

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
(Select one.)

of Greenburgh

FILED
STATE RECORDS
DEC 30 2022

DEPARTMENT OF STATE

Local Law No. 20 of the year 2022

A local law amending several sections of chapter 285 of the Code of the Town of Greenburgh entitled
(Insert Title)
"zoning "related to various uses associated with cannabis (tb22-02)

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Greenburgh as follows:

(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. 20 of 2022 of the (County)(City)(Town)(Village) of Town of Greenburgh was duly passed by the Town Board on December 14 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 _____ 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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.)

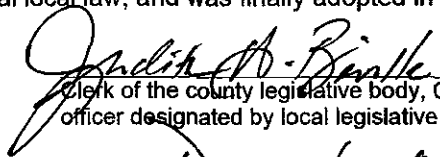
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: December 31, 2022

(Seal)

RESOLUTION ADOPTING A LOCAL LAW AMENDING SEVERAL SECTIONS OF CHAPTER 285 OF THE CODE OF THE TOWN OF GREENBURGH, ENTITLED “ZONING,” RELATED TO VARIOUS USES ASSOCIATED WITH CANNABIS (TB 22-02)

WHEREAS, the Town Board of the Town of Greenburgh finds it in the best interest of the Town to comprehensively regulate several aspects of medical and recreational cannabis in the Town of Greenburgh to be consistent with the guiding principles established in Town Board Resolution CD-2 – 12/13/2021, and consistent with the Marijuana Regulation & Taxation Act (MRTA) and related guidance of the Office of Cannabis Management (OCM); and

WHEREAS, a Full Environmental Assessment Form was prepared by Town staff, and under SEQRA, the actions directly and indirectly proposed were preliminarily classified as “Type 1;” and

WHEREAS, Section 285-64 of the Zoning Ordinance requires that the Town Board refer the proposed amendment to the Planning Board for a report and recommendation before a public hearing is held on the amendment by the Town Board; and

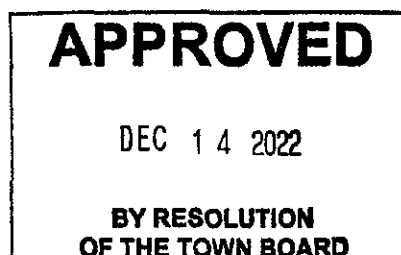
WHEREAS, on April 27, 2022, the Town Board adopted Resolution CD-1 – 04/27/2022, (1) declaring its intent to act as Lead Agency for review of the Local Law and all related actions under the State Environmental Quality Review Act (“SEQRA”); and (2) referring the Zoning Text Amendment to the Planning Board for report and recommendation; and

WHEREAS, the Planning Board, at regularly scheduled work session meetings on May 18, 2022, July 6, 2022 and August 3, 2022 discussed the proposed local law, and on August 3, 2022, made a negative recommendation to the Town Board associated with the proposed Zoning Text Amendment, and issued a related report; and

WHEREAS, on September 28, 2022 and October 12, 2022, the Town Board of the Town of Greenburgh held public hearings on the proposed Zoning Text Amendment; and

WHEREAS, the Town Board conducted a coordinated SEQRA review (Planning Board, Conservation Advisory Council, Westchester County, adjacent and surrounding Municipalities, Office of Cannabis Management – Involved/Interested Agencies) and analysis of the entire record, studying and documenting the potential environmental impacts associated with the proposed Zoning Text Amendment, and on October 26, 2022, in connection with adopted Resolution CD-2 – 10/26/2022 made a Negative Declaration with respect to SEQRA; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Greenburgh hereby adopts the attached Local Law amending several sections of Chapter 285 of the Code of the Town of Greenburgh, entitled “Zoning,” related to various uses associated with Cannabis.





TOWN of GREENBURGH

Local Law No. /2022

A local law amending Section 285-5 of the Code of the Town of Greenburgh entitled “Definitions,” Section 285-32 entitled “LI Light Industrial District,” Section 285-33 entitled “GI General Industrial District,” Section 285-34 entitled “PD Nonresidential Planned Development District,” Section 285-36 entitled “Supplementary use regulations,” and Section 285-38 entitled “Off-street parking, loading, and landscaping requirements,” pursuant to New York State Constitution Article IX, New York Municipal Home Rule Law Section 10 and New York Environmental Conservation Law Article 8 (SEQR).

BE IT ENACTED by the Town Board of the Town of Greenburgh:

- § 1. **Title.**
- § 2. **Legislative Findings and Intent.**
- § 3. **Amendment to § 285-5.**
- § 4. **Amendment to § 285-32. LI Light Industrial District**
- § 5. **Amendment to § 285-33. GI General Industrial District**
- § 6. **Amendment to § 285-34. PD Nonresidential Planned Development District**
- § 7. **Amendments to Chapter 285-36: Supplementary use regulations.**
- § 8. **Amendment to § 285-38. Off-street parking, loading and landscaping requirements.**
- § 9. **Supersession.**
- § 10. **Severability.**
- § 11. **Effective Date.**

§ 1. Title.

