

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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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.

Village of FISHKILL
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Local Law No. 2 of the year 2025
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A local law amending Chapter 171, regarding the addition of "Cannabis Retail Dispensaries and On-Site Cannabis Consumption Facilities" to the Special Uses Permitted in the Village.
.....

(Insert Title)

Be it enacted by the BOARD OF TRUSTEES of the
.....
(Name of Legislative Body)

Village of FISHKILL as follows:
.....

SECTION 1. TITLE

This Local Law shall be known and cited as "Local Law # 2 of 2025, amending Chapter 171, *Zoning*, regarding the Definitions, Standards for Special Uses, Off-street Parking Regulations and the Schedule of Regulations for Nonresidential Districts of the Zoning Law, of the Code of the Village of Fishkill."

SECTION 2. INTENT AND PURPOSE

The Village Board hereby finds that Cannabis Retail Dispensaries ("Cannabis Dispensaries") share many parallels with common adult retail establishments such as liquor stores, smoke shops and tobacconists; and On-Site Cannabis Consumption Facilities ("Cannabis Lounges") share many parallels with common adult entertainment/recreation establishments such as cigar lounges, hookah lounges and taverns. While these cannabis enterprises share similarities with other contemporary adult entertainment and retail establishments, they exist simultaneously as novel land uses which introduce the need for unique considerations specific to these uses. The purpose of the proposed amendments to Chapters 171 is to minimize the adverse impacts of these uses and yet permit their existence, thus providing for the economic and social welfare, health and peace of the people of the Village of Fishkill.

SECTION 3. AMENDMENTS TO CHAPTER 171, ZONING, TO THE DEFINITIONS, STANDARDS FOR SPECIAL USE PERMITS AND THE SCHEDULE OF REGULATIONS FOR NONRESIDENTIAL DISTRICTS

1. In Section 171-53, *Schedule of Regulations for Nonresidential Districts*, the following uses shall be added to the list of Permitted Special Use in the Planned Industry PI Districts:

Cannabis Retail Dispensary (Cannabis Dispensary) & On-Site Cannabis Consumption Facility (Cannabis Lounge), subject to Article VII Special Permit Uses

2. In Article VIII, *Standards for Special Permit Uses*, in the Village Zoning Law add Section 171-65.8 Cannabis Retail Dispensary (Cannabis Dispensary), as follows:

A special use permit may be granted for a Cannabis Dispensary that meets the standards for a special use permit set forth in Section 171-56, the standards for the zoning district in which the applicant is applying, and the following supplemental standards:

- A. No Cannabis Dispensary shall be permitted within a 2,000-foot radius of a registered organization, ROD, or any other premises for which a retail dispensary license, microbusiness license, or on-site consumption license has been issued.
- B. In accordance with the laws currently set forth by New York State, no Cannabis Dispensary may be located:
 - a. Within 500 feet of any School Grounds (measured in a straight line from the center of the nearest entrance of the Cannabis Dispensary to the center of the nearest entrance of the nearest building occupied exclusively as a school, on the school grounds).
 - b. Within 500 feet of any Public or Private Youth Facility (measured in a straight line from the center of the nearest entrance of the Cannabis Dispensary to the center of the nearest entrance of a building identified as a youth facility).
 - c. Within 200 ft of any House of Worship (measured in a straight line from the center of nearest entry of the Cannabis Dispensary to the center of the nearest entrance of the House of Worship).
- C. Not more than one Cannabis Business shall be permitted on any lot.
- D. No cannabis products purchased at a Cannabis Dispensary may be consumed on site, with the exception of retail dispensaries which also have certified "Limited Retail Consumption Facilities" on site per New York State Law.

If an applicant submits a Special Use Permit Application for a Cannabis Dispensary with a Limited Retail Consumption Facility component, the applicant will be subject to the additional supplemental standards set forth in section 171-65.9 (On-Site Cannabis Consumption Facilities).

- E. No Cannabis Dispensary may sell any product other than licensed Cannabis, Cannabis derived products, and Cannabis paraphernalia as approved by New York State Law.
- F. No drive through or curbside pick-up sales shall be permitted at any Cannabis Business.
- G. Upon the revocation or expiration, without renewal of the NYS license or registration for a Cannabis Business, the special use permit shall terminate and a new special use permit shall be required prior to issuance of a new certificate of occupancy.
- H. Should a licensee transfer ownership of a premises utilized as store front for a Cannabis Business to a new licensee/owner who plans to utilize the premises under the same (or a different) use criteria, a new Special Use Permit Application shall be required.
- I. The Cannabis Business shall not create a nuisance to abutters or to the surrounding area, or create any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- J. The Cannabis Dispensary shall not provide outdoor seating areas.
- K. The applicant shall provide the following plans to the Planning Board's satisfaction:
 - a. A written description of the day-to-day operations of the business.
 - b. A Security Plan
 - c. A Disposal Plan
 - d. An Odor Management and Mitigation Plan
 - e. A Detailed Site Plan showing any alterations to the property.
 - f. A Signage Plan with all proposed freestanding and building-mounted signage.
 - g. A Traffic Impact Study (as deemed necessary by the Planning board)
 - h. A Parking Impact Study (as deemed necessary by the Planning board)
 - i. Any additional materials requested by the Board during the review process of the Special Permit and Site Plan.

