

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 Town of Rosendale

Local Law No. 3 of the year 2024

A local law Adult Use Cannabis Related Businesses
(Insert Title)

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

County City Town Village
(Select one:)

of Rosendale 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. 3 of 2024 of the (County)(City)(Town)(Village) of Rosendale was duly passed by the Town Board on February 14, 2024, 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 _____ above.

Mandy Anzell

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

Date: 2/16/24

(Seal)

TOWN OF ROSENDALE LOCAL LAW # 3 of 2024

**A LOCAL LAW TO AMEND CHAPTER OF THE TOWN CODE, ZONING
TO ADD A NEW PROVISION 75-28.5 “ADULT USE CANNABIS RELATED BUSINESSES”**

Section 1. Amendment to Code

The Town of Rosendale Code, Chapter 75, Zoning is hereby amended to add a new section §75-28.5, entitled “ADULT USE CANNABIS RELATED BUSINESSES” detailed as follows:

A. Authorization.

This local law is authorized under New York State Cannabis Law Article VI section 131 and 10 NYCRR 119.

B. Findings.

The Town of Rosendale finds that the orderly development of commercial business is essential to maintaining and protecting the health, safety, and welfare of the residents of the Town. Businesses which cater to adults should be located and regulated in order to minimize the impact to residents and youth.

C. Purpose:

1. To provide for the placement of adult use cannabis retail dispensaries, adult use on-site cannabis consumption facilities, microbusinesses, and Registered Organization with Dispensing (ROD) Facilities.
2. To minimize the adverse impacts of adult use cannabis retail dispensaries and on-site cannabis consumption facilities on residential neighborhoods, schools, and other places where children commonly congregate.
3. To regulate the siting, design, placement, security, safety, hours of operation, monitoring, and modification of adult use cannabis retail dispensaries and on-site cannabis consumption facilities.

D. State Approval.

Any adult-use cannabis retail dispensary, adult-use cannabis onsite consumption facility, microbusiness or ROD approved pursuant to this local law must be licensed in accordance with New York State Cannabis Law Article IV, Adult-Use Cannabis.

E. Definitions

ADULT-USE CANNABIS RETAIL DISPENSARY

An entity or individual licensed to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments and to consumers.

ADULT-USE ON-SITE CANNABIS CONSUMPTION FACILITY:

An entity or individual licensed for the sale and on-site consumption of cannabis products.

MICROBUSINESS

A business licensed by New York State engaged in the cultivation, processing, distribution, retail sale and delivery of the licensee's own cannabis products. An adult-use microbusiness must engage in cannabis cultivation and at least one additional licensed activity including processing, distribution, or retail sale.

REGISTERED ORGANIZATION WITH DISPENSING (ROD)

A registered organization adult-use cultivator processing distributor retail dispensary licensed pursuant to section 68-a of the New York State Cannabis Law.

F. Applicability.

These regulations shall apply to all structures and uses of retail sales and/or consumption lounges where cannabis can be purchased or consumed.

1. No on-site cannabis consumption facility shall be established except in compliance with the provisions of this chapter.
2. When an adult use cannabis retail dispensary or on-site cannabis consumption facility is proposed in an existing building, regardless of prior site plan (including approval for retail sales on the property), that applicant shall require Special Use Permit and Site Plan approval for that use.
3. An Adult Use Cannabis Retail Dispensary, Adult Use On-Site Consumption Facility, microbusiness or ROD may only be located in the B-1 or B-2 zoning districts or in preexisting non-conforming commercial areas, in use at the time of the application (as determined by the Code Enforcement Official) on properties bordering Route 32, except when located on a parcel as identified in section F(4) of this local law.
4. An adult use cannabis retail dispensary or on-site cannabis consumption facility shall not be located within a 500-foot radius from the property boundary of any parcel which has the following use:
 - a. Any private or public school pre-k through 12.
 - b. Any daycare center or any facility where children commonly congregate.
A facility is not, however, limited to a building. A "facility where children commonly congregate" includes but is not limited to facilities in which children gather for particular purposes in a structured and scheduled manner, or which are dedicated to the use by children, such as playgrounds, youth service programs, day care centers, youth sports facilities, dance schools, and gymnastic schools.
 - c. Any other cannabis establishment, as may be applicable under this code.
 - d. Any drug or alcohol rehabilitation facility.
 - e. Any building containing a place of worship.
5. An adult use on-site cannabis consumption facility shall not be located inside a building or on a property containing any other uses.