This local law is entitled “Cannabis,” and amends Section 285-5 of the Code of the Town of Greenburgh entitled “Definitions,” Section 285-32 entitled “LI Light Industrial District,” Section 285-33 entitled “GI General Industrial District,” Section 285-34 entitled “PD Nonresidential Planned Development District,” Section 285-36 entitled “Supplementary use regulations,” and Section 285-38 entitled “Off-street parking, loading, and landscaping requirements.”

§ 2. Legislative Findings and Intent.

The Town Board of the Town of Greenburgh finds it in the best interest of the Town to comprehensively regulate several aspects of medical and recreational

cannabis in the Town of Greenburgh to be consistent with the guiding principles established in Town Board Resolution CD-2 – 12/13/2021, and consistent with the Marijuana Regulation & Taxation Act (MRTA) and related guidance of the Office of Cannabis Management (OCM).

§ 3. Amendments to Chapter 285-5.

Section 285-5 of the Code of the Town of Greenburgh is hereby amended as follows:

285-5 Definitions.

ADULT-USE COMMERCIAL CANNABIS CULTIVATOR

The licensed growing, cloning, harvesting, drying, curing, grading, and trimming of cannabis plants. A cultivator’s license (when approved by the Office of Cannabis Management – Cannabis Control Board) authorizes the acquisition, possession, distribution, cultivation, and sale of cannabis from the licensed premises of the adult-use cultivator to a licensed processor.

ADULT-USE CANNABIS DISTRIBUTOR

Any person or business (licensee) that sells at wholesale any cannabis product for which a license (when approved by the Office of Cannabis Management – Cannabis Control Board) is required. A distributor’s license authorizes the acquisition, possession, distribution, and sale of cannabis from the licensed premises of a licensed adult-use processor, adult-use cooperative, microbusiness, or registered organization authorized to sell adult-use cannabis to duly licensed retail dispensaries, on-site consumption sites, and adult-use delivery licensees.

ADULT-USE CANNABIS NURSERY

A licensee (when approved by the Office of Cannabis Management – Cannabis Control Board) that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult-use cannabis cultivators, microbusinesses, cooperatives, and registered organizations for commercial use or sale. A nursery license authorizes the production, sale, and distribution of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed (when approved by the Office of Cannabis Management – Cannabis Control Board) adult-use cultivators, cooperatives, microbusinesses, or registered organizations.

ADULT-USE CANNABIS ON-SITE CONSUMPTION

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.

ADULT-USE CANNABIS PROCESSOR

A licensee (when approved by the Office of Cannabis Management – Cannabis Control Board) that extracts concentrated cannabis and/or compounds, blends, extracts, infuses, or otherwise manufactures concentrated cannabis or cannabis products. A processor’s license authorizes the acquisition, possession, processing, and sale of cannabis from the licensed premises of adult-use cultivators to licensed distributors.

ADULT-USE CANNABIS RETAIL RECREATIONAL DISPENSARY

Any person or business (licensee) that sells at retail any cannabis product for recreational purposes to cannabis consumers in connection with a retail recreational dispensary license (when approved by the Office of Cannabis Management – Cannabis Control Board, and which authorizes the acquisition, possession, sale, and delivery of cannabis from the licensed premises of the retail dispensary by such licensee to cannabis consumers). No facility that has received a special permit as an adult-use retail recreational dispensary may sell cannabis for medical use.

ADULT-USE CANNABIS RETAIL MEDICAL DISPENSARY

Any person or business (licensee) that sells at retail any cannabis product for medical purposes to cannabis consumers in connection with a retail medical dispensary license (when approved by the Office of Cannabis Management – Cannabis Control Board, and which authorizes the acquisition, possession, sale, and delivery of cannabis from the licensed premises of the retail dispensary by such licensee to cannabis consumers). No facility that has received a special permit as an adult-use retail medical dispensary may sell cannabis for recreational use.

§ 4. Amendments to Chapter 285-32: LI Light Industrial District.

