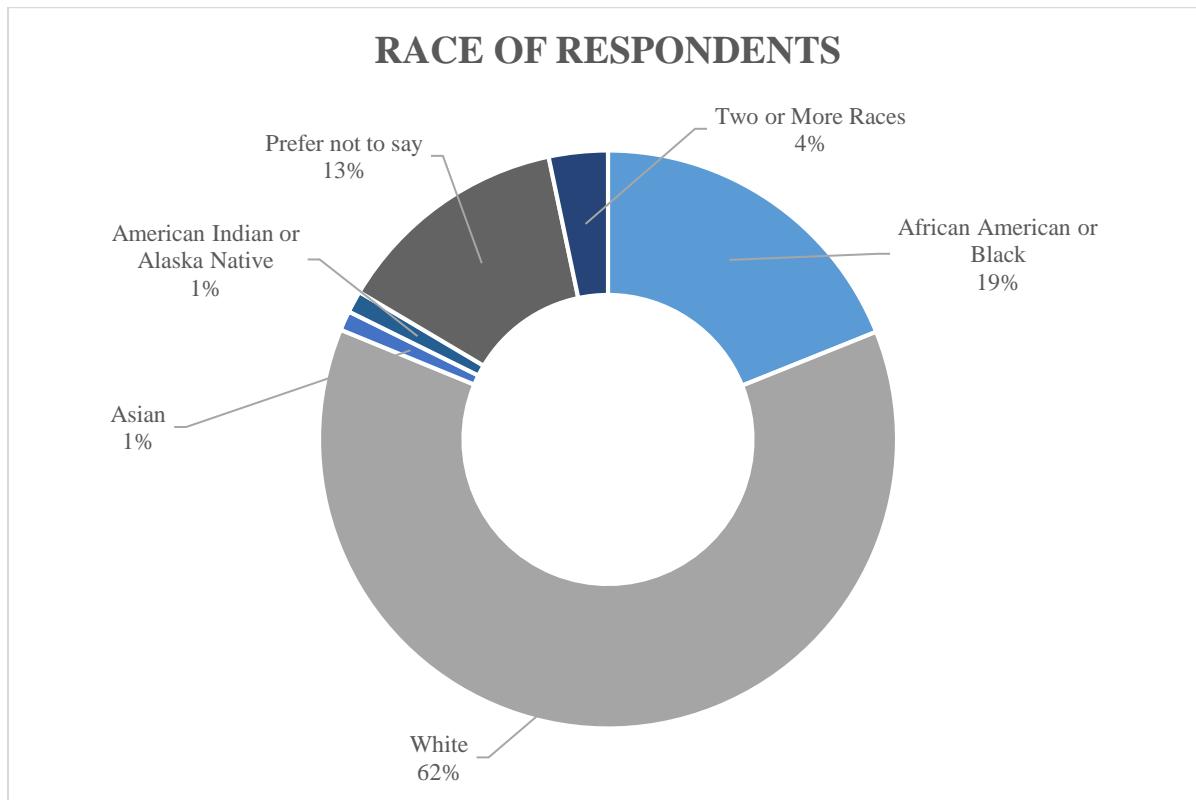


FIGURE 13A. GENDER OF RESPONDENTS

Gender	# of Respondents
Male	358
Female	361
Transgender Male	4
Transgender Female	3
Non-binary/Third Gender	28
Prefer not to say	48
TOTAL	802

FIGURE 13B.

