

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

Resolution #35-2022

WHEREAS, the Village would like to amend Chapter 230 of the Village Code, Zoning, to add provisions related to cannabis shops; and

WHEREAS, the Village Board is considering the adoption of Local Law Introductory No. 5 of 2022, which has been drafted for such purposes; and

WHEREAS, the Village has completed Part 1 of the Short Environmental Assessment Form (EAF) and a Coastal Assessment Form (CAF),

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village Board hereby determines that the Proposed Action is an Unlisted Action.
2. The Village Board hereby declares itself to be the Lead Agency for SEQRA purposes in connection with the Proposed Action.
3. The Village Board hereby issues the EAF and CAF which it has before it in connection with the Proposed Action.
4. The Village Board hereby refers to the Village Planning Board the Draft Law for a report back to the Village Board in accordance with Village law.
5. The Village Board hereby refers the Draft Law, the EAF and the CAF to the Village Waterfront Advisory Committee for a recommendation back to the Village Board in accordance with Village Law.
6. The Village Board hereby refers the Draft Law, the EAF and the CAF the Westchester County Planning Board for review in accordance with law.
7. The Village Board hereby directs Village staff to make any other circulations and notifications regarding the Proposed Action as may be required by law.

Dated: March 21, 2022

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

LOCAL LAW INTRODUCTORY NO. 5 OF 2022

**A LOCAL LAW TO AMEND CHAPTER 230 OF THE CODE OF THE VILLAGE OF
CROTON-ON-HUDSON, ZONING, TO UPDATE PROVISIONS RELATED TO
CANNABIS SHOPS**

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One. Section 230-4 of the Code of the Village of Croton-on-Hudson is hereby amended to include the following.

CANNABIS SHOP

A retail outlet selling or distributing any cannabis product, the sale of which requires a license under the provisions of Section 7-A, Cannabis, of the Consolidated Laws of the State of New York.

Section Two. Section 230-16 of the Code of the Village of Croton-on-Hudson is hereby amended to read as follows:

§ 230-16 Central Commercial C-1 District.

A. Permitted uses. In a Commercial C-1 District, no building or premises shall be used and no building or part of building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- (1) Retail stores and banks, except that no cannabis shop, or vape or tobacco shop shall be permitted within 500 feet of the property line of the Pierre Van Cortlandt Middle School and Croton-Harmon High School and may not be located within 500 feet of any other cannabis shop, or vape or tobacco shop.

Section Three. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Four. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Village of Croton-on-Hudson

COASTAL ASSESSMENT FORM

A. INSTRUCTIONS (Please print or type all answers)

1. *Applicants, or in the case of direct actions (city, town, village) agencies, shall complete this CAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a (city, town, village) agency in making a determination of consistency.*
2. *Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the (city, town, village) clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.*
3. *If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.*

B. DESCRIPTION OF SITE AND PROPOSED ACTION:

1. Type of (city, town, village) agency action (check appropriate response):
 - a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____
 - b) Financial assistance (e.g. grant, loan, subsidy) _____
 - c) Permit, approval, license, certification _____
 - d) Agency undertaking action _____
2. Describe nature and extent of action: _____

3. Location of actions: _____
(street or site description)
4. Size of site: _____
5. Present land use: _____
6. Present zoning classification: _____

7. List and describe any unique or unusual land forms within or contiguous to the project site (i.e. bluffs, dunes, swales, ground depressions, other geological formations):

8. Percent of site which contains slopes of 15% or greater: _____

9. List and describe streams, lakes, ponds or wetlands existing within or contiguous to the project area. Give name and size of each if available:

a) Name: _____

b) Size (in acres): _____

10. If an application for the proposed action has been filed with the (city, town, village) agency, the following information shall be provided:

a) Name of applicant: _____

b) Mailing address: _____

c) Telephone number: (area code) (_____) _____

d) Application number, if any: _____

11. Will the action be directly undertaken, require funding or approval by a state or federal agency? NO _____ YES _____

If yes, which state or federal agency? _____

12. If the proposed action is a law, or planning or zoning document, SKIP Section "C" and go to Section "E".

C. COASTAL ASSESSMENT:

YES NO N/A

1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map: _____

a) Significant fish or wildlife habitats? _____

b) Scenic resources of local or statewide significance? _____

c) Natural protective features in an erosion hazard area? _____

If the answer to any question above is "yes", please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

YES NO N/A

2. Will the proposed action have a significant effect upon:

- | | | | |
|--|-------|-------|-------|
| a) Commercial or recreational use of fish and wildlife resources? | _____ | _____ | _____ |
| b) Scenic quality of the coastal environment? | _____ | _____ | _____ |
| c) Development of future or existing water dependent uses? | _____ | _____ | _____ |
| d) Operation of the State's major ports? | _____ | _____ | _____ |
| e) Land or water uses within a small harbor area? | _____ | _____ | _____ |
| f) Stability of the shoreline? | _____ | _____ | _____ |
| g) Surface or groundwater quality? | _____ | _____ | _____ |
| h) Existing or potential public recreation opportunities? | _____ | _____ | _____ |
| i) Structures, sites or districts of historic, archeological or cultural significance to the (city, town, village), State or nation? | _____ | _____ | _____ |

