

LOCAL LAW 1 OF 2024

A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE VILLAGE OF WOODBURY TO REGULATE CANNABIS RETAIL DISPENSARIES AND CANNABIS ONSITE CONSUMPTION PREMISES

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York, as follows:

SECTION 1 PURPOSE

The purpose of this local law is to amend Chapter 310 (“Zoning”) of the Code of the Village of Woodbury to regulate the potential impacts of Cannabis Retail Sales Dispensaries and Cannabis Onsite Consumption Premises within the Village of Woodbury by limiting the use to certain zoning districts, implementing a special permit requirement, imposing certain time, place and manner restrictions, and otherwise limiting the potential harmful effects on residential areas. This Local Law is adopted pursuant to the Village’s authority in Article 7 of the New York State Village Law and Cannabis Law § 131(2).

SECTION 2 CHAPTER 310: ZONING

Section 310-2 (“Word usage; definitions”), Subsection B is hereby amended to include the following definitions:

CANNABIS DISTRIBUTION FACILITY - A use that is licensed by the State of New York to distribute cannabis products to licensed cannabis retail dispensaries.

CANNABIS MEDICAL DISPENSARY - A use that is licensed by the New York State Department of Health to dispense or distribute medical marijuana in accordance with Article 33 of the Public Health Law and Part 1004 of Title 10 of the New York Codes, Rules and Regulations.

CANNABIS MICROBUSINESS FACILITY - A use that is licensed by the State of New York to be engaged in the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, manufacturer and retailer of cannabis products cultivated on site.

CANNABIS ON SITE CONSUMPTION PREMISES - A use that is licensed by the State of New York to sell cannabis products and cannabis derived products for on-site consumption by smoking or otherwise.

CANNABIS PROCESSING FACILITY - A use that is licensed by the State of New York to process cannabis products. Processing may include extraction, compounding, blending, infusing or other forms of manufacturing cannabis products. Processing may additionally include cultivation, harvesting, packaging, labeling and distribution of cannabis products produced at the facility.

CANNABIS RELATED USE/CANNABIS RELATED FACILITY - Includes cannabis distribution facility, cannabis medical dispensary, cannabis microbusiness facility, cannabis on-site consumption premises, cannabis processing facility or cannabis retail dispensary, and other similar uses.

CANNABIS RETAIL DISPENSARY - A use that is licensed in the State of New York to sell cannabis products at retail for off premise consumption.

Section 310-2 (“Word usage; definitions”), Subsection B is hereby amended to repeal the second sentence contained in the definition of “Retail Business”, and replace it with:

“Gas stations”, “automobile service stations”, and “cannabis related uses/cannabis related facilities” shall not be considered retail businesses.

Section 310-2 (“Word usage; definitions”), Subsection B is hereby amended to add the following sentence at the end of the definition of “Service Business (nonpersonal)”:

“Cannabis related uses/cannabis related facilities” shall not be considered service businesses.

Section 310-3(A) (“Enumeration of districts”) is amended to add the following language:

Title	Symbol
<i>Cannabis Related Use/Facility Overlay District</i>	<i>CRU/F</i>

Section 310-7 (“Schedule of zoning district regulations”) is hereby amended to include as an accompanying zoning table the attached Schedule of Zoning District Regulations for the Cannabis Related Use/Facility Overlay District.

Section 310-39.2 (“Conditions applicable to special permit uses in LIO District.”) is hereby amended to include the following introductory phrase to Subsection A: “With the exception of traffic associated with cannabis related uses (excluding deliveries),”.

A new Section 310-39.8 (“Criteria for cannabis related uses”) is created as follows:

§ 310-39.8 Criteria for cannabis related uses.

- A. Permitted locations and separation requirements. In order to protect young people from inducements to use cannabis and reduce youth exposure and potential access to cannabis as well as exposure of vulnerable populations receiving treatment for drug or alcohol addiction or abuse, and to mitigate potential risks to the population from drivers who have engaged in on-premise cannabis use and whose psycho-motor skills and driving abilities may be impaired, given the challenges presented in assessing service limits to impaired patrons, the absence of standard serving sizes and the duration and onset of impairment, all unlike with alcohol, and the Village having limited public transit options, the following distance and separation requirements are established:
1. No approval or permit shall be granted to Cannabis On-Site Consumption Premises and/or Cannabis Retail Dispensaries proposed to be located within 500 feet of a community facility, including but not limited to a public park, a playground, a public swimming pool, a library, a place of worship, a school and school grounds as defined in the New York State Education Law, addiction treatment providers certified by the New York State Office of Addiction Services and Support, a facility that provides schooling or day care to children, or a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents as measured from the center of the entrance (*i.e.*, front door or primary access to structure) of the Premises and/or Dispensary.
 2. No approval or permit shall be granted to Cannabis Related Uses/Cannabis Related Facilities proposed to be located within 500 feet of the exterior of any existing dwelling unit, including but not limited to residential and mixed-use buildings.
 3. Cannabis On-Site Consumption Premises and Cannabis Retail Dispensaries shall be separated from another premises used for the same category of licensed use by at least a 2,000-foot radius feet as measured from the center of the entrance (*i.e.*, front door or primary access to structure) of the Premises and/or Dispensary.

