

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **July 19, 2023 at 7:00pm** as the time, date and place of a public hearing to afford all interested parties an opportunity to be heard and seek public comment, in regard to the following:

A local law amending Chapter 210, entitled “Zoning”, to include provisions for “Cannabis Retail Dispensaries and Tobacco Stores” should be considered for adoption.

AND PLEASE ALSO TAKE FURTHER NOTICE that said proposed local law is available in full with Exhibit to preview on our website @ <https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings> or in person @ the Town Clerk’s Office, Monday – Friday, 8AM – 4PM.

Felicia Salvatore, Town Clerk
Town of Poughkeepsie
June 22, 2023

RESOLUTION 6:21 - # 7 OF 2023

WHEREAS, the Town Board of the Town of Poughkeepsie received a recommendation from the Code Update Committee that a local law amending Chapter 210, entitled “Zoning”, to include provisions for “Cannabis Retail Dispensaries and Tobacco Stores” should be considered for adoption; and

WHEREAS, the Town Board has made revisions to the proposed local law in response to public comments and based on an evaluation of newly proposed, and soon to be adopted, state regulations related to Cannabis; and

WHEREAS, the revised version of the proposed local law is annexed hereto as Exhibit A and incorporated herein as if recited verbatim, and the Town Board does direct that said local law be spread across the record as if it, in fact, had been read verbatim; and

WHEREAS, this action to amend the Zoning Law is a Type 1 Action under the New York State Environmental Quality Review Act, and an Environmental Assessment Form (EAF) is annexed hereto; and

WHEREAS, the Town Board has determined that the proposed zoning amendment must be referred to the Dutchess County Department of Planning and Economic Development and to the Town Planning Board for review and recommendation; and

WHEREAS, the amendment requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the

environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law; and

2. The Town Board hereby sets a public hearing on the proposed local law for July 19, 2023, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
4. The Town Board refers this matter to the Planning Board for an advisory report pursuant to Town Code Sections 210-154; and
5. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

Dated: June 21st, 2023

Moved: Anne Burger

Seconded: Jeffrey Renihan

Motion passes/ fails: Ayes 5 Nays 1

JEN/mem
t-6/13/2023
m-6/21/2023

	AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT Councilman Renihan	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Councilman Carlos	<u>absent</u>	_____	_____
<u>PRESENT</u> /ABSENT Councilwoman Burger	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Councilman Cifone	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Councilman Krakower	_____	<u>✓</u>	_____
<u>PRESENT</u> /ABSENT Councilwoman Shershin	<u>✓</u>	_____	_____
<u>PRESENT</u> /ABSENT Supervisor Baisley	<u>✓</u>	_____	_____

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: A Local Law to amend Chapter 210 of the Town Code entitled "Zoning" to include provisions for Cannabis Retail Dispensaries and Tobacco Stores		
Project Location (describe, and attach a general location map): Town of Poughkeepsie, New York		
Brief Description of Proposed Action (include purpose or need): This local law amends Chapter 210 to provide regulations for cannabis retail dispensaries and tobacco stores. The local law provides regulations for the establishment of cannabis retail dispensaries within the Arlington Town Center (ATC), Highway Business (B-H), Heavy Industrial (I-H), Light Industrial (I-L), and Neighborhood Highway Business (B-NH) Zoning Districts. A cannabis retail dispensary is an establishment that is licensed by the New York State Office of Cannabis Management to sell or otherwise distribute cannabis products directly to consumers for use off the premises. The local law allows the use in the aforementioned zoning districts as an adult-use cannabis retail dispensary, a medical cannabis dispensary, or both. The local law also provides regulations governing tobacco stores within the Arlington Town Center (ATC), Fairview Center (FC), Highway Business (B-H), Red Oak Mill Neighborhood Services Center (ROMNSC), Shopping Center Business (B-SC), and South Hills Center (SHC) Districts. The purpose is to regulate tobacco stores in the interest of the public health, safety and general welfare, while providing a reasonable number of locations for such stores to locate within the Town, and to distinguish between a tobacco store and a cannabis retail dispensary.		
Name of Applicant/Sponsor: Town of Poughkeepsie Town Board	Telephone: (845) 485-3600	
	E-Mail: jbaisley@townofpoughkeepsie-ny.gov	
Address: 1 Overocker Road		
City/PO: Poughkeepsie	State: New York	Zip Code: 12603
Project Contact (if not same as sponsor; give name and title/role): Michael Welti, AICP - Director of Municipal Development - Town of Poughkeepsie	Telephone: (845) 485-3657	
	E-Mail: mwelti@townofpoughkeepsie-ny.gov	
Address: 1 Overocker Road		
City/PO: Poughkeepsie	State: NY	Zip Code: 12603
Property Owner (if not same as sponsor): N/A	Telephone: N/A	
	E-Mail: N/A	
Address: N/A		
City/PO: N/A	State: N/A	Zip Code: N/A