3. Will the proposed action involve or result in any of the following:

- | | | | |
|--|-------|-------|-------|
| a) Physical alteration of land along the shoreline, land under water or coastal waters? | _____ | _____ | _____ |
| b) Physical alteration of two (2) acres or more of land located elsewhere in the coastal area? | _____ | _____ | _____ |
| c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area? | _____ | _____ | _____ |
| d) Energy facility not subject to Article VII or VIII of the Public Service Law? | _____ | _____ | _____ |
| e) Mining, excavation, filling or dredging in coastal waters? | _____ | _____ | _____ |
| f) Reduction of existing or potential public access to or along the shore? | _____ | _____ | _____ |
| g) Sale or change in use of publicly-owned lands located on shoreline or under water? | _____ | _____ | _____ |
| h) Development within a designated flood or erosion hazard area? | _____ | _____ | _____ |
| i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? | _____ | _____ | _____ |
| j) Construction or reconstruction of erosion protective structures? | _____ | _____ | _____ |
| k) Diminished surface or groundwater quality? | _____ | _____ | _____ |
| l) Removal of ground cover from the site? | _____ | _____ | _____ |

4. Project	<u>YES</u>	<u>NO</u>	<u>N/A</u>
a) If project is to be located adjacent to shore:			
1. Will water-related recreation be provided?	_____	_____	_____
2. Will public access to the foreshore be provided?	_____	_____	_____
3. Does the project require a waterfront site?	_____	_____	_____
4. Does it supplant a recreational or maritime use?	_____	_____	_____
5. Do essential public services and facilities presently exist at or near the site?	_____	_____	_____
6. Is it located in a flood prone area?	_____	_____	_____
7. Is it located in an area of high erosion?	_____	_____	_____
b) If the project site is publicly owned:			
1. Will the project protect, maintain and/or increase the level and industrial facilities into coastal facilities?	_____	_____	_____
2. If located in the foreshore, will access to those and adjacent lands be provided?	_____	_____	_____
3. Will it involve the siting and construction of major energy facilities?	_____	_____	_____
4. Will it involve the discharge of effluent from major steam electric generating and industrial facilities into coastal facilities?	_____	_____	_____
c) Is the project site presently used by the community neighborhood as an open space or recreation area?	_____	_____	_____
d) Does the present site offer or include scenic views or vistas known to be important to the community?	_____	_____	_____
e) Is the project site presently used for commercial fishing or fish processing?	_____	_____	_____
f) Will the surface area of any waterways or wetland area be increased or decreased by the proposals?	_____	_____	_____
g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?	_____	_____	_____
h) Will the project involve any waste discharges into coastal waters?	_____	_____	_____
i) Does the project involve surface or subsurface liquid waste disposal?	_____	_____	_____
j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?	_____	_____	_____
k) Does the project involve shipment or storage of petroleum products?	_____	_____	_____

4. Project (continued)

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
l) Does the project involve discharge of toxic hazardous substances or other pollutants into coastal waters?	_____	_____	_____
m) Does the project involve or change existing ice management practices?	_____	_____	_____
n) Will the project affect any area designated as a tidal or freshwater wetland?	_____	_____	_____
o) Will the project alter drainage flow, patterns or surface water runoff on or from the site?	_____	_____	_____
p) Will best management practices be utilized to control storm water runoff into coastal waters?	_____	_____	_____
q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies?	_____	_____	_____
r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates?	_____	_____	_____

D. REMARKS OR ADDITIONAL INFORMATION.

For questions answered “yes” in Section C, explain methods you will undertake to reduce adverse effects. Review the LWRP to see if the project is consistent with each policy. List policies the project is not consistent with and explain all mitigating actions.

(Add any additional sheets necessary to complete this form)

E. SUBMISSION REQUIREMENTS.

The final version of this form shall be sent to the Department of State (*New York State Dept. of State, Coastal Management Program, 162 Washington Avenue, Albany, NY 12231*) if any question in Section C is answered “yes” and either of the following conditions is met.

- Section B.1 (a) or B.1 (b) is checked **OR**
- Section B.1 (c) and B.11 is answered “yes”

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If assistance or further information is needed to complete this form, please contact the Village Engineer at (914) 271-4783.

