

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, the Town of Poughkeepsie has approved three special use permits for Adult-Use Cannabis Retail Dispensaries (“Dispensaries”) since the adoption of section 210-61 of the Town Code authorizing such permits in August, 2023.

PLEASE ALSO TAKE NOTICE, two other Dispensaries have applied for a special use permit from the Town Board pursuant to said section, and the Town Board wishes to temporarily suspend the approval of any new Dispensaries under the Town zoning law for a period of six (6) months to facilitate the Board’s review of whether changes to such law are warranted, and the Town Board hereby determines that it is in the best interest of the citizens and property owners of the Town of Poughkeepsie to impose a temporary Moratorium on the acceptance and processing of applications for the approval of new Dispensaries to allow for amendment to the Town Code zoning provisions addressing Dispensaries; and the Town Board has introduced a draft Local Law to provide for such moratorium.

NOW, THEREFORE, PLEASE TAKE NOTICE that the Town Board of the Town of Poughkeepsie does hereby set the 16th day of July, 2025 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard as to whether or not the Town Board of the Town of Poughkeepsie should adopt the proposed Local Law.

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 23, 2025

RESOLUTION 6:18 - # 14 OF 2025

WHEREAS, the Town of Poughkeepsie has approved three special use permits for Adult-Use Cannabis Retail Dispensaries (“Dispensaries”) since the adoption of section 210-61 of the Town Code authorizing such permits in August, 2023. None of these permitted Dispensaries are yet operating, but the first is expected to open within the next several weeks, and

WHEREAS, two other Dispensaries have applied for a special use permit from the Town Board pursuant to said section, and

WHEREAS, the Town Board wishes to temporarily suspend the approval of new Dispensaries under the Town zoning law for a period of six (6) months to facilitate the Board’s review of whether changes to such law are warranted, and

WHEREAS, the Town Board hereby determines that it is in the best interest of the citizens and property owners of the Town of Poughkeepsie to impose a temporary Moratorium on the acceptance and processing of applications for the approval of new Dispensaries to allow for amendment to the Town Code zoning provisions addressing Dispensaries; and

WHEREAS, the Town Board has introduced a draft Local Law to provide for such moratorium.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 16th day of July, 2025 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard as to

whether or not the Town Board of the Town of Poughkeepsie should adopt the proposed Local Law annexed hereto, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie hereby waives the verbatim reading of said proposed Local Law, and

BE IT FURTHER RESOLVED, the Town Board of the Town of Poughkeepsie hereby directs the Town Clerk to refer a copy of this resolution, the annexed proposed local law, and the Notice of Public Hearing to the clerk of each abutting municipality not less than ten (10) days prior to said public hearing and to refer a copy of this resolution, the annexed proposed local law, and the Notice of Public Hearing to the Dutchess County Department of Planning and Economic Development for advisory review in accordance with §239-m of the General Municipal Law, and to distribute a copy of this resolution, the annexed proposed local law and the Notice of Public Hearing to the Town of Poughkeepsie Planning Board for its review and recommendation pursuant to Town Code §210-154; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post a Notice of Public Hearing in the Town’s official newspaper, the Poughkeepsie Journal, and on the bulletin board maintained by the Town Clerk in the Town Hall not less than ten (10) days prior to said public hearing.

Dated: June 18th 2025

Moved: Ann Shershin

Seconded: Anne Burger

Motion passes/ fails: Ayes 6 Nays 0

DG/mem
t-6/12/2025
m-6/18/2025

	AYE	NAY	ABSTAIN
<u>PRESENT/ABSENT</u> Councilman Reuter	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Councilwoman Laird	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Councilwoman Burger	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Councilman Cifone	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Councilman Sharpe	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Councilwoman Shershin	<u>✓</u>	___	___
<u>PRESENT/ABSENT</u> Supervisor Edwards	<u>absent</u>	___	___

LOCAL LAW NO. ____ OF 2025

A LOCAL LAW ENTITLED LOCAL LAW NO. ____ OF THE YEAR 2025,
IMPOSING A TEMPORARY TOWN-WIDE MORATORIUM ON NEW ADULT USE
CANNABIS RETAIL DISPENSARIES WITHIN THE TOWN OF POUGHKEEPSIE

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

Section 1: TITLE.

This Local Law shall be known and cited as Town of Poughkeepsie Local Law No. ____ of 2025 entitled “Local Law No. ____ of 2025, Imposing a Temporary Town-Wide Moratorium on New Adult Use Cannabis Retail Dispensaries Within the Town of Poughkeepsie.”

Section 2: INTENT AND FINDINGS.

A. The Town of Poughkeepsie has approved three special use permits for Adult-Use Cannabis Retail Dispensaries (“Dispensaries”) since the adoption of section 210-61 of the Town Code authorizing such permits in August, 2023. None of these permitted Dispensaries are yet operating, but the first is expected to open within the next several weeks. Two other dispensaries have applied for a special use permit from the Town Board pursuant to said section.

