

TOWN OF HYDE PARK
LOCAL LAW NO. 1 OF 2024

**A LOCAL LAW AMENDING THE TOWN OF HYDE PARK ZONING CODE BY
ADDING A NEW §108-21(B) “CANNABIS DISTRIBUTION AND
CONSUMPTION ESTABLISHMENTS” (“MORATORIUM LOCAL LAW”)**

Be it enacted by the Town Board of the Town of Hyde Park, as follows:

1. Authority and Applicability. This local law is adopted pursuant to the authority vested in the Town Board of the Town of Hyde Park pursuant to Municipal Home Rule 10 of the State of New York.

2. Declaration of Purpose. The Town Board finds that to better effectuate the purposes and intentions of the Town laws concerning zoning and site plan review, and, to ensure that residents and visitors to the Town of Hyde Park are protected through an increased supervision and regulation of the distribution of marijuana or any form of cannabis, whether by sale, gift or otherwise, certain amendments to the Town Code of the Town are necessary and proper to promote the safety, health, protection and general welfare of the persons and property in the Town. The legalization of such uses by New York State has only recently been effectuated, and the Code presently has no provision for the regulation of time, place and manner for such uses to protect the orderly development of the Town in accordance with its guiding planning documents and principles of land use regulation unique to the use.

3. Moratorium Imposed; Applicability. (a) For a period of six (6) months following the effective date of the adoption of this local law, no application for any establishment or activity which would distribute marijuana or any form of cannabis in the Town, whether by sale, gift or otherwise, shall be eligible for or receive any approval, whether preliminary, final or otherwise. This includes any application currently pending or hereinafter filed before the building inspector, planning board or zoning board of appeals;

(b) During the period of this moratorium, the Town Board shall take reasonable efforts to complete the necessary review, study, analysis and revisions to Chapter 108 of the Code of the Town of Hyde Park entitled "Zoning" concerning the subject of the distribution of marijuana or any other form of cannabis, whether by sale, gift or otherwise.

(c) This moratorium may be extended by the Town Board upon a finding of the necessity of such extension.

4. Early Termination. In the event that any new local law which addresses the substantive issues set forth in this local law should be enacted by the Town

Board prior to the date that the moratorium imposed by this local law expires, then the moratorium imposed by this local law shall expire on the date that such new local law takes effect in accordance with NYS Municipal Home Rule Law 27.

5. SEQRA. The Town Board has designated itself as the lead agency for the purpose of evaluating any environmental impacts associated with this Local Law. In this regard, the Town Board has determined that the proposed enactment of this Local Law is classified as a Type II action and thereby exempt from SEQRA.

6 . Conflict with State Statutes and Authority to Supersede. To the extent that any provisions of this local law are in conflict with or are construed as inconsistent with the provisions of any local law of the Town of Hyde Park, or any laws of the State of New York, this local law supersedes, amends and takes precedence over any inconsistent authority in accordance with the Municipal Home Rule Law. This local law specifically supersedes any and all provisions contained in the New York State Town Law and the New York State Environmental Conservation Law which require action by the Town Planning Board or Zoning Board of Appeals within specified time periods. Further, notwithstanding any law, rule or regulation to the contrary, no approvals for the distribution, whether by sale, gift or otherwise, of marijuana or any other form of cannabis, which are the subject of this moratorium shall be granted or dispensed with as a result of the passage of time. This law also specifically supersedes Town Law and any other New York State or local laws, rules or regulations pertaining to the grant of any variance authority to the Zoning Board of Appeals, it being the intention of this local law than any authority to grant variances by any boards or bodies other than the Town Board is hereby superseded by this local law so as to vest any authority to approve a variance from this local law solely in the Town Board.

7. Hardship Waivers. A landowner may make application to the Town Board for a “hardship waiver” allowing its application to be exempt from this moratorium on the grounds that the subject property cannot be put to any other lawful uses than as a cannabis distributor and provide a reasonable return. If a landowner is granted such a waiver, it shall entitle the landowner to process any application necessary for the development and operation of a cannabis distribution facility, but the landowner shall process at its own risk, as no permits may be issued until this Moratorium has been repealed, expired without renewal, or deemed unlawful in its whole.

8. Severability. If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the

controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

9. Effective Date. This local law shall become effective upon filing in the offices of the Secretary of State.