Preparer's Name: _____

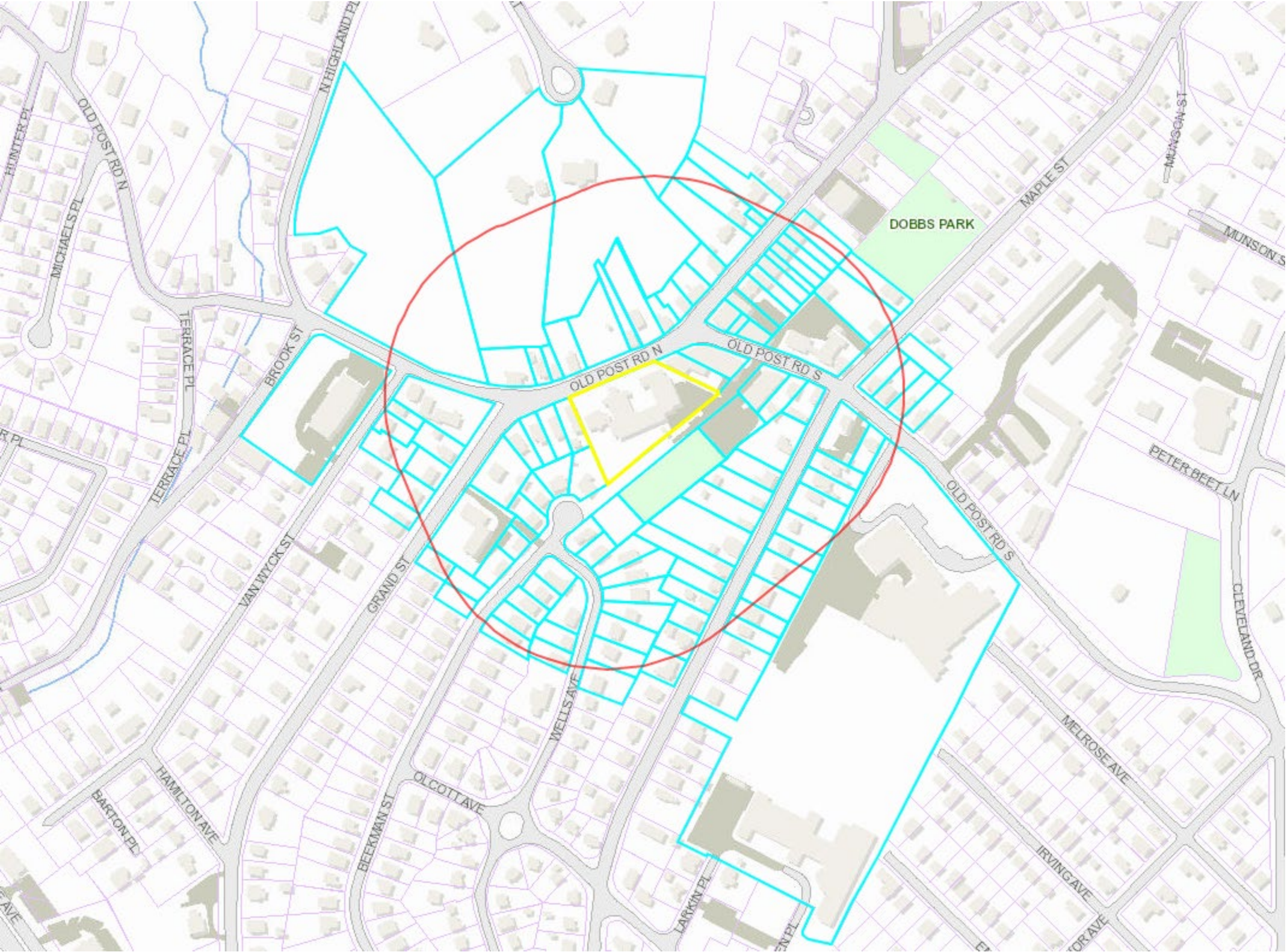
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Agency: _____

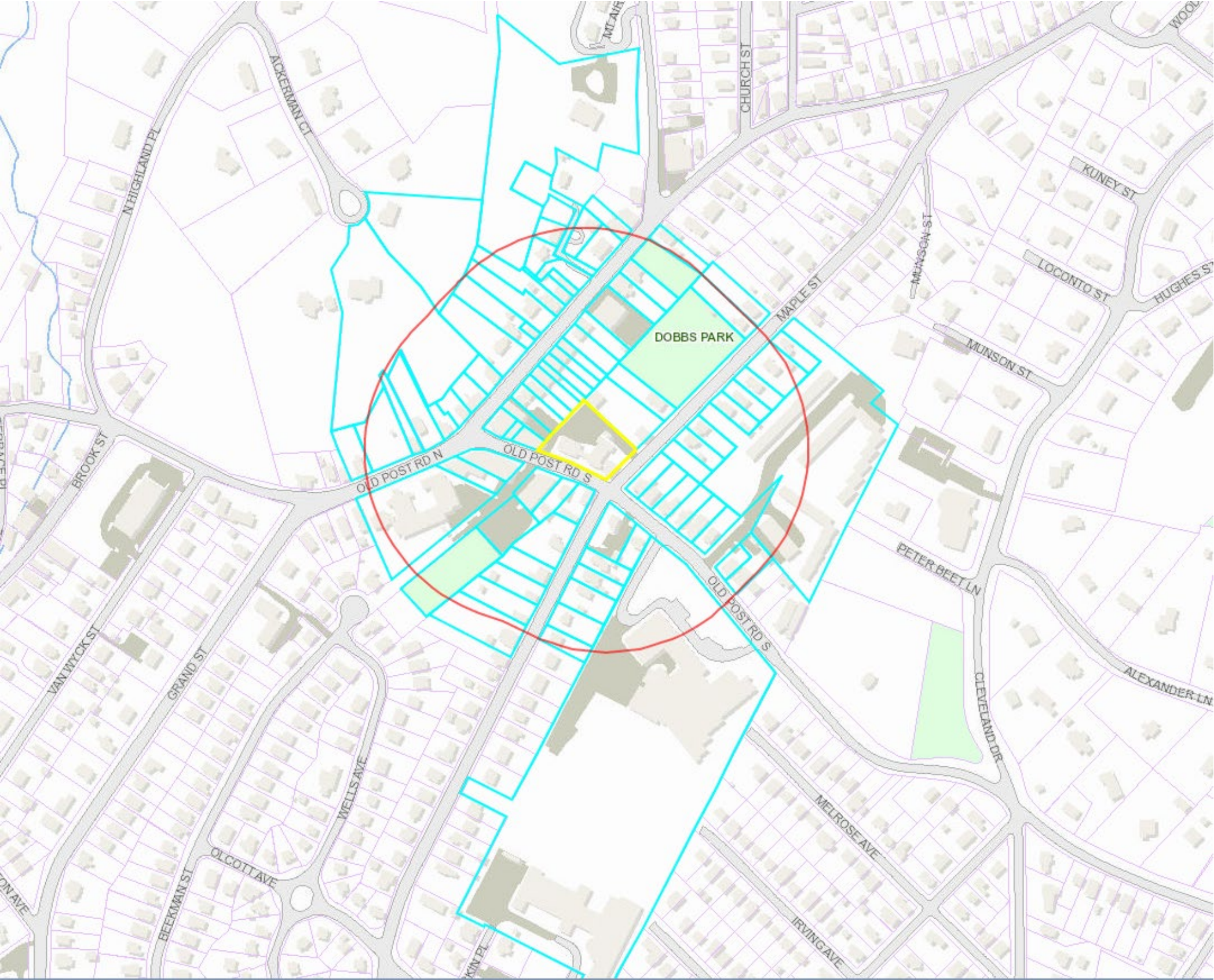
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Date: _____

