

TOWN OF GARDINER

P.O. Box 1, GARDINER, NEW YORK 12525-0001 (845) 255-9675 Fax: (845) 255-9146

Town Hall Offices - 2340 Route 44/55 Gardiner NY 12525

***Marybeth Majestic
Supervisor***

***Julia Hansen
Acting Town Clerk***

November 10, 2023

NYS Department of State
Division of Corporations, State Records
and Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany NY 12231-0001

RE: Local Law # 3-2023

To Whom It May Concern,

Please find enclosed, for filing, Local Law #3-2023 for the Town of Gardiner, adopted at a meeting of the Gardiner Town Board on November 9, 2023.

Sincerely,

Julia Hansen
Acting Town Clerk

ENC.

Local Law Filing

(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.

County City Town Village

of Gardiner

Local Law No. 3 of the year 2023

A local law (insert title)

A LOCAL LAW TO AMENDING CHAPTER 220 OF THE TOWN CODE ENTITLED "ZONING".

Be it enacted by the Town Board of the

County City Town Village

of Gardiner

See Annexed

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as **Local Law No. 3 of 2023** of the ~~(County)~~ ~~(City)~~ **(Town)** ~~(Village)~~ of **Gardiner** was duly passed by the Town Board on **November 9, 2023** in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ ~~(Village)~~ of _____ was duly passed by the _____ Board on _____ 20 ____, and was ~~(approved)~~ ~~(not approved)~~ ~~(repassed after disapproval)~~ by the _____ and was deemed duly adopted on _____, 20 ____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ ~~(Village)~~ of _____ was duly passed by the _____ Board on _____ 20 ____, and was ~~(approved)~~ ~~(not approved)~~ ~~(repassed after disapproval)~~ by the _____ and was deemed duly adopted on _____, 20 ____, in accordance with the applicable provisions of law.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the ~~(general)~~ ~~(special)~~ ~~(annual)~~ election held on _____ 20 ____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 20__ of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ ~~(Village)~~ of _____ was duly passed by the _____ Board on _____ 20 ____, and was ~~(approved)~~ ~~(not approved)~~ ~~(repassed after disapproval)~~ by the _____ on _____ 20 ____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20 ____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

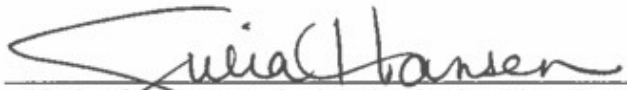
I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20 ____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 10, 2023



(Seal)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

TOWN OF GARDINER
LOCAL LAW NO. 3 OF 2023
A LOCAL LAW AMENDING CHAPTER 220
OF THE TOWN CODE ENTITLED "ZONING"

Section 1. Legislative Intent

The Town Board has previously recognized the passage of the New York State Marijuana Regulation & Taxation Act (MRTA) (also known as the NYS Cannabis Law) and did not "opt out" of allowing adult-use cannabis retail dispensaries within the Town of Gardiner. The Town Board intends to use its land use control authority authorized under the NYS Cannabis Law, Article VI, Section 131 to allow and regulate aspects of the time, place and manner pertaining to such retail dispensaries. Accordingly, it is the intend of the Town Board to amend the Town Zoning Code to allow adult-use cannabis retail dispensaries in certain zoning districts. These amendments are necessary and desirable to protect the public health, safety, welfare, and environment.

Section 2. 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 3. Definition

Chapter 220, Article XII of the Town Zoning entitled "Definitions" is hereby amended by adding a new definition for "Cannabis Retail Dispensary" as follows:

CANNABIS RETAIL DISPENSARY – A retail facility that sells at retail any cannabis product, the sale of which a license is required for an adult-use cannabis dispensary under the provision of the New York State Marijuana Regulation and Taxation Act, also known as the NYS Cannabis, Article IV.

Section 4. Districts and Location

Chapter 220, Article III, §220-10 entitled "Land Use District Regulations, Allowable Uses" is hereby amended by adding to the Use Table "Cannabis Retail Dispensary" as a permitted Business Use in the Hamlet Mixed-Use (HM), Highway Commercial (HC) and Commercial Light Industry (CLI) land use districts.

Section 5. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.