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Zoning Text Amendment	Proposed June 2023
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Zoning Text Amendment Recommendation	Projected recommendation by the Planning Board at July 2023 meeting.
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dutchess County Planning (DCP) - GML 239	Projected response from the County Planning Department in July 2023.
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No
 If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No
 If Yes, identify the plan(s):
 The Town of Poughkeepsie is a Hudson River Valley Greenway Compact Community and is within the Hudson River Valley National Heritage Area. _____

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No
 If Yes, identify the plan(s):
 The Town Board adopted the Natural Resource Inventory (NRI) and Open Space Plan on April 12, 2023. _____

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

The proposed zoning text amendment would apply to several zoning districts, including the: ATC, B-H, I-H, I-L, B-NH, FC, ROMNSC, B-SC, and SHC Districts _____

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? Zoning Text Amendment related to cannabis retail dispensaries and tobacco stores _____

C.4. Existing community services.

a. In what school district is the project site located? Arlington CSD, Wappingers CSD, Spackenkill CSD, and Hyde Park CSD _____

b. What police or other public protection forces serve the project site?

Town of Poughkeepsie Police Department _____

c. Which fire protection and emergency medical services serve the project site?

Arlington Fire District, Fairview Fire District, and New Hamburg Fire District _____

d. What parks serve the project site?

Town and County Parks _____

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project?

Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

Yes No
 Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- ii. Describe types of new point sources. _____
- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____
 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- ii. In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

 vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____

 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: N/A _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____ _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town of Poughkeepsie Date June 15, 2023

Signature Michael A. Welti, AICP Title Dir./Municipal Development - Town of Poughkeepsie

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE162
WASHINGTON AVENUE
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF POUGHKEEPSIE

LOCAL LAW NO. __ (PROPOSED) OF THE YEAR 2023

A LOCAL LAW TO AMEND CHAPTER 210 OF THE CODE OF THE TOWN OF POUGHKEEPSIE ENTITLED “ZONING” TO INCLUDE PROVISIONS FOR CANNABIS RETAIL DISPENSARIES AND TOBACCO STORES

BE IT ENACTED by the Town Board of the Town of Poughkeepsie as follows:

SECTION 1. LEGISLATIVE INTENT

This local law amends the Town of Poughkeepsie Zoning Law to provide regulations for cannabis retail dispensaries and tobacco stores in the Town. In 2021, the Town adopted a local law (Chapter 75 of the Town Code) to opt out of allowing on-site cannabis consumption establishments in the Town of Poughkeepsie pursuant to Cannabis Law § 131, and opted to allow cannabis retail dispensaries. This local law provides regulations for the establishment of cannabis retail dispensaries within the Arlington Town Center (ATC), Highway Business (B-H), Heavy Industrial (I-H), Light Industrial (I-L), and Neighborhood Highway Business (B-NH) Zoning Districts. A cannabis retail dispensary is an establishment that is licensed by the New York State Office of Cannabis Management to sell or otherwise distribute cannabis products directly to consumers for use off the premises. The local law allows the use in the aforementioned zoning districts as an adult-use cannabis retail dispensary, a medical cannabis dispensary, or both. The local law also provides regulations governing tobacco stores within the Arlington Town Center (ATC), Fairview Center (FC), Highway Business (B-H), Red Oak Mill Neighborhood Services Center (ROMNSC), Shopping Center Business (B-SC), and South Hills Center (SHC) Districts. The purpose is to regulate tobacco stores in the interest of the public health, safety and general welfare, while providing a reasonable number of locations for such stores to locate within the Town, and to distinguish between a tobacco store and a cannabis retail dispensary. The regulations are designed to protect the health, safety, and welfare of Town residents and to bring the Town’s Zoning Law into conformance with “Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities” pursuant to Chapter 18 of the Town Code. The proposed regulations are consistent with the recommendations of the Town’s 2021 *Comprehensive Plan*.