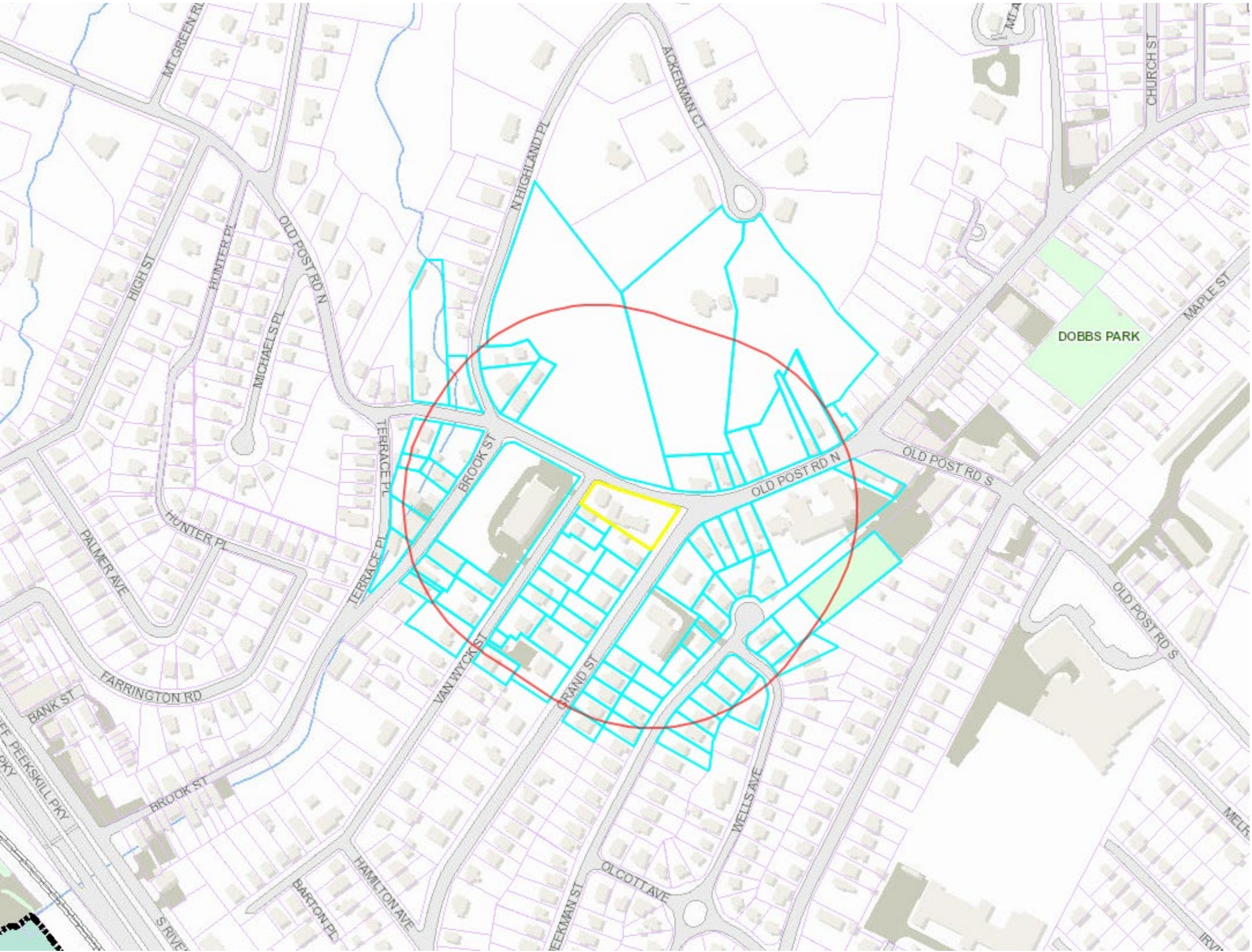
500 Feet from Holy Name of Mary



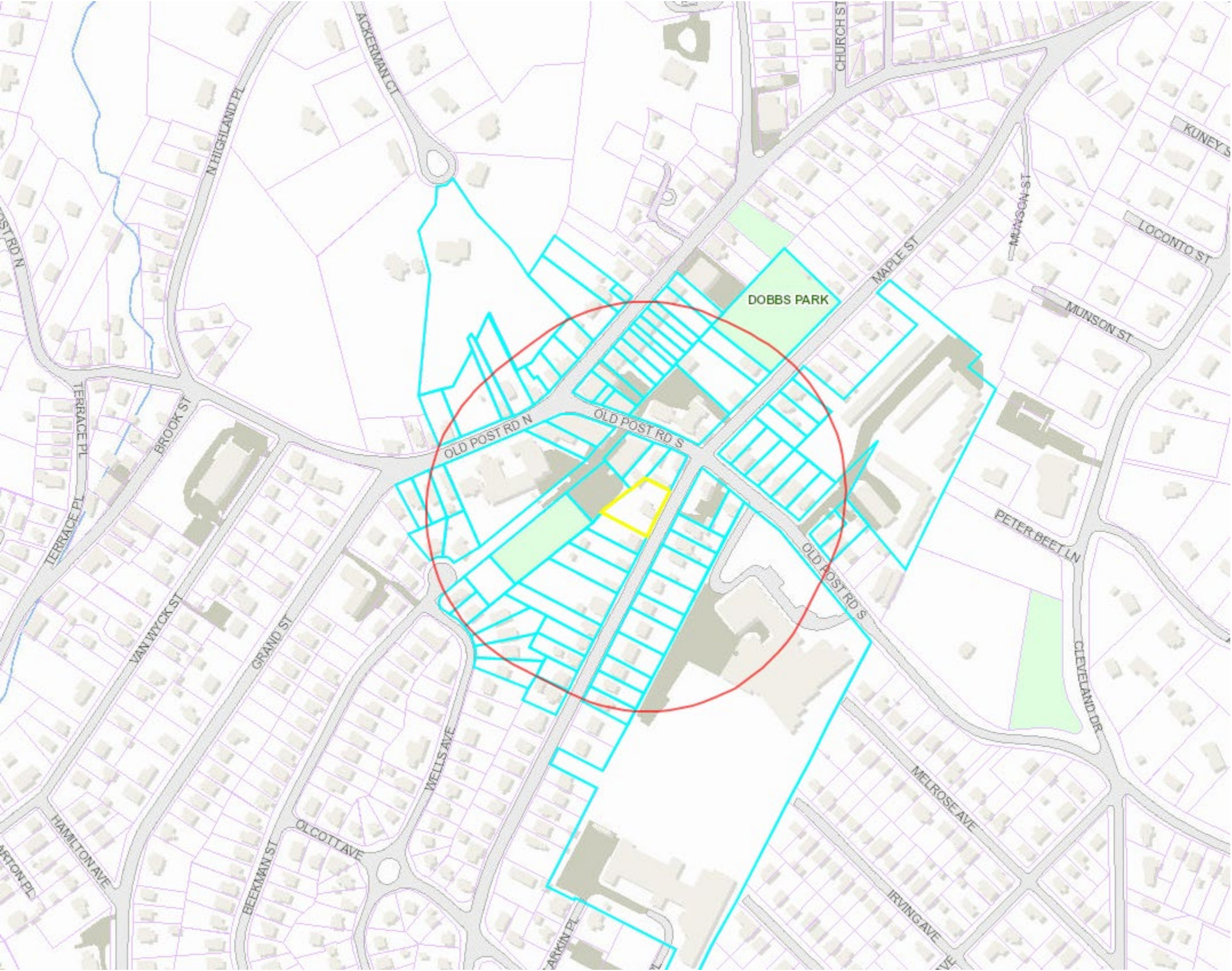