Section 285-32A(4) of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in ~~strikeout~~; new text underlined):

- (a) ~~Massage establishments, subject to the procedures and standards set forth in § 285-36T of this chapter.~~
- (b) Adult-use cannabis commercial cultivation, adult-use cannabis distribution, adult-use cannabis nursery, and adult-use cannabis processor, pursuant to the procedures and standards set forth in § 285-25A(4)(h) of this chapter, and provided that the proposed use meets the following specific criteria:

- i. The use must be fully enclosed.
- ii. Each special permit use shall not include the display of signs, noise, odor, fumes, or lights that will hinder normal development of the District or impair the use, enjoyment, and character of adjacent land and buildings.
- iii. The application shall include a site plan and fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, including exits, fire prevention measures, windows, ventilation, and doors.
- iv. Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.
- v. The application shall include an environmental sustainability plan that documents proposed water usage, energy usage, air emissions, waste, pollutants, harmful chemicals and single use plastics. The plan should demonstrate that the business will be conducted with minimal climate impacts, including those attributable to the electricity consumption. The plan should also include any information regarding proposed on-site sustainable energy production (photo-voltaic/geothermal, etc.) aimed at off-setting energy consumption.
- vi. Subject to applicable law, as a part of any special use permit application to the Town Board, copies of all information submitted to the State of New York in application for a license to operate under the Marijuana Regulation and Taxation Act shall be submitted as part of the special permit application.
- vii. All special use permits issued under this Subsection shall contain a condition that the use shall not operate, and the special use permit shall not be valid, until the applicant has obtained all licenses and permits issued by the State of New York and any of its agencies.
- viii. A special use permit granted under this Subsection shall have a term limited to the duration of the applicant's use of the premises as a licensed operator. A special use permit may be transferred only with the approval of the Town Board in the form of an amendment to the special use permit.
- ix. Any violation of this Subsection shall be grounds for revocation of a special use permit issued under this Subsection.
- x. A revocation of the respective license by the State shall be grounds for revocation of the special use permit.

§ 5. Amendments to Chapter 285-33: GI General Industrial District.

Section 285-33A(4) of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in strikeout; new text underlined):

(4) Uses under special permit by the Town Board.

(a) Animal Shelters, provided that:

~~[1]-[17]~~

(b) Massage establishments, subject to the procedures and standards set forth in § 285-36T of this chapter.

(c) Adult-use commercial cannabis cultivation, adult-use cannabis distribution, adult-use cannabis nursery, and adult-use cannabis processor, pursuant to the procedures and standards set forth in § 285-25A(4)(h) of this chapter, and provided that the proposed use meets the following specific criteria:

- i. The use must be fully enclosed.
- ii. Each special permit use shall not include the display of signs, noise, odor, fumes, or lights that will hinder normal development of the District or impair the use, enjoyment, and character of adjacent land and buildings.
- iii. The application shall include a site plan and fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, including exits, fire prevention measures, windows, ventilation, and doors.
- iv. Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.
- v. The application shall include an environmental sustainability plan that documents proposed water usage, energy usage, air emissions, waste, pollutants, harmful chemicals and single use plastics. The plan should demonstrate that the business will be conducted with minimal climate impacts, including those attributable to the electricity consumption. The plan should also include any information regarding proposed on-site sustainable energy production (photo-voltaic/geothermal, etc.) aimed at off-setting energy consumption.
- vi. Subject to applicable law, as a part of any special use permit application to the Town Board, copies of all information submitted to the State of New York in application for a license to operate under the Marijuana Regulation and Taxation Act shall be submitted as part of the special permit application.
- vii. All special use permits issued under this Subsection shall contain a condition that the use shall not operate, and the special use permit

shall not be valid, until the applicant has obtained all licenses and permits issued by the State of New York and any of its agencies.

- viii. A special use permit granted under this Subsection shall have a term limited to the duration of the applicant's use of the premises as a licensed operator. A special use permit may be transferred only with the approval of the Town Board in the form of an amendment to the special use permit.
- ix. Any violation of this Subsection shall be grounds for revocation of a special use permit issued under this Subsection.
- x. A revocation of the respective license by the State shall be grounds for revocation of the special use permit.

§ 6. Amendments to Chapter 285-34: PD Nonresidential Planned Development District.

Section 285-34(B)(2)(b) of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in ~~strikeout~~; new text underlined):

(b) Town Board special permit uses.

[1] Clinic, dental or medical, pursuant to the procedures and standards set forth in § 285-25A(4)(j) of this chapter.

[2] Adult-use cannabis retail recreational dispensaries, and adult-use cannabis retail medical dispensaries, pursuant to the procedures and standards set forth in § 285-25A(4)(h) of this chapter, and provided that the proposed use meets the following specific criteria:

- i. The use must be fully enclosed.
- ii. Adult-use cannabis retail recreational dispensaries must be at least 500 feet from existing schools and public parks.
- iii. Each special permit use shall not include the display of signs, noise, odor, fumes, or lights that will hinder normal development of the District or impair the use, enjoyment, and character of adjacent land and buildings.
- iv. Adult-use cannabis retail recreational dispensaries are subject to the New York State Marijuana Regulation and Taxation Act
- v. Adult-use cannabis retail recreational dispensaries or adult-use cannabis retail medical dispensaries shall not open before 9 AM nor remain open after 9 PM Mondays through Saturdays and shall not open before 12 PM nor remain open after 6 PM on Sundays.
- vi. An adult use cannabis retail recreational dispensary shall not be located within 500 feet from any other adult use cannabis retail recreational dispensary, such distance measured on a straight line from the nearest property line of the lot to be occupied by the proposed adult use cannabis retail recreational dispensary.
- vii. The application shall include a site plan and fully dimensioned diagram or floor plan showing planned occupancy or use of all

areas, including exits, fire prevention measures, windows, and doors.