- B. Special use permit requirement for cannabis related uses/cannabis related facilities.
1. A cannabis related use shall require the issuance of a special use permit and site plan approval by the Planning Board, subject to the relevant procedures and required findings set forth within Article VIII of the Zoning Law, and the requirements of this § 310-39.8. The application for the special use permit shall contain the same information as required for a site plan application and such additional information as the Planning Board may require the applicant to supply relating to, among possibly others, the relationship of the proposed special use to factors such as public safety, noise, odors, traffic impact, operational schedule of the special use and the public welfare. A special use permit authorizes only the activity expressly described in the application, which shall include a narrative, and approved permit materials. The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon the granting of said special use permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Village. A special use permit shall expire upon change in property ownership or property transfer.
 2. This Special Permit shall require an annual inspection to be performed by the Code Enforcement Officer to confirm compliance with the terms of this Section and with any approval issued by the Planning Board. The Building Inspector shall submit a report to the Planning Board if he identifies any violations or complaints arising from a cannabis related use/facility, which have not been remedied within a reasonable period of time after the non-compliance or complaint is brought to the attention of the permittee. If the Building Inspector submits such a report, the Applicant shall apply to appear before the Planning Board within thirty (30) days of such report to address any such violations and/or complaints, at which time said Board shall rule upon the need to deny or modify the special permit.
 3. Revocation.
 - a. Any violation of this Section 310-39.8 shall be grounds for revocation of a special use permit issued under this Section.
 - b. Revocation or expiration of a license issued by New York State for the cannabis related use shall be grounds for revocation of the special use permit.
- C. Additional requirements for cannabis related uses. Sites containing cannabis related uses shall be subject to the following additional requirements:
1. Provision of sufficient lighting during and after hours of operation.
 2. Provision of adequate facilities and personnel for disposal of trash and other debris.
 3. Provision for continuing maintenance of the exterior of the building and the grounds, including landscaping, signs and policing of litter.
 4. Provision to limit the odors of the facilities from reaching adjoining properties to the greatest extent possible.
 5. Facilities shall be permitted to open for business only between the hours of 9:00a.m. and 8:00p.m. on the same day.
 6. Sales product and paraphernalia items related to the preparation or consumption of product shall not be visible from a public right of way.
 7. Outside use of sound reproduction devices, including but not limited to loudspeakers and amplifiers on the premises, shall be prohibited.
 8. Any cannabis related use/cannabis related facility that is proposed adjacent to an existing residential use or district shall be buffered or screened to minimize visual and auditory impacts in a method approved by the Planning Board, including as it pertains to

landscaping, outdoor lighting and parking.

9. If required by the Planning Board, all facilities where a cannabis related use is proposed shall provide for fencing and/or other screening or security feature(s) around the perimeter of the property at the height and type established by the Planning Board.
 10. Mobile sales shall be strictly prohibited. Nothing herein shall prevent licensed delivery vehicles with sufficient security features from making deliveries. All delivery operations shall be listed and described as part of the special use permit application.
 11. Drive-thru service windows and/or customer pick-up lanes are strictly prohibited.
 12. Frontage. The property shall have frontage of at least 100 feet on a State or County highway or right-of-way. Said frontage shall permit the ability to directly access these roadways for vehicular ingress and egress to the property, although direct access is not required.
- D. Signage.
1. Only one wall sign advertising the business shall be permitted on the building and same shall not exceed ten (10) percent of the size of the wall upon which the sign is located. No freestanding signs shall be permitted. If the business is located in a structure and/or center with more than one business, and there is a multitenant directory sign for the structure and/or center, a cannabis related use/cannabis related facility shall be permitted to have its name but not its logo included on such sign, subject to Section 310-30.
 2. Any illuminated sign shall not be flashing, rotating, or otherwise have any movement whatsoever as to not distract highway traffic or disturb any adjoining residential properties.
 3. Motor vehicles, vans, trucks, trailers, and/or similar items shall not be parked on the property which advertise the business in any way beyond the name of the business in lettering not to exceed twelve (12) inches per letter. Such vehicles shall not be left on the premises except in a fully enclosed garage during any period of time that the cannabis use facility is not open to the public. Mobile sales shall be strictly prohibited.
 4. Any murals or other painting options shall be set forth in the application for a special use permit and are subject to the further reasonable requirements of the Planning Board. No paintings or murals that might distract drivers on any public highway or that could reasonably be interpreted as advertising to minors shall be permitted.
- E. State license requirement. A cannabis distribution facility, cannabis medical dispensary, cannabis microbusiness facility, cannabis on-site consumption premises, cannabis processing facility and cannabis retail dispensary must have a valid license issued by the State of New York in order to be considered a permitted use. The Owner shall be required to file renewed licenses with the Building Department within 30-days of their issuance. An expiration or revocation of a license by the State shall be deemed to automatically terminate the special use permit or other Planning Board approvals permitting the use. Any applicant who receives a special use permit and who decides to proceed with the special use does so realizing that the special use permit and all rights to continue that use shall terminate as provided herein. The applicant, in accepting a special use permit, acknowledges and agrees that such special use permit confers no rights or privileges other than those specifically contained therein. This provision is intended to and does supersede and amend Village Law § 7-725-b.
- F. Security. Any cannabis related use, regardless of its location, shall take all necessary security measures at any facility permitted by a special use permit. Unless otherwise required as a condition of the special use permit, the following requirements must be met and will be verified by the Code Enforcement Office prior to the issuance of a Certificate of Occupancy for such special permit use:
1. All facilities where a cannabis related use is established shall install a fully operational 4K