- L. No Cannabis Dispensary shall operate outside of the hours of 10:00 AM – 10:00 PM.
- M. Any activities other than those explicitly permitted are prohibited at a Cannabis Dispensary.
- N. If any provision, paragraph, sentence, or clause of this section shall be determined to be in conflict with applicable state law or regulations, the provisions of said state law or regulations shall prevail. Any cannabis use which has previously obtained all Planning Board Approvals from the Village of Fishkill Planning Board, prior to the enactment of this local law, shall be considered “grandfathered” by such previous approvals and shall not be required to obtain a Special Permit under this newly enacted local law.
- O. The separation distances for Cannabis Dispensaries provided for herein shall extend across municipal boundaries that are adjacent to the Village of Fishkill.

3. **In Article VIII, *Standards for Special Permit Uses*, in the Village Zoning Law add Section 171-65.9 On-Site Cannabis Consumption Facility (Cannabis Lounge), as follows:**

A special use permit may be granted for a Cannabis Lounge that meets the standards for a special use permit set forth in Section 171-56, the general standards for the zoning district in which the applicant is applying, the standards put forth in section 171-65.8 (where applicable), and the following supplemental standards:

- A. No Cannabis Lounge shall operate an outdoor space for the consumption of Cannabis and Cannabis Products.
- B. In accordance with the laws currently set forth by New York State, no Cannabis Lounge may be located:
 - 1. Within 500 feet of any School Grounds (measured in a straight line from the center of the nearest entrance of the Cannabis Dispensary to the center of the nearest entrance of the nearest building occupied exclusively as a school, on the school grounds).
 - 2. Within 500 feet of any Public or Private Youth Facility (measured in a straight line from the center of the nearest entrance of the Cannabis Dispensary to the center of the nearest entrance of a building identified as a youth facility).
 - 3. Within 200 feet of any House of Worship (measured in a straight line from the center of nearest entry of the Cannabis Dispensary to the center of the nearest entrance of the House of Worship).

- C. No Cannabis Lounge shall be located within a 2,000 foot radius of a registered organization, ROD, or any other premises for which a retail dispensary license, microbusiness license, or on-site consumption license has been issued.
- D. No Cannabis Lounge shall operate between the hours of 10:00 AM and 10:00 PM.
- E. Any activities other than those explicitly permitted are prohibited at a Cannabis Lounge.
- F. If any provision, paragraph, sentence, or clause of this section shall be determined to be in conflict with applicable state law or regulations, the provisions of said state law or regulations shall prevail. Any cannabis use which has previously obtained all Planning Board Approvals from the Village of Fishkill Planning Board, prior to the enactment of this local law, shall be considered "grandfathered" by such previous approvals and shall not be required to obtain a Special Permit under this newly enacted local law.
- G. The separation distances for Cannabis Lounges, provided for herein, shall extend across municipal boundaries that are adjacent to the Village of Fishkill.

4. **In Section 171.97, Schedule of off-street parking requirements, Section A shall be revised to add a "Minimum Number of Required Off-Street Parking Spaces" for "Cannabis Retail Dispensary" and "On-site Cannabis Consumption Facility":**

Cannabis Retail Dispensary - One parking space for every 200 square feet of gross floor area

On-Site Cannabis Consumption Facility - One parking space for every three seats or one parking space for every 100 square feet of gross floor area, whichever is greater.

Note: That any cannabis retail dispensary applying for a Special Use Permit with the additional certification required for a Limited Retail Consumption Facility shall be Subject to the greater parking requirement put forth for On-Site Consumption Facilities.

5. **In Section 171-170, *Word usage; definitions*, Section B shall be revised to add the following definitions:**

*On-Site Cannabis
Consumption Facility
(Cannabis Lounge):*

An on-site consumption premises at which both the consumption of cannabis products and the retail sale of cannabis products to consumers may occur and is either a limited retail consumption facility or a microbusiness.

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 extract as defined by federal law, or any drug products approved by the Federal Food and Drug Administration.

Cannabis Business:

Any for profit business enterprise whose business model is centered around cannabis as permitted and licensed under NYS law.

Cannabis Retail Dispensary
(Cannabis Dispensary):

Any association, business, collective, establishment or any other organization or person engaged in the licensed activities of adult-use cannabis retail sales.

Limited Retail
Consumption Facility:

A type of consumption facility which is a distinct area located within the licensed premises of a specific retail dispensary.

Microbusiness:

An adult-use cannabis business who must engage in small scale cannabis cultivation as defined by the NYS Office of Cannabis Management and at least one additional licensed activity including processing, distribution, or retail sale.

Public or Private Youth Facility:

A location or structure owned by a government or government subdivision or agency or private business that is accessible to the public, where the primary purpose is to provide recreational opportunities or services to children or adolescents of whom the primary population is reasonably expected to be seventeen (17) years of age or younger.

Registered Organization:

A for-profit business entity or not-for-profit corporation organized for the purpose of acquiring, possessing, manufacturing, selling, delivering, transporting, distributing

or dispensing cannabis for certified medical use.

Registered Organization with
Dispensing (ROD):

A registered organization adult-use cultivator processor distributor retail dispensary licensed pursuant to section 68-a of NYS Cannabis Law.

SECTION 4. EFFECTIVE DATE

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

LOCAL LAW CERTIFICATION

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2025 of the Village of Fishkill was duly adopted by the Board of Trustees on May 5, 2025 in accordance with the applicable provisions of law.

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 1., above.

Pam Ruyack
Village Clerk

(Seal)

Date: 5/12/2025

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF DUTCHESS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Gregory D. Supple
Signature

GREGORY D. SUPPLE, Village Attorney

Village of Fishkill

Date: May 6, 2025