SECTION 2. APPLICATION

This local law shall apply within the Arlington Town Center (ATC) District, Fairview Center (FC) District, Highway Business (B-H) District, Heavy Industrial (I-H) District, Light Industrial (I-L) District, Neighborhood Highway Business (B-NH) District, Red Oaks Mill Neighborhood

Services Center (ROMNSC) District, Shopping Center Business (B-SC) District, and South Hills Center (SHC) District in the Town of Poughkeepsie.

SECTION 3. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such part or parts.

SECTION 4. AMENDMENTS TO ARTICLE II OF THE ZONING LAW ENTITLED “DEFINITIONS AND WORD USAGE”

§ 4.1. Section 210-9 of the Code is hereby amended by the addition of the following new definitions:

CANNABIS

As used herein, cannabis shall have the same definition as that found in New York Cannabis Law § 3. Cannabis also may be referred to as “marijuana” or “marihuana.”

CANNABIS CONSUMPTION ESTABLISHMENT, ON-SITE

An establishment that is licensed by the New York State Office of Cannabis Management to allow for the consumption of cannabis products on the premises. The use “on-site cannabis consumption establishment” is prohibited in the Town of Poughkeepsie.

CANNABIS PRODUCTS

Cannabis products means cannabis, concentrated cannabis, and cannabis-infused products, and includes made or manufactured products that contain either cannabis or concentrated cannabis and other ingredients, and are intended for use or consumption.

CANNABIS RETAIL DISPENSARY

An establishment that is licensed by the New York State Office of Cannabis Management to sell or otherwise distribute cannabis products directly to consumers for use off the premises. A cannabis retail dispensary may be licensed to operate as an adult-use cannabis retail dispensary or as a medical cannabis dispensary, or both. A “cannabis retail dispensary” does not include an “on-site cannabis consumption establishment.”

- A. **Cannabis Dispensary, Medical.** A cannabis retail dispensary that sells or otherwise distributes cannabis products and related supplies to registered practitioners, certified patients, or designated caregivers for medical use in accordance with Title 5-A of Article 33 of the New York Public Health Law and Article 3 of the New York Cannabis Law.
- B. **Cannabis Retail Dispensary, Adult-Use.** A cannabis retail dispensary that sells or otherwise distributes cannabis products and related supplies to consumers for non-medical use in accordance with Article 4 of the New York Cannabis Law.

PUBLIC YOUTH FACILITY

A location or structure owned by a government or government subdivision or agency, that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger.

TOBACCO OR NICOTINE PRODUCT

Any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from any source which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term “tobacco product” excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

TOBACCO PARAPHERNALIA

Any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco or nicotine products. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes; punctured metal bowls; bong; water bong; electronic pipes; electronic cigarettes (e-cigarettes); e-cigarette juice; buzz bombs; vaporizers; vape pens; dissolvable liquids; vaporizing liquids, oils or gels; mods; atomizers; vape tanks; coilheads; hookahs; and devices for holding burning material. Lighters and matches are excluded from the definition of tobacco paraphernalia.

TOBACCO STORE

An establishment that sells or distributes tobacco or nicotine products and related paraphernalia directly to consumers and which does not meet the definition of “tobacco products, ancillary sales.” Also known as a “smoke shop,” “vape shop,” or similar. A tobacco store shall not include a cannabis retail dispensary, and does not include the sale of cannabis.

TOBACCO PRODUCTS, ANCILLARY SALES

Ancillary sale of tobacco products refers to any establishment that uses no more than five (5) percent of its retail space, or two hundred (200) square feet, whichever is less, for the display for sale of tobacco or nicotine products or paraphernalia.

SECTION 5. AMENDMENTS TO ARTICLE V OF THE ZONING LAW ENTITLED “TOWN CENTER DISTRICT REGULATIONS”

§ 5.1. Section 210-22C of the Code is hereby amended by deleting the introductory sentence and Note in their entirety and replacing them with the following:

§ 210-22C. Special uses shall be as follows (Note: “*” designates a use which is subject to both special use permit and site plan approval by the Planning Board; “+” designates a use that is subject to special use permit approval by the Zoning Board of Appeals; “†” designates a use that is subject to special use permit approval by the Town Board and site plan approval by the Planning Board.):

§ 5.2. Section 210-22C of the Code is hereby amended by the addition of the following new special permitted uses in the ATC District, which shall be added alphabetically to the existing list as subsections (4) and (15) and the existing subsections shall be renumbered:

(4) † Cannabis retail dispensary, subject to § 210-61.