G. Special permit approval criteria.

1. An Adult Use Cannabis Retail Dispensary, Adult Use On-Site Cannabis Consumption Facility, Microbusiness or ROD shall be contained entirely within a principal building or structure.
2. An adult use cannabis retail dispensary or on-site cannabis consumption facility shall be located within a permanent building and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure.
3. No outside storage of cannabis, related supplies or promotional materials is permitted.
4. No smoking or consumption of any product containing cannabis or cannabis-related products shall be permitted on the premises of a cannabis retailer. No burning of any product containing cannabis or cannabis-related products shall be permitted on the premises of a cannabis retailer.
5. No property shall be permitted to contain both a cannabis retail dispensary and an on-site cannabis consumption facility.

H. Allowable hours of operation

1. An adult-use on-site cannabis consumption facility may operate for the transaction of business from 11:00 am through midnight.
2. An adult-use cannabis retail dispensary may operate for the transaction of business from 9:00 am through 9:00 pm

I. Signs

Size of sign shall be dictated relative to the zone where the adult use cannabis retail dispensary or on-site cannabis consumption facility is located per §140-21 of this Town of Rosendale Code.

J. Parking

All Adult Use Cannabis Retail Dispensaries, Adult Use Cannabis Consumption Facilities, microbusiness and RODs must have sufficient on-site parking in accordance with this chapter. No off-site or street parking will be allowed for these facilities.

Section 2. Schedule of District Uses

The Schedule contained as 75 Attachment 1 Schedule of Permitted Uses shall be amended to conform with this local law.

Section 3. Severability

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

Section 4. Effective Date

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

FINAL ACTION REPORT FORM

Per GML 239-m and -n FINAL ACTION REPORTS ARE REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS AFTER FILING

Complete the local agency final action box, add the local file number, include any required submittals, and sign the form



Name of Project: Adult Cannabis Related Businesses

Referral Number: 2024024

UCPB Decision: No County Impact

Local Agency Final Action:

Approve Disapprove

Member Vote: Yes: No:

County Planning Board Decision - Reviewed no County Impact

Concurs with County Planning Board Modifications or Disapproval

Contrary to County Planning Board Modifications or Disapproval (see required submittals if checked)

Required Submittals Attached

Resolution Attached

Required Submittals:

Within thirty days after final action, the referring body must file a report of the final action it has taken with the UCPB. A referring body that acts contrary to a recommendation of modifications or disapproval of a proposed action shall set forth the reasons for the contrary action in such report attached to this form.

Local File Number: 3

Municipality: Rosendale

Referring Agency: Local Governing Body

Type of Referral: Zoning Statute Amendment

Name of Applicant: Town of Rosendale

Project Location: Townwide

Description: Zoning statute amendment to add new provision to regulate adult use cannabis related businesses.

Local Officer: Mandy Doneel

Date: 2/21/24

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 1/31/2024

Original Review Date: 2/7/2024

Final Action Date Received:

Status: Reviewed

Return Form to:

Referral Officer
Ulster County Planning Board
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp

REFERRAL RESPONSE



ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number **2024024**

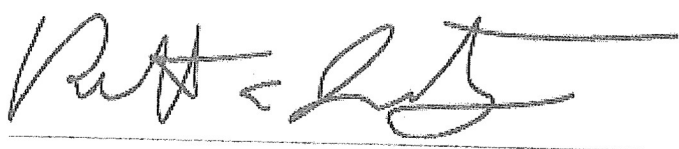
Municipality Rosendale
Referring Agency Local Governing Body
Type of Referral Zoning Statute Amendment

Local File Number

Name of Applicant Town of Rosendale
Name of Project Adult Cannabis Related Businesses
Project Location Townwide
Description Zoning statute amendment to add new provision to regulate adult use cannabis related businesses.

UCPB Decision **No County Impact**

See Attachments

Referral Officer 

Representing the Ulster County Planning Board

Date Received 1/31/2024
Date Reviewed 2/7/2024
Form Date 2/8/2024
Status Reviewed