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New York State
Department of State
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UNIFORM COMMERCIAL CODE
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Albany, NY 12231-0001
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Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

5 of the year 20 25

Local Law Title: Regulation of Cannabis Retail Dispensaries

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

County City Town Village
(Select one)

of Tuxedo as follows on the attached pages:
1A - 4A *(Name of Local Government)*

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DEPARTMENT OF STATE

Department of State Local Law Index Number: 5 of the year 20 25

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

**INTRODUCTORY LOCAL LAW
TOWN OF TUXEDO
REGULATION OF CANNABIS RETAIL DISPENSARIES**

BE IT ENACTED by the Town Board of the Town of Tuxedo, Orange County, New York, as follows:

Section 1. Purpose.

The purpose of this local law is to regulate the siting of cannabis retail dispensaries within the Town of Tuxedo by limiting such dispensaries to a certain overlay zoning district, implementing a special permit requirement and imposing such time, place and manner restrictions as were reserved to municipalities under the Cannabis Law. The Town Board finds that this local law, including all provisions and requirements herein, is not unreasonably impracticable with respect to the siting and operation of cannabis retail dispensaries. This local law is adopted pursuant to the Town's authority pursuant to Article 16 of the state Town Law and Cannabis Law §131(2).

Section 2. Section 98-4, titled "Definitions," of Chapter 98, titled "Zoning," of the Code of the Town of Tuxedo is amended by adding the following definition:

CANNABIS RETAIL DISPENSARY

A use that is licensed by the State of New York to sell cannabis products at retail for off-premises consumption.

PUBLIC YOUTH FACILITY

A location or structure owned by a government or government subdivision or agency, 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, and which has been designated by the Town of Tuxedo as a public youth facility by passage of a local law

Section 3. Section 98-5, titled "Establishment; purpose," of Article III, titled "Establishment of Zoning Districts," of Chapter 98, titled "Zoning," is amended by establishing a Cannabis Retail Dispensary overlay district and adding the following language in the chart under the "Overlay" District Type and adding subsection Q to read as follows:

District Type:	Symbol	Title
Overlay	CRD	Cannabis retail dispensary

Q. Cannabis Retail Dispensary Overlay (CRD-O): This overlay district is intended to regulate the siting of cannabis retail dispensaries by limiting such dispensaries to this overlay zoning district, which district requirements impose certain time, place and manner restrictions on cannabis retail dispensaries in accordance with the zoning authority reserved to municipalities under the Cannabis Law.

Section 4. Section 98-9, titled "Schedule of zoning district regulations," is amended by adding the zoning table below to Table I – General Use and Bulk Requirements.

ZONING

98 Attachment 1

Town of Tuxedo

Table I - General Use and Bulk Requirements

Cannabis Retail Dispensary Overlay (CRD) District	Use Type	Site Plan Required	Min. Lot Area (s.f. or ac.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard, Each (feet)	Min. Side Yard, Both (ft.)	Min. Rear Yard (feet)	Max Development Coverage (percent (%))	Min. Lot Depth (feet)	Max. Building Height (feet)	Max. Building Height (stories)	Min. Street Frontage (feet)
Cannabis Retail Dispensary	SLP	Y	20,000 s.f.	100	50	25	50	50	60%	150	30	2.5	100

Section 5. Section 98-51, titled "Individual standards for special uses," of Chapter 98, titled "Zoning," is amended by adding a new subsection FF to read as follows:

FF: Cannabis Retail Dispensary, subject to the following regulations:

(1) Permitted locations and separation requirements.

(a) No approval or permit shall be granted to a cannabis retail dispensary proposed to be located within five hundred feet of a school grounds as such term is defined in the New York State Education Law or within two hundred feet of a house of worship or within five hundred feet of a public youth facility, with such distance to be measured in accordance with State statute, regulation or guidance.

(b) No approval or permit shall be granted to a cannabis retail dispensary proposed to be located within a 2000-foot radius of an approved cannabis retail dispensary, with such distance between the proposed and approved dispensaries to be measured in accordance with State statute, regulation or guidance.

(2) Special use permit requirements for cannabis retail dispensaries.

(a) An application for a special use permit, site plan approval or any other approval or permit related to a cannabis retail dispensary shall not be reviewed by the Planning Board or any other Town board, officer or employee, unless the applicant provides proof that the property owner, lessee or contingent lessee has provided the notification to the Town pursuant to and in compliance with Cannabis Law § 76 or that proximity protection has been conferred by the State for a cannabis retail dispensary at the particular location.

(b) Revocation. Revocation or expiration of a license issued by New York State for the cannabis retail dispensary shall be grounds for revocation of the special use permit.

(3) Additional requirements for cannabis retail dispensaries. Cannabis retail dispensaries shall be subject to the following additional requirements:

(a) Provision of sufficient lighting for security purposes during and after hours of operation.

- (b) Provision of adequate facilities and personnel for disposal of trash and other debris.
- (c) Provision for continuing maintenance of the exterior of the building and the grounds, including landscaping, signs and policing of litter.
- (d) Provision to limit the odors of the facilities from reaching adjoining properties to the greatest extent possible.
- (e) The Planning Board shall have authority to determine the hours of operation. The Planning Board may limit the hours of operation to 70 hours per week.
- (f) Sales product and paraphernalia items related to the preparation or consumption of product shall not be visible from a public right of way.
- (g) If practicable, a cannabis retail dispensary that is proposed adjacent to an existing residential use or zoning district shall be buffered or screened to minimize visual and auditory impacts in a method approved by the Planning Board, including as it pertains to landscaping, outdoor lighting and parking.
- (h) Nothing herein shall prevent licensed delivery vehicles with sufficient security features from making deliveries directly to the building occupied by the customer. All delivery operations shall be listed and described as part of the special use permit application.