(15) * Tobacco store, subject to § 210-111.1.

§ 5.3. Section 210-23C of the Code is hereby amended by the addition of the following new special permitted use in the SHC District, which shall be added to the existing list as subsection (11):

(11) * Tobacco store, subject to § 210-111.1.

§ 5.4. Section 210-25C of the Code is hereby amended by the addition of the following new special permitted use in the FC District, which shall be added to the existing list as subsection (11):

(11) * Tobacco store, subject to § 210-111.1.

§ 5.5. Section 210-29C of the Code is hereby amended by the addition of the following new special permitted use in the ROMNSC District, which shall be added to the existing list as subsection (9):

(9) * Tobacco store, subject to § 210-111.1.

SECTION 6. AMENDMENTS TO ARTICLE VI OF THE ZONING LAW ENTITLED “BUSINESS AND COMMERCIAL DISTRICT REGULATIONS”

§ 6.1. Section 210-34C of the Code is hereby amended by deleting the introductory sentence and Note in their entirety and replacing them with the following:

§ 210-34C. Special uses shall be as follows (Note: “*” designates a use which is subject to both special use permit and site plan approval by the Planning Board; “+” designates a use that is subject to special use permit approval by the Zoning Board of Appeals; “*+” designates a use that is subject to special use permit approval by the Town Board and site plan approval by the Planning Board.):

§ 6.2. Section 210-34C of the Code is hereby amended by the addition of the following new special permitted use in the B-NH District, which shall be added alphabetically to the existing list as subsection (4) and the existing subsections shall be renumbered:

(4) *+ Cannabis retail dispensary, subject to § 210-61.

§ 6.3. Section 210-35C of the Code is hereby amended by deleting the introductory sentence and Note in their entirety and replacing them with the following:

§ 210-35C. Special uses shall be as follows (Note: “*” designates a use which is subject to both special use permit and site plan approval by the Planning Board; “+” designates a use that is subject to special use permit approval by the Zoning Board of Appeals; “*+” designates a use that is subject to special use permit approval by the Town Board and site plan approval by the Planning Board.):

§ 6.4. Section 210-35C of the Code is hereby amended by the addition of the following new special permitted uses in the B-H District, which shall be added alphabetically to the existing list as subsections (3) and (15) and the existing subsections shall be renumbered:

(3) *+ Cannabis retail dispensary, subject to § 210-61.

(15) * Tobacco store, subject to § 210-111.1.

§ 6.5. Section 210-36C of the Code is hereby amended by the addition of the following new special permitted use in the B-SC District, which shall be added to the existing list as subsection (7):

(7) * Tobacco store, subject to § 210-111.1.

§ 6.6. Section 210-39C of the Code is hereby amended by deleting the introductory sentence and Note in their entirety and replacing them with the following:

§ 210-39C. Special uses shall be as follows (Note: “*” designates a use which is subject to both special use permit and site plan approval by the Planning Board; “+” designates a use that is subject to special use permit approval by the Zoning Board of Appeals; “♦” designates a use that is subject to special use permit approval by the Town Board and site plan approval by the Planning Board.):

§ 6.7. Section 210-39C of the Code is hereby amended by the addition of the following new special permitted use in the I-L District, which shall be added alphabetically to the existing list as subsection (2) and the existing subsections shall be renumbered:

(2) † Cannabis retail dispensary, subject to § 210-61.

§ 6.8. Section 210-40C of the Code is hereby amended by deleting the introductory sentence and Note in their entirety and replacing them with the following:

§ 210-40C. Special uses shall be as follows (Note: “*” designates a use which is subject to both special use permit and site plan approval by the Planning Board; “+” designates a use that is subject to special use permit approval by the Zoning Board of Appeals; “♦” designates a use that is subject to special use permit approval by the Town Board and site plan approval by the Planning Board.):

§ 6.9. Section 210-40C of the Code is hereby amended by the addition of the following new special permitted use in the I-H District, which shall be added alphabetically to the existing list as subsection (4) and the existing subsections shall be renumbered:

(4) † Cannabis retail dispensary, subject to § 210-61.

SECTION 7. AMENDMENTS TO ARTICLE VIII OF THE ZONING LAW ENTITLED ‘SUPPLEMENTARY REGULATIONS’

§ 7.1. The existing § 210-61 entitled “Reserved” is hereby deleted in its entirety and replaced with the following new § 210-61:

§ 210-61 Cannabis Retail Dispensary.