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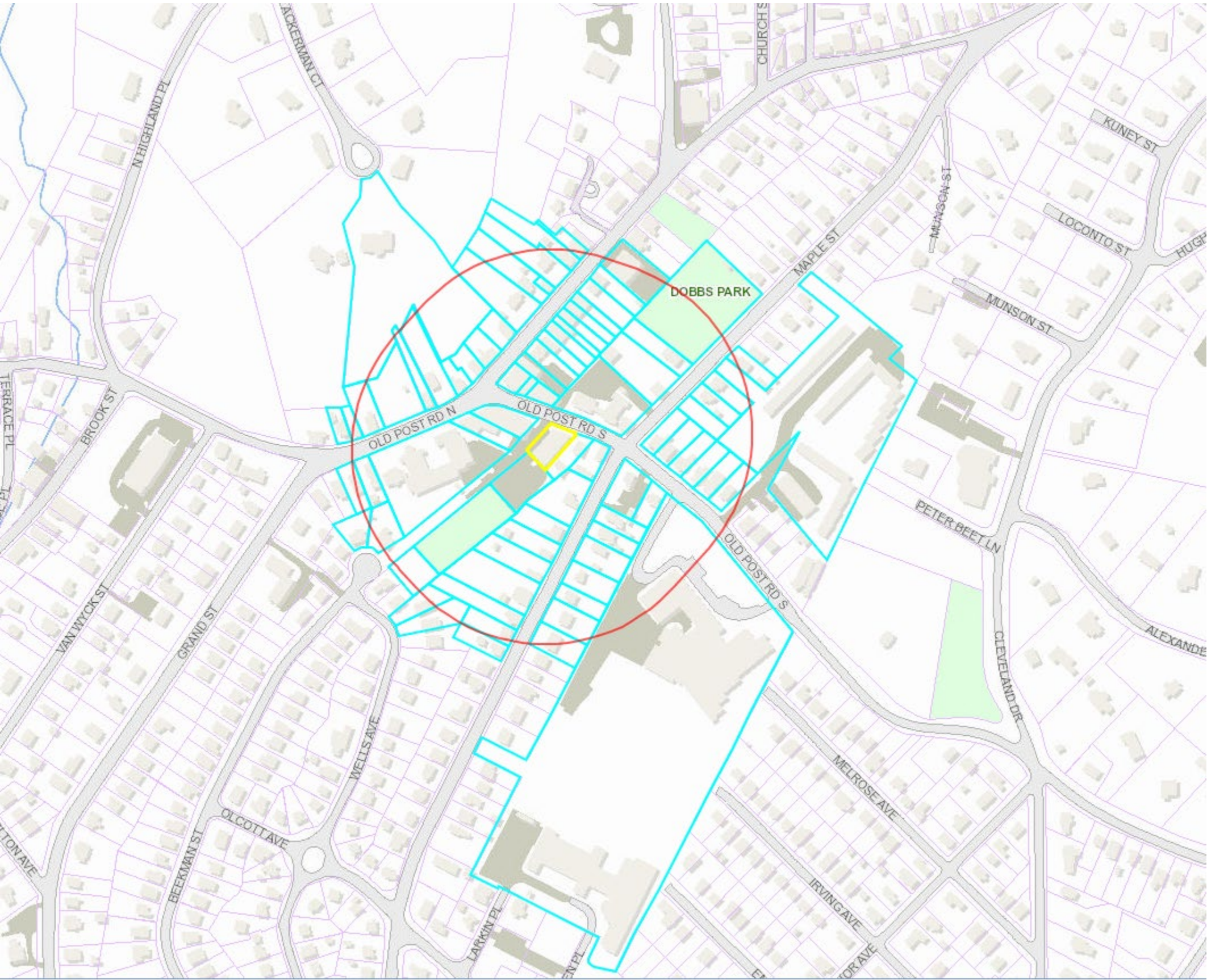
