

Hi, Erin,

9/19/24

As discussed yesterday, I was unable to attend Tuesday's Town Board meeting, but after reading the draft cannabis regulation posted on the Town website, I had some comments, which I've attached. Most are to improve clarity, but some are more substantive.

Please pass these on as appropriate for consideration. Thank you.

Mary Ellen Lachowicz (6 Rolling Meadow)

Proposed revisions to H&H May 29 2024 draft Local Law

[Cannabis cultivation is not addressed in this draft. Consider whether there is a need/ability to regulate it.]

1. Purpose.

In the second line, delete the "s" from "consumptions".

2. Definitions.

Revise the end of the definition of "Cannabis Retail Business or Cannabis Dispensary" as follows (cleaning up typo and conforming to portions of sections 5 and 6):

" . . . licensed activities of ~~an~~ adult-use retail sales (sometimes referred to herein as a "dispensary")."

3. Applicability.

Revise the end of this provision for clarity as follows:

" . . . by special permit of the Town Board within the PB-B and PB-C zoning districts only."

4. Application.

4B: Revise the end of of this provision as follows to clarify that the obtaining/maintaining the operating license will also be a condition:

" . . . state permits and licenses."

4G: Revise the end of this provision as follows:

" . . . during the review process effor the special permit and site plan."

5. Provisions, Requirements, and Approvals.

5H: Revise this provision entirely for clarity as follows:

"On-site use or consumption of cannabis shall only be permitted at a licensed and approved consumption site, and shall not be permitted at any cannabis dispensary or at any other retail or service business located in the Town."

5I: Add the following to end of this provision (this assumes that the intent is also to prohibit on-premises drinking):

“or allow the consumption of alcoholic beverages on their premises”

5J: Revise the beginning of this provision as follows:

~~“The building and site~~All cannabis dispensary or consumption site buildings and sites shall be designed . . .”

5K: Revise the beginning of this provision as follows (this assumes that it's intended that this provision would apply to both dispensaries and consumption sites):

~~“The~~A cannabis retail dispensary or consumption site shall not have . . .”

5L: Revise the first sentence of this provision as follows:

“ . . . and the parking requirements for consumption sites shall be 1 space for ~~each~~every 3 seats or . . .”

Consider adding to the end of the last sentence of this provision the following:

“ . . . , balancing the needs of fostering and developing new businesses and of protecting the community”

5M: If other applicable Code provisions more specifically address the listed items, consider adding the following to the end of this provision to allow for consistency with existing laws (including, e.g., the noise ordinance):

“, and cannabis dispensary and consumption site operations shall comply with all local laws, ordinances, rules, and regulations”.

5N: Revise this provision for clarity as follows (this assumes that the intent is to prohibit entirely any outdoor seating, as well as to prohibit outdoor cannabis consumption, but not to prohibit occasional tobacco smoking outside a dispensary or consumption site, e.g. by employees on breaks or people passing by):

“The dispensary or consumption site shall not provide (a) outdoor seating or (b) outdoor ~~smoking~~ areas for the smoking or other consumption of cannabis.”

5O: Explicitly permitted by what? This Local Law and any approved special permit?

5P: Address hours of operation for consumption sites. Preferably they would be more limited.

5R: Revise the beginning of this provision as follows to clarify applicant's responsibility:

"The Town Board may require ~~the preparation of an applicant to prepare a parking study to be prepared~~ an applicant to prepare a parking study for an application . . ."

5S: Revise the beginning of this provision as follows to clarify applicant's responsibility:

"The Town Board may require ~~the preparation of an applicant to prepare a traffic study to be prepared~~ an applicant to prepare a traffic study for an application . . ."

6. Location.

6A: Revise this provision for clarity by inserting the word "only" as follows:

". . . shall be located only within . . ."

6C: Revise to add the measurement guidelines used in 6B as follows, if appropriate/ desirable:

"Distance shall be measured horizontally from the front door of the proposed dispensary or consumption site to the front door of the other dispensary or consumption site."

6C: Revise this provision for clarity by inserting two commas as follows:

". . . as necessary, on good cause shown by the applicant, balancing the need . . ."

Local Law XXX-XXX

Cannabis Dispensary and Consumption Site.

1. Purpose. The purpose of these cannabis regulations is to provide for the placement and regulation of adult use recreational cannabis dispensaries and consumption sites as authorized pursuant to state law and regulations with the goal of minimizing potential adverse impacts on adjacent properties, neighborhoods, and the Town of Pound Ridge.

2. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

Cannabis

All parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined by this section, or any drug products approved by the Federal Food and Drug Administration.

Cannabis Retail Business or Cannabis Dispensary

Any business, collective, establishment association or any other organization or any person engaged in the licensed activities of an adult-use cannabis retail sales.

Public Youth Facilities

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.

On-Site Consumption or Consumption Site

The consumption of cannabis in an area licensed by the Cannabis Control Board. An on-site consumption license authorizes the acquisition, possession, and sale of cannabis from the licensed premises of the on-site consumption licensee to cannabis consumers for use at the on-site consumption location or another location.

3. Applicability. Cannabis retail dispensaries and cannabis consumption sites are hereby permitted by special permit of the Town Board within the PB-B and PB-C zoning districts.

