

# 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 MILTON

Local Law No. 3 of the year 20<sup>23</sup>

A local law Adopting changes to Town Code Chapter 180-5; 180-42; 180-87  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of MILTON as follows:

SEE ATTACHED

(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 MILTON was duly passed by the TOWN BOARD on November 15 2023, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* 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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* 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 \_\_\_\_\_ above.

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

Date: November 16, 2023

(Seal)

**TOWN OF MILTON  
SARATOGA COUNTY  
RESOLUTION 106-2023  
NOVEMBER 15, 2023  
RESOLUTION ENACTING LOCAL LAW # 3-2023,  
TO MODIFY TOWN CODE CHAPTER 180 ENTITLED “ZONING”, SECTIONS  
180-5, 180-42, AND 180-87**

MOVED BY:  
SECOND BY:

**WHEREAS**, the Town Board and Planning Board has been reviewing various Town zoning regulations and related laws; and

**WHEREAS**, it had been suggested that various sub-sections of Town Code §180 regarding cannabis be modified for a clearer and more concise processing of cannabis dispensary applications and projects; and

**WHEREAS**, the Town Board of the Town of Milton was provided suggested changes to Town Code by the Town Planning Board, and believes it to be in the Town’s best interest as well as in the best interest of the Town residents to amend said Code Section; and

**WHEREAS**, the Town Board has caused to be drafted a local law by adding to Town Code Section 180 the following new sections: §180-5, §180-42 (R) with new subsections (1), (2), (3), (4), (5), (6) and (7) thereto, and §180-87, which have been placed on the desks of each Board Member and reviewed; and

**WHEREAS**, the Board had referred the changes to and received recommendations from the County Planning Board and the Town Planning Board, and has caused to have advertising for, and held a Public Hearing on the proposed changes, where the public was invited to give comments and input.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Milton hereby approves the modification of current Town Code §180 regarding cannabis dispensaries, and adopts Local Law 3-2023, which adds new §180-5, §180-42 (R), with subsections (1), (2), (3), (4), (5), (6) and (7), and §180-87, which Local Law shall take effect immediately, a full copy of which Local Law(s) are attached hereto; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Milton and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

Now, Therefore Be It Resolved by the Town Board of the Town of Milton:

	Yes	No
Scott Ostrander, Supervisor		
Barbara Kerr		
John Frolish		
Frank Blaisdell		
Ryan Isachsen		
The resolution was duly adopted on <b>November 15, 2023</b>		

I, Brenda Howe, Town Clerk of the Town of Milton do hereby certify that the attached Resolution is a true and accurate copy of the original on file at the office of the Town Clerk of the Town of Milton, 503 Geysers Road, Ballston Spa, New York, 12020.

\_\_\_\_\_  
Brenda Howe, Town of Milton Town Clerk

**LOCAL LAW# 3 - 2023, OF THE TOWN OF MILTON  
TO MODIFY CHAPTER 180 OF THE TOWN CODE ENTITLED  
“ZONING”**

Be it enacted by the Town Board of the Town of Milton as follows:

The following new Sections are to be added to Chapter 180 of the Town Code as follows:

**§180-5 Definition**

Cannabis or Marijuana Dispensary – The use of land or buildings for the purpose of dispensing or selling cannabis or marijuana for adult recreational use or medical use. A dispensary may include a drive through as defined in this section and separately regulated in §180-42.

**§180-42 Specific Standards for Certain Uses**

(R) Cannabis or Marijuana Dispensary

- 1.) The licensee shall present all licenses or permits issued by New York State or federal agencies.
- 2.) A cannabis or medical marijuana dispensary must be located in a permanent building and may not be located in a trailer, tent, cargo container, or motor vehicle.
- 3.) Shall only operate between the hours of 8:00 a.m. and 8:00 p.m. any day of the week provided, however, that the licensee has the discretion to operate less hours or days of operation.
- 4.) There shall be no consumption of cannabis or marijuana products on premises and there shall be no outdoor seating.
- 5.) A drive-through facility may be permitted.
- 6.) Shall be setback a minimum as measured from the nearest property line from the following:
  - a. 1,000 feet from a school, childcare center, or church or religious building.
  - b. 1,000 feet from a residential substance abuse diagnostic or treatment facility or other drug or alcohol rehabilitation facility.
  - c. 1,000 feet of another dispensary.
  - d. 1,000 from a library or public park.
- 7.) Shall be subject to a Special Use Permit renewal every five (5) years.

**§180-87 District Schedule of Use Regulations**

A Cannabis or Marijuana Dispensary shall be a “Business Use” in the District Schedule of Use Regulations and permitted as a Special Use Permit (SP) in the Town Center (TC) and Commercial Mixed Use (CMU) zoning districts.

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