B. In enacting this local law, it is the intention of the Town Board of the Town of Poughkeepsie to temporarily suspend the approval of new Dispensaries under the Town zoning law pending the Board’s review of whether changes to such law are warranted. The Town Board intends that such approvals be suspended for a period of six (6) months, or until the enactment of new zoning regulations governing Dispensaries, whichever shall occur first.

Section 3: DEFINITIONS.

The terms in this local law shall have the meaning set forth in the Town of Poughkeepsie Zoning Code §210-9, Definitions.

Section 4: SCOPE OF CONTROLS.

A. During the effective period of this local law, the Town Board, Planning Board, Zoning Board of Appeals, Director of Municipal Development, Building Inspectors and Zoning Administrator shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for a special use permit, site plan, variance or, without limitation, take any other action respecting the approval of Dispensaries, except as set forth in Section 6 below.

B. This moratorium shall be in effect beginning on the effective date of this local law and shall expire on the earlier of (i) that date which is six (6) months after said effective date; (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium no longer exists; or (iii) the effective date of a Local Law amending section 210-61 of the Town Code pursuant to the review authorized herein.

C. Under no circumstances shall the failure of the Town Board, Planning Board, Zoning Board of Appeals, or any officer of the Town of Poughkeepsie to take any action upon any application for a permit, variance, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, or any other Town level approval related to a Dispensary constitute an approval by default or approval by virtue of the expiration of time to respond to such application.

D. Dispensaries which have received a special use permit from the Town Board, or for which applications were submitted to the Town Board as of May 21, 2025, are explicitly exempt from this moratorium.

Section 5: TOWN PLANNING.

The Town Code Update Committee is hereby directed to undertake a review of section 210-61 of the Town Code, and any other pertinent section of the Town Code and to recommend amendments thereto to improve the location of Dispensaries in the Town. In particular and without limitation, the Code Update Committee is directed to consider (a) the applicability of the zoning districts in which Dispensaries are a permitted use, (b) the appropriateness and benefit, if any, of separation distances between Dispensaries, (c) the appropriateness and benefit, if any, of limitations on the number of Dispensaries in any zoning district or districts, or the Town as a whole and (d) any other appropriate basis on which to site Dispensaries. The Code Update Committee is directed to submit such recommendations within three (3) months of the effective date of this Local Law.

Section 6: WAIVER.

A. Should any owner of property affected by this local law suffer any unique and unnecessary hardship resulting from the implementation of this local law, the owner of said property may apply to the Town Board of the Town of Poughkeepsie in writing for a waiver from strict compliance with this local law upon submission of proof of such unnecessary hardship. For the purpose of this local law, unique and unnecessary hardship shall not be a mere delay in being permitted to make an application or gain approval of a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this local law.

B. Procedure.

1. Upon receipt of a written application to the Town by the property owner

seeking a waiver from this local law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days notice published in the official newspaper of the Town. Notice of said public hearing shall be provided by regular mail to abutting property owners at the address shown on the tax rolls.

2. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said public hearing or at the next regularly scheduled Town Board meeting (whichever is later), render its decision either granting or denying the application for variation from the strict requirements of this local law.

3. If the Town Board determines that a property owner will suffer unnecessary hardship if this local law is strictly applied to a particular property, then the Town Board shall waive the application of this local law to the minimum extent necessary to provide the property owner relief from strict compliance with this local law.

Section 7: PENALTIES FOR OFFENSES.

Any person, firm, entity or corporation that shall construct, erect, enlarge alter or use any building or structure in violation of the provisions of this local law or shall otherwise violate any of the provisions of this local law shall be guilty of a violation and subject to a fine of not less than \$200.00 nor more than \$1,000.00. Each day that the violation continues shall be a separate offense.

Section 8: CONFLICTING LOCAL LAWS.

All local laws, ordinances, or parts of local laws and ordinances of the Town of Poughkeepsie that are in conflict with the provisions of this local law are hereby suspended to the extent necessary to give this local law full force and effect during its effective period.

Section 9: SUPERSESSION

This local law is hereby adopted pursuant to Municipal Home Rule Law § 10 and Statute of Local Governments § 10(6). It is the intent of the Town Board, pursuant to Municipal Home Rule Law § 10(1)(ii)(d)(3), to supersede all provisions of the New York State Town Law and/or those provisions of New York State Law relating to time limits in connection with zoning and planning determinations, as well as to vest any authority to approve a waiver from this local law solely in the Town Board.

Section 10: SEVERABILITY.

The provisions of this local law are severable, and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or

inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. The Town Board affirms that this local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the local law or part thereof is held inapplicable had been specifically exempt therefrom. If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.

Section 11: TERM.

This local law shall remain in force for a period of six (6) months from its effective date. This local law is subject to renewal by resolution of the Town Board for a maximum of two (2) additional three (3) month extensions if the Town Planning Department requires such extension to submit its recommendations or the Town Board requires such extension to enact a local law relating thereto.

Section 12: EFFECTIVE DATE.

This local law shall take effect upon its adoption and filing with the Secretary of State.