

**RESOLUTION
OF THE TOWN BOARD
OF THE TOWN OF SKANEATELES**

Proposed Zoning Law Amendment Related to Cannabis Retail Dispensaries

WHEREAS, pursuant to Municipal Home Rule Law Section 20(4), Board Member Legg has introduced for consideration Local Law No. 3 of 2022 entitled "A Local Law Establishing Zoning Requirements for Cannabis Retail Dispensaries Within the Town of Skaneateles" (the "Proposed Local Law"); and

WHEREAS, the purpose of the Proposed Local Law is to amend Sections 148-4-4 and 148-12-2, and add Section 148-5-9 to the Code of the Town of Skaneateles, more commonly known as the Zoning Law of the Town of Skaneateles (the "Zoning Law"), related to the regulation of the time, place and manner of the operation of Cannabis Retail Dispensaries in the Town of Skaneateles; and

WHEREAS, New York State Cannabis Law § 131 expressly authorizes the Town Board to adopt reasonable regulations governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries; and

WHEREAS, the Town Board desires to comply with the requirements of the State Environmental Quality Review Act ("SEQRA") and its implementing regulations set forth at 6 NYCRR Part 617, and Section 239 of the General Municipal Law, with respect to these proposed amendments to the Zoning Law; and

WHEREAS, on June 6, 2022, the Town Board adopted a resolution preliminary classifying the Proposed Local Law as a Type 1 Action under SEQRA and declared its intent to serve as lead agency for purposes of a coordinated review under SEQRA of the Proposed Local Law; and

WHEREAS, Part 1 of the Full Environmental Assessment Form and the Proposed Local Law was sent to all interested agencies for comment and the Town Board received no objection to its serving as lead agency; and

WHEREAS, the Town Board has met its obligation to refer the Proposed Local Law to Onondaga County Planning for its review pursuant to General Municipal Law Section 239; and

WHEREAS, the Town Board has met its obligation to refer the Proposed Local Law to the Town of Skaneateles Planning Board for its review and report pursuant to Section 148-10-11 of the Zoning Law; and

WHEREAS, the Town Board held a duly noticed public hearing on August 1, 2022 to hear all persons interested in the Proposed Local Law and to consider the adoption of the Proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby confirms and adopts the following conclusions as SEQRA lead agency:

1. The Town Board hereby confirms its preliminary classification of the Proposed Local Law as a Type 1 Action under SEQRA (the "Action");
2. The following impacts are expected to result from the Action, when compared against the criteria in Section 617.7 (c) of the Regulations:
 - a. There will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.
 - b. There will not be large quantities of vegetation or fauna removed or destroyed as the result of the Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the Action; there will not be a significant impact upon habitat areas; there are no substantial adverse impacts on any known threatened or endangered species of animal or plant, or the habitat of such species; nor are there any other significant adverse impacts to natural resources.
 - c. There are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action.
 - d. The Action will not result in the creation of a material conflict with the Town's current plans or goals as officially approved or adopted. To the contrary, the Proposed Local Law is meant to further these goals.
 - e. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The Proposed Local Law is intended to preserve community character and aesthetic resources by establishing reasonable regulations governing the time, place and manner of the operation of licensed Cannabis Retail Dispensaries.

- f. There will not be an increase in the use of either the quantity or type of energy resulting from the Action.
- g. There will not be any hazard created to human health.
- h. There will not be an irreversible change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland.
- i. The Action will not encourage or attract large number of people to a place or places for more than a few days, compared to the number of people who would

come to such place absent the Action.

- j. There will not be created a material demand for other Actions that would result in one of the above consequences.
 - k. There will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact.
 - l. There are not two or more related Actions which would have a significant impact on the environment.
3. Based upon the information and analysis above, the Action **WILL NOT** result in any significant adverse environmental impacts;
 4. The information available concerning the Action was sufficient for the Town Board to make its determination;
 5. The Town hereby approves and adopts the attached Full Environmental Assessment Form for the Action (Parts 1, 2, and 3);
 6. A Determination of Non-Significance on the proposed Action is hereby issued;
 7. The preparation of an environmental impact statement for the Action shall not be required;
 8. The Town Supervisor is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Town Board's determination;
 9. This Determination of Non-Significance has been prepared in accordance with SEQRA and the Town Clerk is hereby directed to file, publish and distribute a notice of this Negative Declaration pursuant to 6 NYCRR § 617.12(a)(1);

BE IT FURTHER RESOLVED that the Town Board hereby adopts the Proposed Local Law, and that henceforth it shall be designated Local Law No. 3 of 2022; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to file the Proposed Local Law with the Secretary of State pursuant to Municipal Home Rule Law Section 27 and to make any publications required by law; and

BE IT FURTHER RESOLVED that the Proposed Local Law shall take effect immediately upon filing with the Secretary of State.

The adoption of the foregoing Resolution was moved by Councilor Legg, seconded by Councilor Tucker, and duly put to vote, which resulted as follows:

Janet Aaron	Voting	Aye
Courtney Alexander	Voting	Aye
Sue Dove	Voting	Aye
Chris Legg	Voting	Aye
Mark Tucker	Voting	Aye

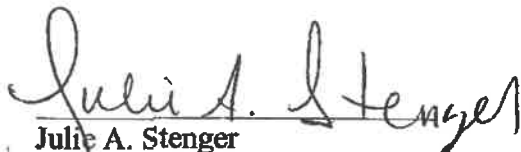
The resolution was thereupon declared duly adopted.