(4) State license requirement. A cannabis retail dispensary must have a valid license issued by the State of New York in order to be considered a permitted use. The licensee shall be required to file renewed licenses with the Building Department within 30 days of issuance. An expiration or revocation of a license by the State shall be grounds for revocation of the special use permit or other Planning Board approvals permitting the use. Any applicant that receives a special use permit and proceeds with the special use does so with acknowledgement that the special use permit and all rights to continue that use are subject to revocation. The applicant, in accepting a special use permit, acknowledges and agrees that such special use permit confers no rights or privileges other than those specifically contained therein. This provision is intended to and does supersede state Town Law §274-b.

Section 6. The Zoning Map of the Town of Tuxedo is hereby amended by establishing a Cannabis Retail Dispensary (CRD) Overlay District as shown on the annexed map.

Section 7. Supersession. To the extent that any provisions of the state Town Law, including Article 16 thereof, or of any special law are inconsistent with this local law, such provisions are hereby superseded.

Section 8. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such

judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

Section 9. Effective Date.

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

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Local Law Filing

(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 ascribed as local law number 5 of 2025 of the (County)(City)(Town)(Village) of Tuxedo was duly passed by the Town Board on November 12 2025 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, ascribed as local law number _____ 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____ 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, ascribed as local law number _____ 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, ascribed as local law number _____ 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.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

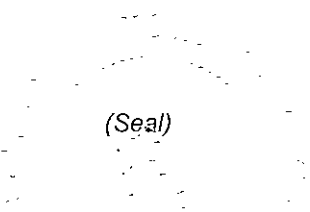
I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 ____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 thereto, ascribed as local law number _____ 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 the paragraph _____ above.



(Seal)

Marisa Dellbaum

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

November 17, 2025

(Date)

**TOWN OF TUXEDO TOWN BOARD
RESOLUTION OF ADOPTION
LOCAL LAW – REGULATION OF CANNABIS RETAIL DISPENSARIES**

WHEREAS: An Introductory Local Law titled “Regulation of Cannabis Retail Dispensaries” was introduced before the Town Board of the Town of Tuxedo on June 11, 2025, and upon notice and re-notices duly published, posted and circulated, the Board held an initial public hearing on the introductory local law (“local law”) on July 9, 2025, and the hearing was continued on August 13, September 28, and October 8, 2025, and thereafter closed. Oral and written public comments were heard and received concerning the merits and environmental significance of the local law.

The legislative purpose is set forth in Section 1 of the local law. The legislative purpose states, *inter alia*, that the purpose is to regulate the siting of cannabis retail dispensaries within the Town by limiting such dispensaries to an overlay zoning district, implementing a special permit requirement and imposing such time, place and manner restrictions as are reserved to municipalities under the state Cannabis Law. The Town Board finds that the local law, including all provisions and requirements therein, is not unreasonably impracticable with respect to the siting and operation of cannabis retail dispensaries.

The local law was referred to the Town Planning Board and the Orange County Department of Planning for report and recommendation, and the Board received and reviewed the Planning Board’s report, dated July 3, 2025, finding the local law satisfactory, and the Department of Planning report, dated June 30, 2025, recommending Local Determination. After certain revisions were made to the local law, including an expansion of the overlay zoning district where cannabis dispensaries would be allowed as a special permit use, the Board re-noticed the continued public hearing, and the Board referred the revised local law to the County Department of Planning and to the Town Planning Board, and the Board received and reviewed the Department of Planning supplemental report and recommendation, dated September 12, 2025, again recommending Local Determination, and the Board received and reviewed the Town Planning Board’s supplemental comment, dated October 8, 2025, again finding the local law satisfactory.

The Board also reviewed the Full Environmental Assessment Form (FEAF) Part 1 revision date September 25, 2025, and a draft FEAF Part 2.

The Board has carefully considered the reports, recommendations and comments provided by other agencies and all oral and written public comments.

The Board is aware of four (4) sites in the overlay district that would meet the distance separation requirements and other requirements of the state Cannabis Law and this local law. A vast portion of the Town consists of public parks and other conservation areas where development is prohibited. The Board has determined to not allow cannabis retail dispensaries in the small Tuxedo Hamlet area of the Town in order to maintain its unique character and opportunity for development of other commercial businesses. The Board notes that even if cannabis retail dispensaries were permitted in the Tuxedo Hamlet, due to the distance separation

requirements imposed by the State, only one cannabis dispensary could be sited in the Tuxedo Hamlet. Given the above, the Board determines that this local law complies with the time, place and manner restrictions reserved to municipalities under the state Cannabis Law and is not unreasonably impracticable with respect to the siting and operation of cannabis dispensaries.

The Board determined, by separate resolution, that adoption of this local law is a SEQR Type I action and will not have a significant adverse effect on the environment.

THEREFORE, IT IS RESOLVED that the Introductory Local Law titled “Regulation of Cannabis Retail Dispensaries” of the Town of Tuxedo, be and hereby is adopted as Local Law No. 5 of 2025 of the Town of Tuxedo on November 12, 2025.

On a motion by Supervisor McMillen, seconded by Councilperson Eirand, the foregoing Resolution was adopted on a vote of 5 Ayes, 0 Nays.

Dated: November 13, 2025