A. Purpose. The purpose of this section is to provide regulations permitting the establishment of licensed, authorized cannabis retail dispensaries within the Town.

B. Required approvals.

- (1) No person or entity shall sell or distribute cannabis products, or hold itself out as an organization licensed by New York State for such sale or distribution, unless it has complied with Articles 3 and/or 4 (as applicable) of the New York Cannabis Law and this Zoning Law, and is licensed by the New York State Office of Cannabis Management.
- (2) A licensed cannabis retail dispensary shall be allowed only after the granting of a special use permit by the Town Board and site plan approval by the Planning Board, subject to the requirements set forth in this section.

- (3) A special use permit authorizing only a licensed medical cannabis dispensary or an adult-use retail dispensary shall not be deemed to include the other use.
- C. **Licenses and permits.** A special use permit issued pursuant to this section shall be conditioned on the permittee obtaining and maintaining all required state and local licenses and/or permits and complying with all applicable state and local public health regulations and all other applicable laws, rules and regulations at all times. No building permit or certificate of occupancy shall be issued for a cannabis retail dispensary that is not properly licensed.
- D. **Limitation of Approval.**
- (1) A special use permit authorizing the establishment of a cannabis retail dispensary shall be valid only for the site on which the cannabis retail dispensary has been authorized by such special use permit. Relocation of a dispensary to a different site shall require a new special use permit. A separate special use permit shall be required for each premises from which a licensed cannabis retail dispensary is operated.
 - (2) Upon the revocation or expiration without renewal of the NYS license or registration for a cannabis retail dispensary, the special use permit shall terminate, and a new special use permit shall be required prior to issuance of a certificate of occupancy.
- E. **Application requirements.** In addition to any other application requirements for uses that require a special use permit or site plan approval, an application for a cannabis retail dispensary shall contain, at a minimum, the following information:
- (1) Description of activities. A narrative detailing the type and scale of all activities that will take place on the site.
 - (2) Context Map. A map identifying, at a minimum, the location of the proposed establishment, the locations of all other cannabis retail dispensaries within the Town, and the location of any nearby school, place of religious worship, park, playground, playing field, or place of business which caters to minors, with measured distances provided sufficient to demonstrate that the location of the proposed establishment complies with the standards of subsection G below.
 - (3) Site Plan. A site plan in conformance with Article XIII of this chapter.
 - (4) Building Elevations and Signage. Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. The Planning Board may require perspective drawings and illustrations of the site from public ways and abutting properties.
- F. **Location Standards.** A cannabis retail dispensary shall be allowed only in the Arlington Town Center (ATC), Highway Business (B-H), Heavy Industrial (I-H), Light Industrial (I-L), and Neighborhood Highway Business (B-NH) Zoning Districts, subject to any limitations set forth in the regulations of the district.
- G. **Buffer Zones.** As further defined by § 119.4 of the NYS Cannabis Law, and unless otherwise modified by the NYS Cannabis Control Board, no cannabis retail dispensary shall be located:
- (1) On the same road and within two hundred (200) feet of the entrance of a building occupied exclusively as a place of religious worship;

- (2) On the same road and within five hundred (500) feet of the entrance of a building occupied exclusively as a school; or
- (3) On the same road and within five hundred (500) feet of a structure and its grounds occupied exclusively as a public youth facility.
- (4) The measurements in this subsection shall be taken in a straight line from the center of the nearest entrance of the premises proposed to operate as a retail dispensary to:
 - (a) The center of the nearest entrance of the place of religious worship; and
 - (b) The center of the nearest entrance of the nearest building on the school grounds; and
 - (c) The center of the nearest entrance of the nearest building of a public youth facility; or if no entrance exists, the nearest structure of such public youth facility; or if no structure exists, the nearest point of the grounds of the public youth facility's legally defined property boundary as registered in the Dutchess County clerk's office; or if no clear delineation of grounds exists, the nearest point of equipment, the primary purpose of which is reasonably expected to be used by children seventeen (17) years of age or younger.
- (5) For purposes of this subsection, the "entrance" shall mean a main door regularly used to give ingress to the general public. Such definition shall not include cellar doors, back and side doors, delivery entrances, emergency exits, or a door which has no exterior hardware, or which is used solely as an emergency or fire exit or for maintenance purposes, or which leads directly to a part of a structure not regularly used by the general public or patrons.
- (6) For a retail dispensary that is proposed to be located in a multi-story building, the entrance shall mean the main building entrance, as defined in the preceding subsection, at the road level.
- (7) If the place of religious worship, nearest building on the school grounds, public youth facility, or the proposed retail dispensary is situated on a corner lot, such structure is considered to be on both roads of the intersection, whether or not there is an entrance to the structure on both roads.

