

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

LOCAL LAW INTRODUCTORY NO. 9 OF 2026

**A LOCAL LAW TO ESTABLISH CHAPTER NINETY-NINE, ARTICLE II OF THE CODE
OF THE VILLAGE OF CROTON-ON-HUDSON, ENTITLED “CANNABIS
MORATORIUM”**

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

Section One. The Code of the Village of Croton-on-Hudson is hereby amended by adding a new Article II including Chapters 99-4 through 99-13 entitled “Cannabis Moratorium” to read as follows:

§ 99-4. Purpose.

- A. The purpose of this moratorium is to temporarily suspend the issuance and processing of land use approvals for cannabis dispensaries within the Village of Croton-on-Hudson, pursuant to the Board of Trustees' authority to regulate and control land use. This action is intended to protect the health, safety, and welfare of Village residents, address present and future development concerns, and provide time to update the Village's land use regulations as necessary.
- B. The Village of Croton-on-Hudson Code currently lacks specific provisions to regulate cannabis dispensaries, including time, place, and manner restrictions. This moratorium is intended to maintain the status quo while the Board of Trustees develops appropriate zoning regulations to address, among other issues, the following:
 - (1) Hours of operation;
 - (2) Visual or architectural integrity of the building if located within historical districts;
 - (3) Parking;
 - (4) Traffic control, including but not limited to pedestrian and vehicular traffic;
 - (5) Odor, pursuant to Article 13-E of the Public Health Law;
 - (6) Noise; and
 - (7) Distance requirements.

§ 99-5. Definitions.

CANNABIS DISPENSARY — Any facility or person that sells at retail any cannabis product for which a license is required under the provisions of the New York State Marijuana Regulation and Taxation Act (MRTA). This does not include on-site consumption lounges or delivery-only businesses.

§ 99-6. Moratorium.

Pursuant to the statutory authority vested in the Village to regulate and control land use, to protect the health, safety, and welfare of its residents, and under its general police powers to temporarily halt construction or land-use applications, the Board of Trustees of the Village of Croton-on-

Hudson hereby enacts this moratorium on the review and approval of all new, unfiled, and pending applications for land use approvals, including but not limited to site plan approvals, subdivision plats, special use permits, permits, and variances (hereinafter "land use approvals") involving the construction or operation of cannabis dispensaries within the Village. As of the effective date of this moratorium:

- A. Neither the Planning Board nor any land use board shall accept, process, or approve any application, special use permit, or other request, nor continue the review of any subdivision plat, site plan, or other application that would result in the permitting, construction, or development of cannabis dispensaries.
- B. The Zoning Board of Appeals shall neither accept nor continue to review any application, nor grant any approval for a variance that would result in the permitting, construction, or development of cannabis dispensaries.
- C. The Building Department and the Village shall take no action that would result in the permitting, construction, or development of cannabis dispensaries during the period of this moratorium.
- D. Projects that are currently under construction and projects that have received final approvals prior to the effective date of this moratorium are not subject to its provisions.

This moratorium shall not apply to the transfer of ownership of an existing cannabis business within the Village.

§ 99-7. Duration of moratorium.

The moratorium shall be effective for a period of six (6) months from the effective date of this article, unless sooner terminated or extended as provided herein.

§ 99-8. Early termination or extension of the moratorium.

- A. If the Board of Trustees determines that no new local law addressing the substantive issues set forth herein needs to be enacted prior to the expiration of the moratorium, then the moratorium imposed by this article shall expire on the date such determination is made by resolution of the Board of Trustees.
- B. If a new local law addressing the substantive issues set forth herein is enacted and adopted by the Board of Trustees prior to the expiration of the moratorium imposed herein, then the moratorium shall expire on the date the new local law takes effect pursuant to Section 27 of the Municipal Home Rule Law.
- C. If more than six (6) months have passed since the implementation of this moratorium, and the Board of Trustees determines that an extension is required, the Board of Trustees may, by resolution, extend this moratorium for no more than four (4) additional months from the original intended expiration date, as it deems necessary to fulfill the purposes set forth in § 99-4.

§ 99-9. Hardship.

- A. Should an applicant suffer extraordinary hardship due to the enactment and application of this moratorium, the applicant may apply to the Board of Trustees for a variance from strict

compliance with this article upon submission of proof of such extraordinary hardship. For purposes of this article, extraordinary hardship shall not include the following:

- (1) The mere concern that regulations may be changed or adopted or that the Village Code may be amended; or
 - (2) The mere delay in being permitted to make an application or waiting for a decision on the application for land use approval during the period of the moratorium imposed by this article.
- B. An application for an exception based upon extraordinary hardship shall be filed with the Village Clerk, accompanied by a fee of \$500 for each tax map parcel claimed to be subject to extraordinary hardship. The application shall include a statement of the specific facts alleged to support the claim of extraordinary hardship and shall contain such other information and/or documentation as the Board of Trustees may require to be fully informed with respect to the application.
- C. A public hearing on any application for an exception to the moratorium shall be held by the Board of Trustees no later than forty-five (45) days after receipt of a complete application. The Board of Trustees shall indicate in the resolution calling for the public hearing that the application is complete.
- D. In reviewing an application for an exception from the moratorium based upon a claim of extraordinary hardship, the Board of Trustees shall consider the following criteria:
- (1) Whether the applicant can demonstrate that the property cannot yield a reasonable financial return under any of the currently permitted uses;
 - (2) Whether the applicant's financial hardship is unique to the specific property and not the result of general conditions in the neighborhood;
 - (3) Whether the alleged hardship was self-created by the current owner, such as purchasing a residential lot and then claiming hardship because a commercial building was built on it;
 - (4) The extent to which the proposed development activity would cause significant environmental degradation, adversely impact existing development in the affected zoning districts, be detrimental to public health, comfort, or safety, or have a negative impact on the Village of Croton-on-Hudson. The Board of Trustees may also consider whether the moratorium would expose the applicant to substantial monetary liability to a third party or would leave the applicant completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property;
 - (5) The extent to which actions of the applicant were undertaken in good faith belief that the proposed development would not lead to significant environmental degradation, adversely impact existing development in the area, have an adverse impact on public health or safety, or have a negative impact upon the Village of Croton-on-Hudson;
 - (6) Compatibility of the proposed application with the existing land use and character of the area in proximity to the subject property, and its effect upon the aesthetic resources of the community; and
 - (7) Such other considerations and issues as may be raised by the Board of Trustees.

- E. At the public hearing, the applicant and any other parties wishing to present evidence regarding the application shall have an opportunity to be heard. The Board of Trustees shall, within thirty (30) days of the close of the public hearing, render its decision in writing, granting, denying, granting in part, or denying in part the application for a hardship waiver. If the Board of Trustees determines that an applicant will suffer extraordinary hardship if the moratorium is strictly applied to a particular property, the Board of Trustees shall revise the moratorium to the minimum extent necessary to provide the applicant relief from strict compliance with this article.

§ 99-10. Conflict with state statutes and authority to supersede.

It is the intent of this article to supersede any statutes or regulations which may be inconsistent with the provisions herein. To the extent that any provisions of this article are in conflict with or are construed as inconsistent with the provisions of the Village Law or General Municipal Law, this article supersedes, amends and takes present consistent with the Village's home rule powers pursuant to the Municipal Home Rule Law Section 10, New York Statute of Local Governments Sections 10(1) and (7) and Article IX of the New York State Constitution.

- A. With respect to land use approvals for cannabis dispensaries, this article supersedes Chapter 230 (Zoning) of the Village of Croton-on-Hudson Code. This article suspends and stays the running of time periods for processing, acting upon, holding hearings on, making decisions, and taking action on such applications as provided for in those chapters.
- B. This article supersedes any inconsistent provision of the General Municipal Law, Village Law, or Village of Croton-on-Hudson Code relating to the authority of the Zoning Board of Appeals to grant variances or other relief from the Village's zoning code.
- C. Any inconsistent provisions of the Village Law and Village of Croton-on-Hudson Code requiring any Village Board to hold hearings and act upon applications within specified time periods are superseded by this article.

§ 99-11. Penalties.

- A. Any person, firm, corporation, or other entity that takes any action in violation of this article shall be guilty of a violation and, upon conviction, shall be subject to a fine of not less than \$500 and not more than \$2,000 for an individual, and a fine of not less than \$2,000 and not more than \$5,000 for a corporation, association, or other entity, or to a term of imprisonment not to exceed fifteen (15) days, or both. Each and every week that the violation continues shall constitute a separate violation.
- B. Any person, firm, corporation, or other entity that violates this article shall be liable to pay a civil penalty of \$1,000 for each day or part thereof during which the violation continues. The civil penalty shall be recoverable in an action brought by the Village Attorney. In addition to the aforementioned penalty, the person, firm, corporation, or other entity found to have violated this article shall be liable for all reasonable attorneys' fees, costs, and disbursements incurred by the Village to recover the civil penalty.
- C. Compliance with this article may also be compelled, and violations restrained, by order or injunction of a court of competent jurisdiction in an action brought by the Village Attorney on behalf of the Village.

- D. Loss of profit. Where any person, firm, corporation, or other entity has gained a profit as a result of a violation of this article, the court, in lieu of imposing the civil penalty in Subsection B, may order the party to pay an amount fixed by the court not to exceed double the amount of the profit from the violation. The court shall make a finding as to the amount of profit after a hearing.
- E. If the civil penalty or loss of profit awarded to the Village by the court is not paid in full within thirty (30) days from the date of assessment by the court, such award shall be included on the next annual tax levy for the involved tax lots.

Penalties may be imposed in addition to other penalties for the same act and are not to be considered as a substitute for, or in lieu of, other penalties.

§ 99-12. Enforcement.

This article shall be enforced by the Village's Building Inspector, Assistant Building Inspector, and Code Enforcement Officers.

§ 99-13. Severability.

If any clause, sentence, paragraph, or section of this article shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate any other part of this article, but shall be confined in its operation to the clause, sentence, paragraph, or section thereof directly involved in the controversy in which such judgment shall have been rendered.

Section Two. 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 thereof, which shall continue in full effect.

Section Three. Effective Date.

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