- viii. Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.
- ix. Subject to applicable law, as a part of any special use permit application to the Town Board, copies of all information submitted to the State of New York in application for a license to operate under the Marijuana Regulation and Taxation Act shall be submitted as part of the special permit application.
- x. All special use permits issued under this Subsection shall contain a condition that the adult-use cannabis retail recreational dispensary or adult-use cannabis retail medical dispensary shall not operate, and the special use permit shall not be valid, until the applicant has obtained all licenses and permits issued by the State of New York and any of its agencies for the dispensary.
- xi. A special use permit granted under this Subsection shall have a term limited to the duration of the applicant's ownership and use of the premises as a adult-use cannabis retail recreational dispensary or adult-use cannabis retail medical dispensary. A special use permit may be transferred only with the approval of the Town Board in the form of an amendment to the special use permit.
- xii. Any violation of this Subsection shall be grounds for revocation of a special use permit issued under this Subsection.
- xiii. A revocation of the respective license by the State shall be grounds for revocation of the special use permit.

[3] Adult-use cannabis commercial cultivation, adult-use cannabis distribution, adult-use cannabis nursery, and adult-use cannabis processor, pursuant to the procedures and standards set forth in § 285-25A(4)(h) of this chapter, and provided that the proposed use meets the following specific criteria:

- i. The use must be fully enclosed.
- ii. Each special permit use shall not include the display of signs, noise, odor, fumes, or lights that will hinder normal development of the District or impair the use, enjoyment, and character of adjacent land and buildings.
- iii. The application shall include a site plan and fully dimensioned diagram or floor plan showing planned occupancy or use of all areas, including exits, fire prevention measures, windows, ventilation, and doors.
- iv. Security measures shall be implemented which are sufficient to ensure that no unauthorized persons can gain access to the building and outdoor activity areas. Such measures shall be described in detail in the special permit application.

- v. The application shall include an environmental sustainability plan that documents proposed water usage, energy usage, air emissions, waste, pollutants, harmful chemicals and single use plastics. The plan should demonstrate that the business will be conducted with minimal climate impacts, including those attributable to the electricity consumption. The plan should also include any information regarding proposed on-site sustainable energy production (photo-voltaic/geothermal, etc.) aimed at off-setting energy consumption.
- vi. Subject to applicable law, as a part of any special use permit application to the Town Board, copies of all information submitted to the State of New York in application for a license to operate under the Marijuana Regulation and Taxation Act shall be submitted as part of the special permit application.
- vii. All special use permits issued under this Subsection shall contain a condition that the use shall not operate, and the special use permit shall not be valid, until the applicant has obtained all licenses and permits issued by the State of New York and any of its agencies.
- viii. A special use permit granted under this Subsection shall have a term limited to the duration of the applicant's use of the premises as a licensed operator. A special use permit may be transferred only with the approval of the Town Board in the form of an amendment to the special use permit.
- ix. Any violation of this Subsection shall be grounds for revocation of a special use permit issued under this Subsection.
- x. A revocation of the respective license by the State shall be grounds for revocation of the special use permit.

§ 7. Amendments to Chapter 285-36: Supplementary use regulations.

Section 285-36M of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in ~~strikeout~~; new text underlined):

M. Prohibited uses in all districts.

- (1) Through (8)
- (9) Adult-use cannabis on-site consumption.

§ 8. Amendments to Section 285-38: Off-street parking, loading and landscaping requirements.

Section 285-38E of the Code of the Town of Greenburgh is hereby amended as follows (deleted text in ~~strikeout~~; new text underlined):

Use	Minimum Parking (spaces)
Adult-use cannabis retail recreational dispensaries, and adult-use cannabis retail medical dispensaries	1 for each 200 square feet of publicly accessible gross floor area.

Adult-use cannabis commercial cultivation, adult-use cannabis distribution, adult use cannabis nursery, and adult-use cannabis processor	1 for each 1,000 square feet of gross floor area.
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§ 9. Supersession:

Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

§ 10. Severability:

If any clause, sentence, paragraph, subdivision, section or part of this law or the application to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 11. Effective Date:

This law shall take effect immediately upon filing with the Secretary of State.