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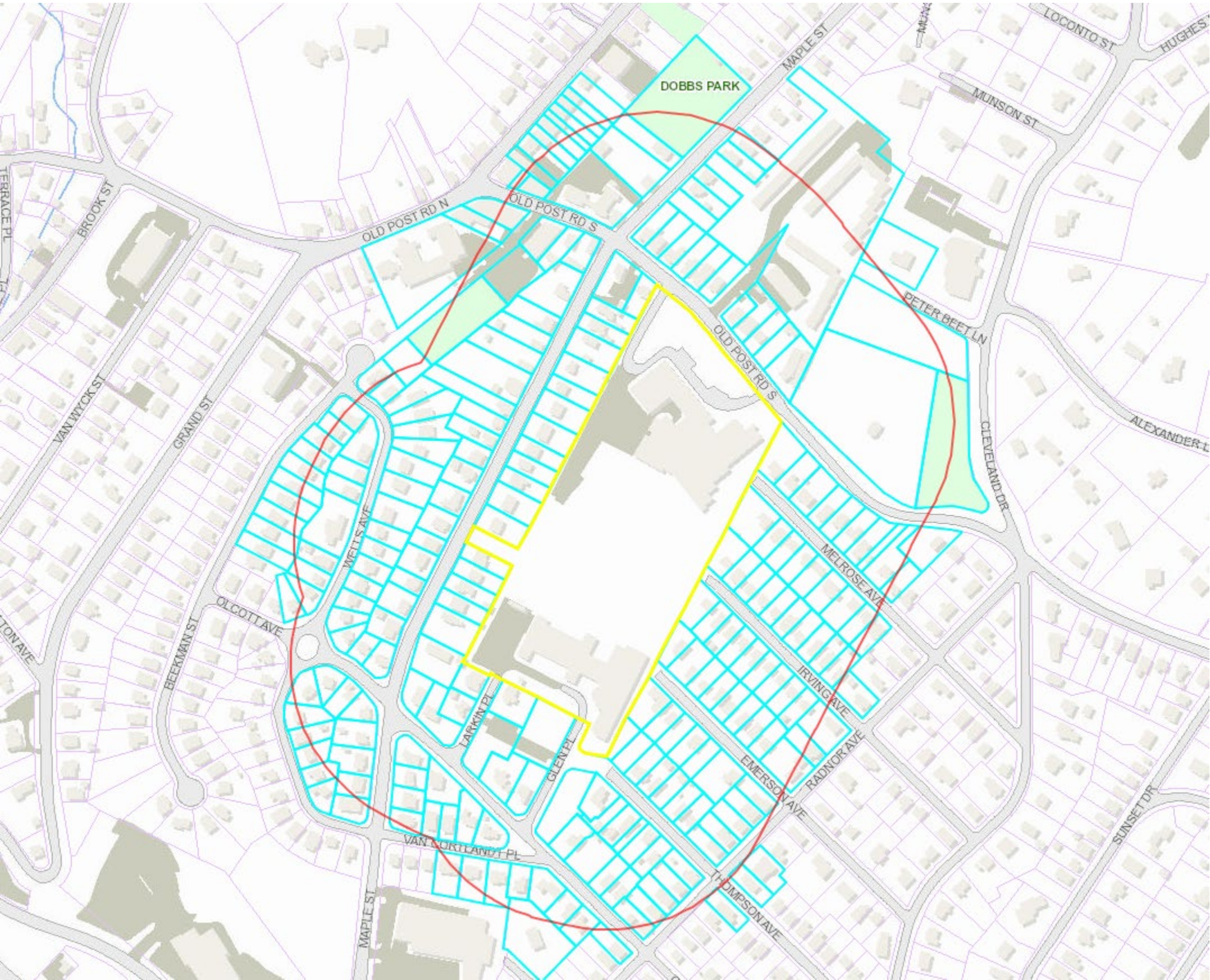
500 Feet from Circle School



