

Local Law #1 of 2021

A LOCAL LAW OPTING OUT OF THE ESTABLISHMENT OF CANNABIS ONSITE CONSUMPTION LICENSES WITHIN THE TOWN OF HOOSICK AND ESTABLISHING A MORATORIUM ON CANNABIS RETAIL DISPENSARIES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HOOSICK AS FOLLOWS:

Section 1. Purpose of this Enactment. It is the intent and purpose of this local law to opt-out of allowing on-site cannabis consumption sites in the Town of Hoosick that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4. The Town Board is considering this local law because New York Cannabis Law only gives municipalities the option to opt-out before December 31, 2021 and if municipalities do not do so, they no longer have the option to do so. This does not preclude the Town Board from deciding to later pass a Local Law amending or repealing this legislation which would allow on-site cannabis consumption sites in the future. This Local Law does not opt the Town out of allowing cannabis retail dispensaries within the Town of Hoosick.

Section 2. Pursuant to Section 131 of the Cannabis Law, the Town of Hoosick hereby requests the Cannabis Control Board of the State of New York to prohibit the establishment of cannabis onsite consumption sites and related usages within the jurisdiction of the Town of Hoosick and to prohibit the issuance of licenses necessary to operate such establishments.

Section 3. Pursuant to Section 131 of the Cannabis Law, this Local Law is subject to a permissive referendum governed by Section 24 of the Municipal Home Rule Law.

Section 4. Moratorium. This local law establishes a temporary moratorium of nine (9) months on the acceptance of applications for site plan approval, use or construction, operation, licensing, establishment or development of cannabis retail dispensaries that are pending or may subsequently sought to be established or operate within the Town of Hoosick. This moratorium provision of this Local Law is enacted pursuant to Article IX of the NYS Constitution, the authorizations established in the NYS Municipal Home Rule Law, the relevant provisions of the NYS Town Law, and the general police powers vested with the Town of Hoosick (the "Town") to promote the health, safety, and welfare of all of the residents and property owners in the Town.

Section 4.1. Purpose.

The Moratorium is intended to ensure that no applications for site plan approval, use or construction of cannabis retail dispensaries are established, developed, licensed, constructed or operated until the Town of Hoosick Town Board (the "Town Board"): (1) prepares and considers revisions to its Comprehensive Plan; and (2) prepares and considers revisions to its Zoning Law, or other pertinent sections of the Town Code, to implement recommendations in the revised Comprehensive Plan and related planning and studies; (3) completes the process of adoption of an amendment to the Town Comprehensive Plan and/or an amendment to the Town

Zoning Law; and (4) the State of New York Cannabis Control Board releases its guidance and promulgates Rules and Regulations applicable to such cannabis retail dispensaries.

Section 5. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 6. Effective Date.

This Local Law shall be effective on December 30, 2021.

**RESOLUTION NO. 58 OF 2021
OF THE TOWN OF HOOSICK
TOWN BOARD**

WHEREAS, although the consumption of cannabis is being legalized in the State of New York, the Town Board of the Town of Hoosick (the "Town Board") has determined that the siting, placement and location of facilities where cannabis is sold and/ or consumed is of concern; and

WHEREAS, in particular, on-site cannabis consumption sites are of concern to the Town Board;

WHEREAS, It is the intent and purpose of this local law to opt-out of allowing on-site cannabis consumption sites in the Town of Hoosick that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4. The Town Board is considering this local law because New York Cannabis Law only gives municipalities the option to opt-out before December 31, 2021 and if municipalities do not do so, they no longer have the option to do so. This does not preclude the Town Board from deciding to later pass a Local Law amending or repealing this legislation which would allow on-site cannabis consumption sites in the future; and

WHEREAS, the State of New York and its Cannabis Control Board have not yet promulgated regulations concerning the siting and operation of cannabis retail dispensing facilities and the Town Board is unable to make a determination as to the potential impact that such regulations would have on such dispensaries within the Town; and

WHEREAS, ill-planned cannabis retail dispensing facilities may significantly reduce or impair the quality of residential and non-residential areas and decisive measures are needed to protect the quality of the Town's neighborhoods and planning while planning appropriately for cannabis dispensing facilities; and

WHEREAS, this proposed Local Law does not opt the Town out of allowing cannabis retail dispensaries within the Town of Hoosick, and

WHEREAS, this local law will establish a temporary moratorium of nine (9) months on the acceptance of applications for site plan approval, use or construction, operation, licensing, establishment or development of cannabis retail dispensaries that are pending or may subsequently sought to be established or operate within the Town of Hoosick. This moratorium provision of this Local Law is enacted pursuant to Article IX of the NYS Constitution, the authorizations established in the NYS Municipal Home Rule Law, the relevant provisions of the NYS Town Law, and the general police powers vested with the Town of Hoosick (the "Town") to promote the health, safety, and welfare of all of the residents and property owners in the Town. The Moratorium is intended to ensure that no applications for site plan approval, use or construction of cannabis retail dispensaries are established, developed, licensed, constructed or operated until the Town of Hoosick Town Board (the "Town Board"): (1) prepares and considers revisions to its Comprehensive Plan; and (2) prepares and considers revisions to its Zoning Law, or other pertinent sections of the Town Code, to implement recommendations in the revised Comprehensive Plan and related planning and studies; (3) completes the process of adoption of an amendment to the Town Comprehensive Plan and/or an amendment to the Town Zoning Law; and (4) the State of New York Cannabis Control Board releases its guidance and promulgates Rules and Regulations applicable to such cannabis retail dispensaries; and

WHEREAS, the Town Board conducted a public hearing on the attached proposed **Local Law No. 1 of 2021** on December 13, 2021; and

WHEREAS, after considering the information acquired at the public hearing;

NOW THEREFORE, BE IT RESOLVED by the duly convened Town Board of the Town of Hoosick, Rensselaer County, New York, that the Town Board does approve the attached proposed **Local Law No. 1 of**

2021 Titled: A LOCAL LAW OPTING OUT OF THE ESTABLISHMENT OF CANNABIS ONSITE CONSUMPTION LICENSES WITHIN THE TOWN OF HOOSICK AND ESTABLISHING A MORATORIUM ON CANNABIS RETAIL DISPENSARIES

By motion made by William Hanselman, and seconded by Jerry McAuliffe, the foregoing resolution was adopted by a majority of the members of the Town Board of the Town of Hoosick on the 13th day of December, 2021 as follows:

Supervisor Surdam	Yes	<input checked="" type="checkbox"/>	No	___
Councilperson Sheffer	Yes	<input checked="" type="checkbox"/>	No	___
Councilperson Hanselman	Yes	<input checked="" type="checkbox"/>	No	___
Councilperson McAuliffe	Yes	<input checked="" type="checkbox"/>	No	___
Councilperson Houghton	Yes	<input checked="" type="checkbox"/>	No	___

Heidi Cross
Town Clerk