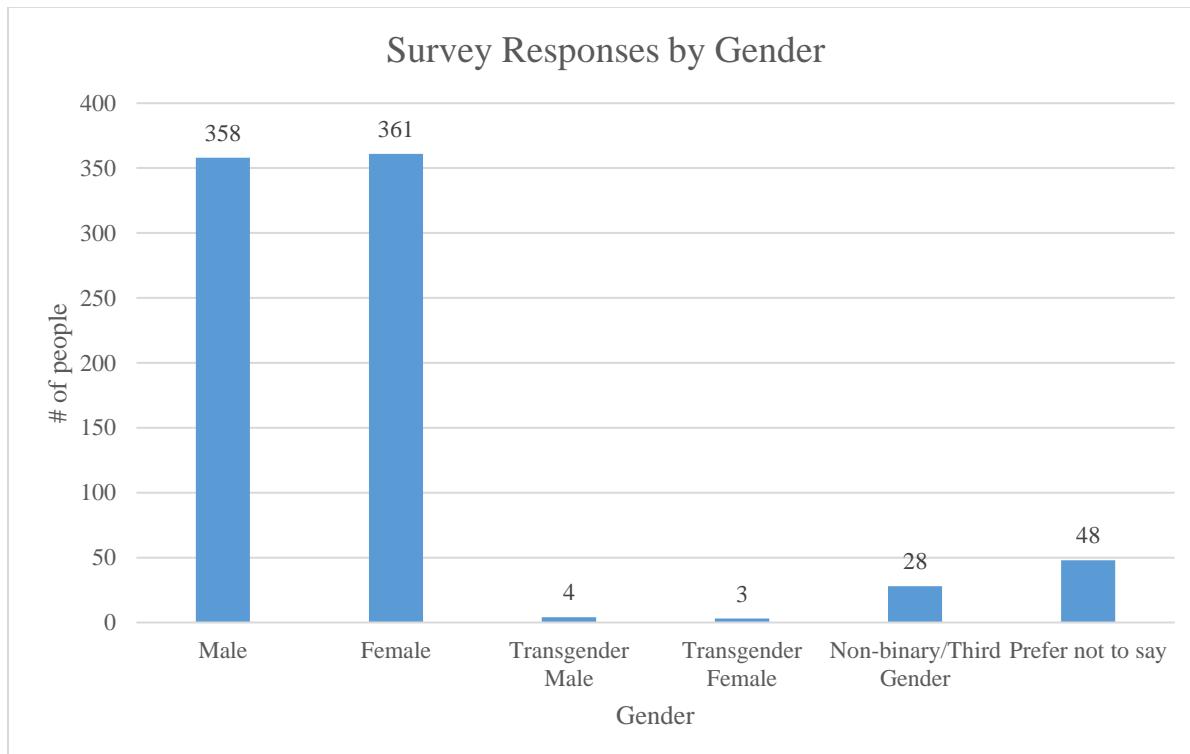


FIGURE 14A. ETHNICITY – HISPANIC OR LATINO ORIGIN

Ethnicity (Hispanic & Latino Origin)	# of Respondents
Not of Hispanic, Latino/a/x, or Spanish origin	557
Mexican, Mexican American, Chicano/a/x	4
Puerto Rican	22
Hispanic, Latino/a/x or Spanish origin	31
Prefer not to say	137
TOTAL	751

FIGURE 14B.