4. Application. Any applicant for a cannabis dispensary or consumption site shall provide no less than the following when submitting a registration application:

A. Completed special use permit application and checklist.

- B. An operating license from the Cannabis Control Board (CCB) and the Office of Cannabis Management (OCM) established pursuant to the Marijuana Regulation and Taxation Act (MRTA) § 72 for regulatory jurisdiction over adult-use cannabis or demonstration that a license has been applied for with the understanding that the special permit will be conditioned on the permittee obtaining and maintaining all required state permits.
- C. A written description of day-to-day operations and hours of operation.
- D. Complete site plan showing any alterations to the property.
- E. Floor plans certified by a licensed professional engineer or architect detailing ventilation as well as interior and exterior security plans in compliance with New York State law.
- F. Sign application with all proposed building-mounted and freestanding signs.
- G. Any additional materials requested by the Planning Board or Town Board during the review process of the special permit and site plan.

5. Provisions, Requirements, and Approvals.

- A. Special permit approvals by the Town Board and site plan approvals by the Planning Board shall be required for the operation of a dispensary or consumption site in the Town of Pound Ridge.
- B. The dispensary or consumption site use must comply with all requirements as specified in the zoning district where the dispensary or consumption site is located, except as specified in this Section XXXX.
- C. All permitted dispensaries and consumption sites shall have applied for a license from the NYS Cannabis Control Board (CCB) and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations.
- D. 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 dispensary or consumption site that is not properly licensed.
- E. A special use permit authorizing the establishment of a cannabis retail dispensary or consumption site shall be valid only for the site on which the cannabis retail dispensary or consumption site has been authorized by such special use permit. Relocation of a dispensary or consumption site 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 or consumption site is operated.

F. Upon the revocation or expiration without renewal of the NYS license or registration for a cannabis retail dispensary or consumption site, the special use permit shall terminate, and a new special use permit shall be required prior to issuance of a certificate of occupancy.

G. No drive-through sales to the public shall be permitted at a dispensary or consumption site.

H. No on-site use or consumption of cannabis shall be permitted at any dispensary or at any other retail or service business located in the Town, other than at a licensed and approved consumption site.

I. No dispensary or consumption site may sell alcoholic beverages.

J. 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.

K. The cannabis retail dispensary shall not have opaque, unwelcoming ground-floor facades that may detract from other retail activity in the district. Where interior activities must be screened from public view, opaque facades should be minimized, and where they are necessary, they should include architecture and design that will contribute to visual interest and community character subject to Planning Board approval.

L. The parking requirements for dispensaries shall be 1 space for each 200 square feet of "gross floor area" or major portion thereof, and the parking requirements for consumption sites shall be 1 space for each 3 seats or 1 space for each 100 square feet of "gross floor area" or major portion thereof, whichever is greater. The Planning Board may deviate from the parking requirements on good cause shown by the applicant at the time of site plan review for the purposes of good planning.

M. The dispensary or consumption site shall not create a nuisance to abutters or to the surrounding area, or create any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

N. The dispensary or consumption site shall not provide outdoor seating or outdoor smoking areas.

O. Any activities other than those explicitly permitted are prohibited at a cannabis retail dispensary or consumption site.

P. The hours of operation of a cannabis retail dispensary shall be limited to 10:00 a.m. to 11:00 p.m., 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 11:00 p.m. and 6:00 a.m., nor shall the Town Board restrict the operation of a cannabis retail dispensary to fewer than 70 hours a week, unless the operator agrees to do so.

Q. All dispensaries and consumption sites shall operate within a fully enclosed building and shall not operate within any mobile facility.

R. The Town Board or Planning Board may require the preparation of a parking study to be prepared for an application where, due to the specifics of the application, the Board feels that parking will be of particular concern. The parking study shall conform to the most recent ITE Parking Generation Manual at the time of the application.

S. The Town Board or Planning Board may require the preparation of a traffic study to be prepared for an application where, due to the specifics of the application, the Board feels that the traffic generated by the application will be of particular concern. The traffic study shall conform to the most recent ITE Trip Generation Manual at the time of the application.

T. If any provision, paragraph, sentence, or clause of this section shall be determined to be in conflict with applicable state law or regulations, the provisions of said state law or regulations shall prevail.

U. Where not expressly defined in the Pound Ridge Zoning Ordinance, terms used in this section shall be interpreted as defined in the New York State Marijuana Regulation and Taxation Act.

V. The provisions of this section are severable. If any provision, paragraph, sentence, or clause in this section shall be held invalid, such invalidity shall not affect the other provisions of this section.

6. Location.

A. Cannabis dispensaries and consumption sites shall be located within the PB-B and PB-C zoning districts.

B. No dispensary or consumption site shall be located within 500 feet of public or private school grounds as defined in the NYS Education Law, serving students through the 12th grade, or within 500 feet of a public youth facility, or within 200 feet of a house of worship, in accordance with State Regulations. Distance shall be measured horizontally from the front door of the proposed dispensary or consumption site to the front door of school, public youth facility, or house of worship. If no structure exists, distance shall be measured to the nearest entrance of the grounds of the school, public youth facility, or house of worship.

C. Cannabis dispensaries and consumption sites shall not be located within a 2,000 foot radius of another cannabis dispensary or consumption site.

D. The Town Board may deviate from the proximity restrictions as necessary on good cause shown by the applicant balancing the need to foster and develop new businesses and of protecting the community and aforementioned locations.