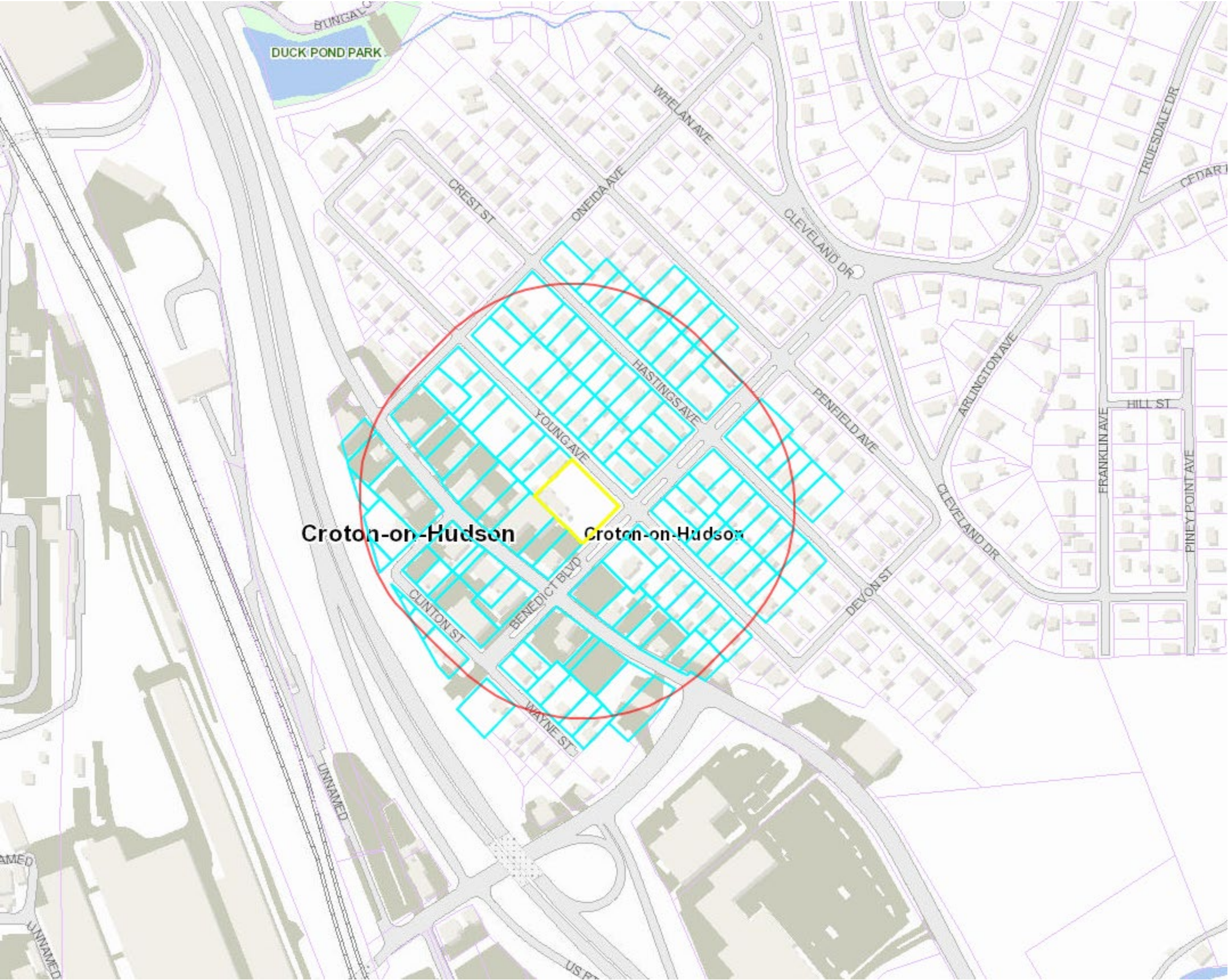
500 Feet from Happy Hearts



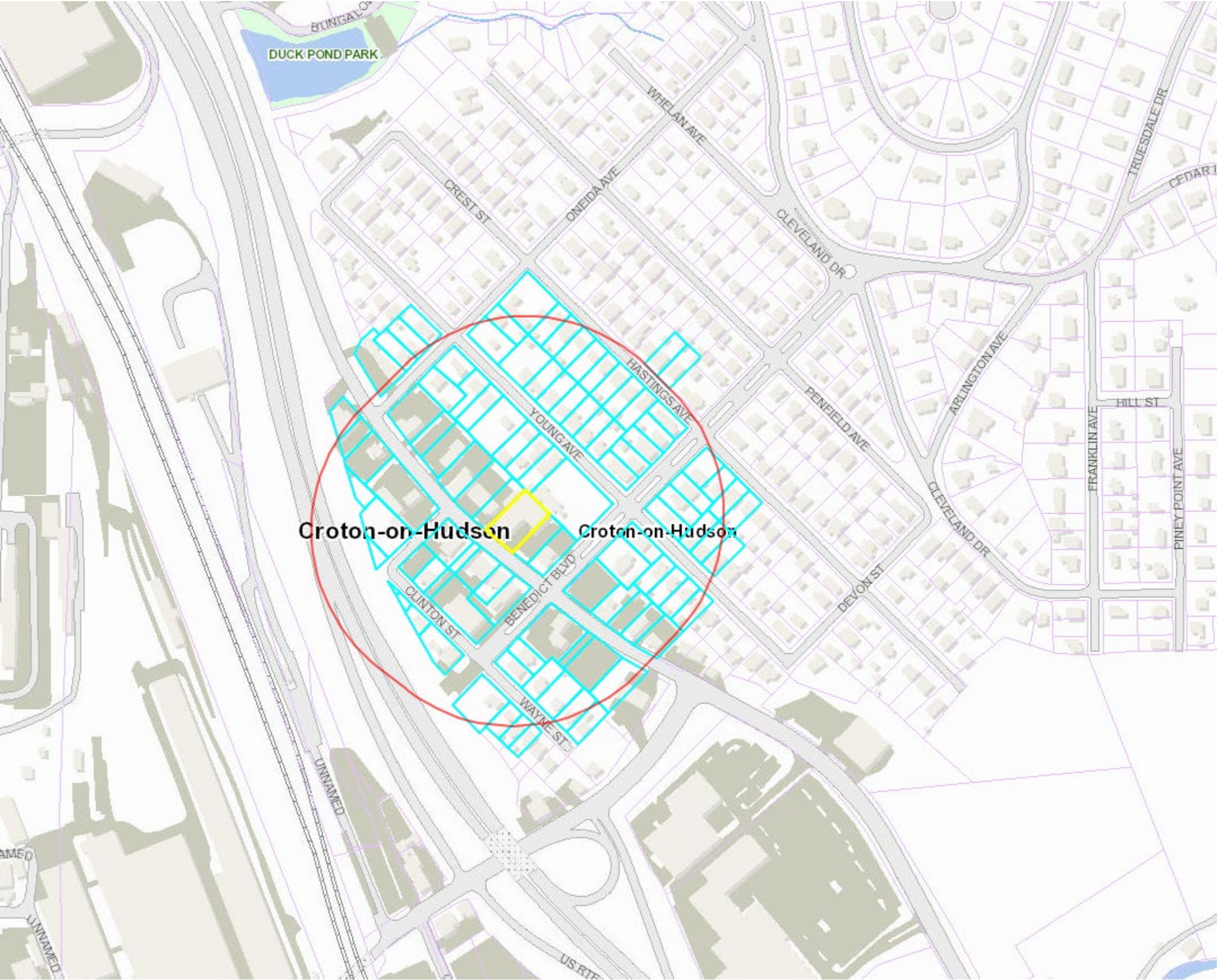
500 Feet from Croton Harmon Union Free School District High School and Middle School



500 Feet from Holy Name of Mary Chapel



500 Feet from Happy Hearts II



SECTION 72

Adult-use retail dispensary license

Cannabis (CAN) CHAPTER 7-A, ARTICLE 4

§ 72. Adult-use retail dispensary license. 1. A retail dispensary license shall authorize the acquisition, possession, sale and delivery of cannabis from the licensed premises of the retail dispensary by such licensee to cannabis consumers.

2. No person may have a direct or indirect financial or controlling interest in more than three adult-use retail dispensary licenses issued pursuant to this chapter.

3. No person holding a retail dispensary license may also hold an adult-use cultivation, processor, microbusiness, cooperative or distributor license pursuant to this article or be registered as a registered organization pursuant to article three of this chapter, except for such organizations licensed pursuant to sections sixty-eight-a and sixty-eight-b of this article.

4. No retail license shall be granted for any premises, unless the applicant shall be the owner thereof, or shall be able to demonstrate possession of the premises within thirty days of final approval of the license through a lease, management agreement or other agreement giving the applicant control over the premises, in writing, for a term not less than the license period.

5. With the exception of delivery or microbusiness licensees, no premises shall be licensed to sell cannabis products, unless said premises shall be located in a store, the principal entrance to which shall be from the street level and located on a public thoroughfare in premises which may be occupied, operated or conducted for business, trade or industry.

6. No cannabis retail licensee shall locate a storefront within five hundred feet of a school grounds as such term is defined in the education law or within two hundred feet of a house of worship.