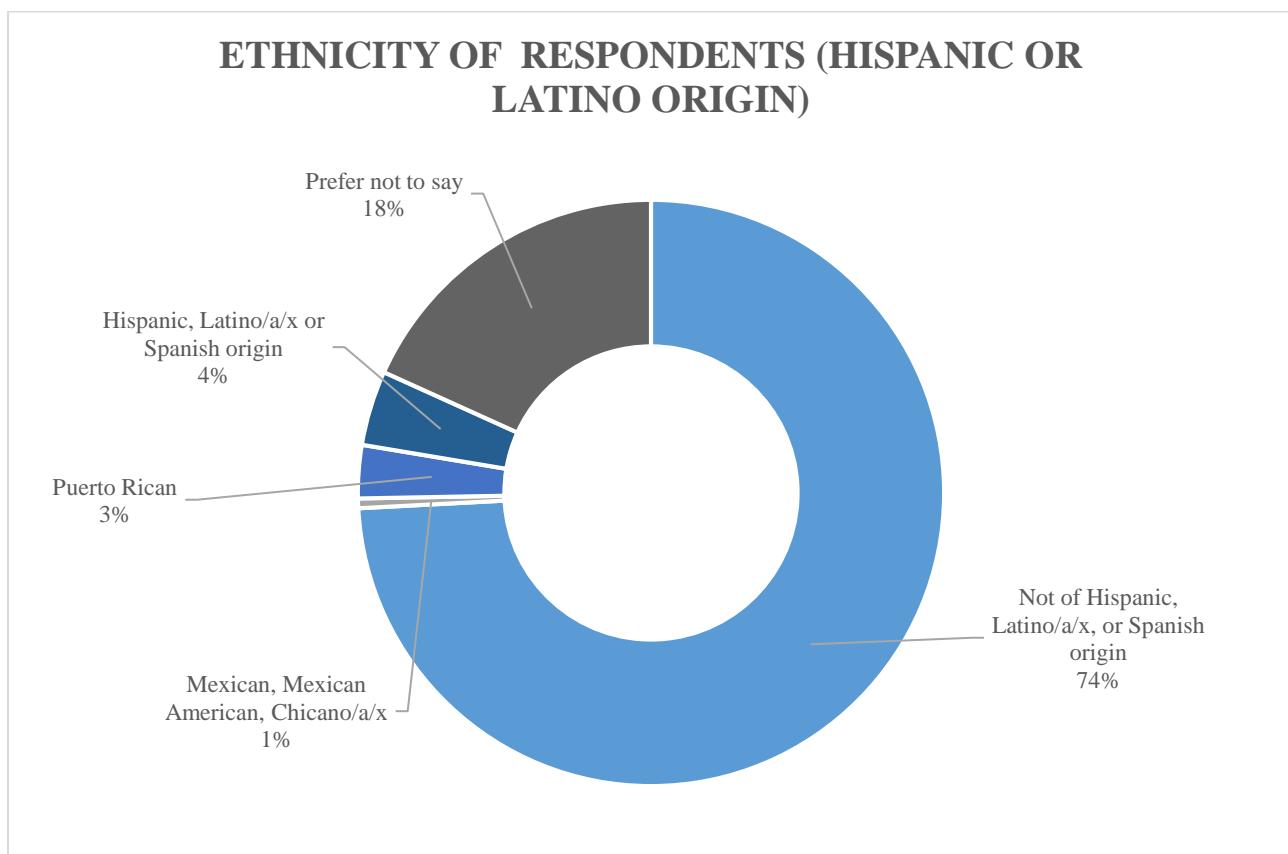


FIGURE 15A. AGE RANGE OF RESPONDENTS

Age Range	# of Respondents	Percent
18-24	52	6%
25-34	205	25%
35-44	197	24%
45-54	124	15%
55-64	117	14%
65+	117	14%
TOTAL	812	100%

FIGURE 15B.

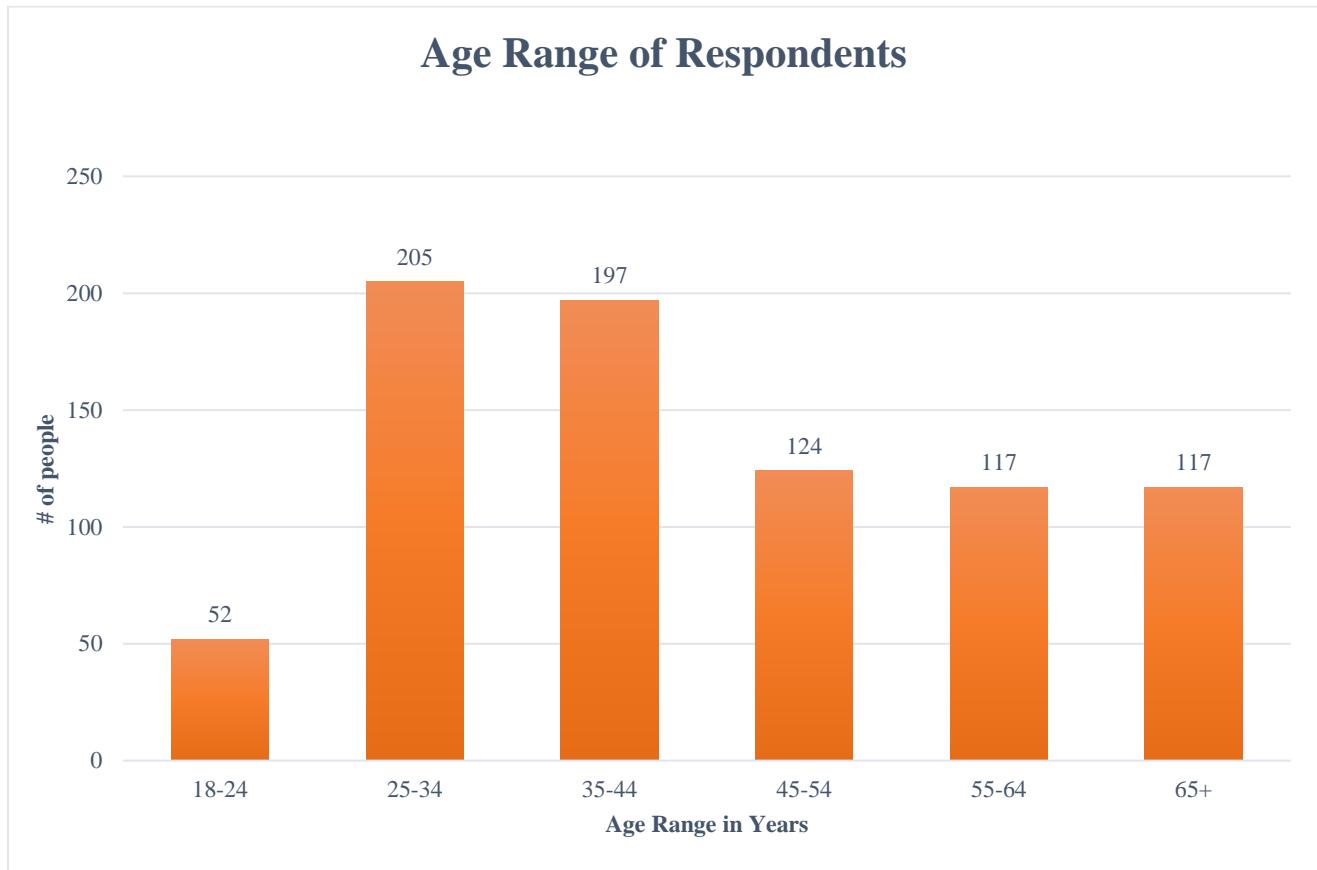


FIGURE 16A. YEARS OF RESIDENCY OF RESPONDENTS

Years of Residency	# of People
Less than 5 years	128
5-9 years	157
10-15 years	113
16-20 years	67
20+ years	343
TOTAL	808

FIGURE 16B.