Dated: August 15, 2022

CERTIFICATION

I hereby certify that at the meeting of the Town Board of the Town of Skaneateles, Skaneateles New York on August 15, 2022 the adoption of the foregoing resolution was moved by Councilor Alexander, seconded by Councilor Legg and duly put to vote, which resulted as follows:

Supervisor Aaron	Aye
Councilor Tucker	Aye
Councilor Legg	Aye
Councilor Dove	Aye


Julie A. Stenger
Town Clerk

Town of Skaneateles
Local Law No. 3 of the Year 2022
A Local Law Establishing Zoning Requirements for
Cannabis Retail Dispensaries Within the Town of Skaneateles

Be it enacted by the Town Board of the Town of Skaneateles (the "Town Board") as follows:

Section 1. Legislative Intent

It is the intent of this local law is to establish regulations governing the time, place and manner of the operation of Cannabis Retail Dispensaries in the Town of Skaneateles.

Section 2. Authority

This local law is adopted pursuant to the New York Town Law and the New York Municipal Home Rule Law.

Section 3. Purpose

The purpose of this Proposed Local Law is to amend Sections 148-4-4 and 148-12-2, and add Section 148-5-9 to the Code of the Town of Skaneateles, more commonly known as the Zoning Law of the Town of Skaneateles (the "Zoning Law"), related to the regulation of the time, place and manner of the operation of Cannabis Retail Dispensaries in the Town of Skaneateles.

Section 4. Amendments to Code

See the attached proposed amendments to Sections 148-4-4 and 148-12-2 of the Zoning Law and the addition of a new Section, 148-5-9.

Section 5. State Environmental Quality Review Act (SEQRA)

The Town Board has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds that the proposed amendments to the Zoning Code will not result in any significant adverse environmental impacts. Therefore, no further review is required under SEQRA.

Section 6. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 7. Effective date

This Local Law shall take effect upon filing with the Secretary of State.

Proposed Amendments
(additions are underlined in bold red type)

Section 148-4-4(B)(2) (Highway Commercial District Regulations) of the Zoning Law shall be amended as follows:

Business Uses		
Agriculture	P	
Automobile service station	S	See §148-4-4.E.3
<u>Cannabis Retail Dispensary</u>	<u>S</u>	<u>See §148-5-9</u>
Forestry	P	
Home occupation, small-scale	P	See §148-5-5.B.2.a.
Home occupation, large-scale	S	See §148-5-5.B.2.b.
Junkyard		See §148-5-1.E.2 and Chapter 86 of the Code of the Town of Skaneateles.
Light industry	S	
Lodging facility	S	
Office	S	
Recreational business	S	For recreational business, see §148-5-5.G
Restaurant	S	
Retail business	S	See § 148-4-4.E
Service business	S	See § 148-4-4.E
Solar energy systems	Varies	See §148-5-8
Storage Building	P	
Utility facility	S	
Veterinary hospital	S	
Warehouse	SPR	

Section 148-5-9 shall be added to the Zoning Law as follows:

148-5-9. Cannabis Retail Dispensaries.

- A. **Special Permit Requirement. A Special Permit shall be required for all Cannabis Retail Dispensaries. The Planning Board shall apply the standards set forth in Section 148-10-7 of the Zoning Law when considering whether to issue a special use permit. An applicant shall adhere to the procedures set for in Section 148-10-8 of the Zoning Law governing the process to apply for a special use permit, including the requirement for a public hearing to allow for comment from members of the community.**

- B. **Lot Area. A Cannabis Retail Dispensary must be located on a lot no smaller than 2.5 Acres that is located entirely within the Highway Commercial Zoning District.**

- C. Minimum Parking Requirements. For each 75 square feet devoted to merchandising within a Cannabis Retail Dispensary: one parking space shall be required.
- D. Impact on Neighboring Properties. The Planning Board shall consider the unique potential for excessive traffic, noise, light, glare or other nuisances associated with the Retail Sale of Cannabis Products, due to the anticipated high intensity of the use, potential for crowds and long lines. The Planning Board may require additional buffers and screening in excess of the minimums set forth in the Zoning Law in order to mitigate the above referenced impacts.
- E. On-site consumption. On-site consumption of Cannabis Products is not permitted at a Cannabis Retail Dispensary.
- F. Time of Operation: A Cannabis Retail Dispensary may only operate during the following timeframes: Monday-Saturday 9 a.m. to 9 p.m.; and Sunday 10 a.m. to 6 p.m.

Section 148-12-2 (Definitions) of the Zoning Law shall be amended as follows:

“Cannabis” means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp.

“Cannabis Products” means cannabis, concentrated cannabis, and cannabis-infused products for use by a consumer.

“Cannabis Retail Dispensary” means any person or business that engages in the Retail Sale of Cannabis Products, the sale of which requires the issuance of a license under the provisions of New York State Law.

“Retail sale of Cannabis Products” means to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee, of any Cannabis or Cannabis Products.