H. Specific standards.

- (1) A cannabis retail dispensary shall comply with all aspects of New York State Cannabis Law.
- (2) Unless otherwise permitted by New York State regulations, a cannabis retail dispensary shall be located only in a secure, permanent building and not within any mobile facility, and all dispensing of cannabis products shall be conducted within the building.
- (3) The building and site shall be designed to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.
- (4) The cannabis retail dispensary shall not have opaque, unwelcoming ground-floor façades that may detract from other retail activity in the district. Where interior activities must be screened from public view, opaque façades should be minimized, and where they are

necessary, they should include changing art displays or other measures to provide visual interest to the public.

- (5) Signs shall be affixed to a building or permanent structure, and may not be located on vehicles owned, leased or utilized by registered organizations. Signs shall not depict cannabis, cannabis products or paraphernalia, or the imagery or action of smoking or vaping. In all other respects, signage shall conform to Article IX of this chapter and the requirements of state laws and regulations governing such facilities.
- (6) Parking shall be provided at a rate of a minimum of four (4) off-street parking spaces for each 1,000 square feet of building area, and shall comply with § 210-92 of this chapter.
- (7) All lighting, including security lighting, shall comply with § 210-81 of this chapter.
- (8) The hours of operation of a cannabis retail dispensary shall be limited to Monday through Saturday from 9:00 am to 9:00 pm, and Sunday from 11:00 am to 6:00 pm, or as otherwise established by the Town Board as a condition of the special use permit, but in no case shall the Town Board permit a cannabis retail dispensary to operate between 2:00 am and 8:00 am, nor shall the Town Board restrict the operation of a cannabis retail dispensary to fewer than seventy (70) hours a week, unless the operator agrees to do so.
- (9) No smoking, burning, vaping, or consumption of any cannabis product shall be permitted on the dispensary premises.
- (10) Cannabis retail dispensaries shall not have drive-through service.
- (11) No outside displays or storage of cannabis products, related supplies or promotional materials shall be permitted.

§ 7.2. Article VIII of the Zoning Law is hereby amended by the addition of the following new § 210-111.1:

§ 210-111.1 Tobacco Stores

- A. **Purpose.** The purpose of this section is to regulate tobacco stores in the interest of the public health, safety and general welfare, while providing a reasonable number of locations for such stores to locate within the Town. The proliferation of tobacco stores in the Town could result in undesirable impacts to the community, including an increased potential for tobacco sales to minors, potential negative aesthetic impacts, and a reduction in property values of residential neighborhoods and businesses in close proximity to such uses.
- B. **Required approvals.** Notwithstanding any other provision of this chapter to the contrary, tobacco stores shall be allowed only after the granting of a special use permit and site plan approval from the Planning Board, subject to the requirements set forth in this section.
- C. **Location standards.**
 - (1) No tobacco store shall be located within five hundred (500) feet of any other tobacco store, such distance measured in a straight line from the nearest property line of any other existing tobacco store to the nearest property line of the lot to be occupied by the proposed tobacco store.
 - (2) No tobacco store shall be located within two hundred (200) feet of the entrance of a building occupied exclusively as a place of religious worship, or within five hundred (500)

feet of a school or public youth facility. This measurement shall be taken in a straight line from the center of the nearest entrance of the building sought to be used as a dispensary to the nearest property boundary of the other use.

- D. **Sale of illegal substances.** Any sale or dispensing of illegal substances, including but not limited to the sale or dispensing of cannabis without a NYS license or registration for a cannabis retail dispensary, shall be a violation of the special use permit issued for a tobacco store, and will result in the revocation of the special use permit.

SECTION 8. AMENDMENTS TO ARTICLE XIII.1 OF THE ZONING LAW ENTITLED "PROCEDURES AND STANDARDS FOR SPECIAL PERMIT APPROVAL"

§8.1. The existing § 210-152.1A is hereby deleted in its entirety and replaced with the following:

Reviewing agency. Pursuant to Town Law § 274-b, Subdivision 2, the Town Board, Zoning Board of Appeals, and the Planning Board are hereby empowered to review and approve, approve with modifications and/or conditions, or disapprove special use permit applications as provided in this chapter.

SECTION 9. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.