camera system, at a minimum, sufficient to be used at night and covering all areas on the property to be so used. The system used shall be capable for recording and all recordings must be kept for a minimum of thirty (30) calendar days.

2. In any facility where a cannabis related use is established where the general public and/or customers are invited shall provide for continual armed security guard presence while such facility is open to the public. Any such security presence shall be certified by the local, State, or Federal government and shall provide such information as may be required by any local police agency from time to time.
 3. In any facility where a cannabis related use is established where the general public and/or customers are invited shall provide for secure locations where cash is to be kept on the premises.
 4. In the event of deliveries to/from the cannabis related use facility, provisions shall be made for adequate security consistent with these regulations which must be provided in advance to the Town Police Department.
 5. Smoking paraphernalia shall comply with such safety measures as may be prescribed to minimize the risk of fire associated with the use of such paraphernalia. Where smoking paraphernalia requires the use of lighted charcoal or any other solid or liquid flammable or combustible material, such material shall be stored, handled, and disposed of in a manner approved by the Code Enforcement Officer, Town Police Department, and in accordance with the New York State Fire Code.
- G. Prior to the opening of any cannabis related use, the Code Enforcement Officer or designated inspector, and Town Police Department shall have the right to inspect all premises to ensure compliance with these provisions and all other provisions of law. Said respective departments and personnel shall have the right to periodically inspect all cannabis related use facilities to ensure compliance with these provisions and all other provisions of law without the necessity of an administrative search warrant.

Section 310-40 (“Off-street parking”), Subsection A(5) is hereby amended to include the following:

Use	Number of Spaces
Cannabis distribution facility	2 per 3 employees on the premises at any 1 period of time, with a minimum of 2 spaces or as required by the Planning Board.
Cannabis medical dispensary	1 per 150 square feet of customer service area or and 2 per 3 employees on the premises at any 1 period of time as required by the Planning Board
Cannabis microbusiness facility	1 per 150 square feet of customer service area and 2 per 3 employees or as required by the Planning Board for premises demonstrating greater or lesser parking space needs in the judgment of the Planning Board.
Cannabis on-site consumption premises	1 per 4 seats, or per 40 square feet of seating area, whichever is greater, or as required by the Planning Board for premises demonstrating greater parking space needs in the judgment of the Planning Board.

Cannabis processing facility	2 per 3 employees on the premises at any 1 period of time, with a minimum of 2 spaces or as required by the Planning Board.
Cannabis retail dispensary	1 per 150 square feet of customer service area and 2 per 3 employees on the premises at any 1 period of time or as required by the Planning Board

SECTION 3 ZONING MAP AMENDMENTS

The Zoning Map of the Village of Woodbury is hereby amended to include the following properties within the Cannabis Related Use/Cannabis Related Facility (CRU/F) Overlay District:

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| Section 225, Block 1, Lot 10.421 | Section 225, Block 1, Lot 15.12 |
| Section 225, Block 1, Lot 15.22 | Section 225, Block 1, Lot 16.11 |
| Section 225, Block 1, Lot 16.12 | Section 225, Block 1, Lot 16.13 |
| Section 225, Block 1, Lot 16.14 | Section 225, Block 1, Lot 16.4 |
| Section 225, Block 1, Lot 33 | Section 225, Block 1, Lot 34.1 |
| Section 225, Block 1, Lot 34.22 | Section 225, Block 1, Lot 36 |
| Section 225, Block 1, Lot 40 | Section 225, Block 1, Lot 41 |
| Section 225, Block 2, Lot 1.11 | Section 225, Block 2, Lot 1.12 |
| Section 225, Block 2, Lot 10.21 | Section 225, Block 2, Lot 13.1 |
| Section 225, Block 2, Lot 15.2 | Section 225, Block 2, Lot 70.2 |

SECTION 4 SUPERSEDING PROVISION

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Article 7 of the New York State Village Law, including but not limited to, Village Law §§ 7- 706 and 7-708, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 5 SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 6 EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

