



MEMORANDUM

TO: Mayor Pugh and Members of the Village Board of Trustees

FROM: Valerie Monastra, AICP

SUBJECT: Proposed Cannabis Regulations

DATE: July 17, 2026

CC: Bryan Healy, Village Manager

The Village Board recently enacted a moratorium on the submission and processing of land use approvals for cannabis dispensaries. The moratorium allows the Village Board to review possible regulations for these uses. Attached to this email are proposed regulations for cannabis dispensaries. The proposed regulations are based on the State-permitted areas of municipal regulation. In addition, I am providing a use table which includes adult-use cannabis dispensary as its own use. We propose that dispensaries require a Special Permit and, as currently proposed, be permitted in the same zoning districts where typical retail is permitted.

This memorandum summarizes the limitations and preemptions for municipal regulation of cannabis dispensaries within the Marihuana Regulation & Taxation Act (MRTA).

As a reminder §119.1 Preemption and Prohibitions on Municipality Rulemaking, under MRTA states:

(a) No municipality may adopt a local law that would allow an adult-use retail dispensary, microbusiness, ROD, or on-site consumption license to be:

- (1) on the same road and within 200 feet of the entrance of a building occupied exclusively as a house of worship;
- (2) on the same road and within 500 feet of the entrance of a building occupied exclusively as a school;
- (3) on the same road and within 500 feet of a structure or its grounds occupied exclusively as a public youth facility, if the municipality has enacted a local law pursuant to section 119.2 of this Part.

A Public youth facility is defined as 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 17 years of age or younger.”

As set forth in §119.2 of the MRTA, the Village has the ability to regulate the following:

- Hours of operation shall not be from 2:00 a.m. to 8:00 a.m. and cannot be restricted to less than 70 hours per week unless the licensee agrees to do so.
- Visual or architectural integrity of buildings within historical districts
- Parking
- Traffic control (including, but not limited to, pedestrian and vehicular traffic)
- Odor
- Noise

The Village is prohibited from creating regulations that:

- Pertain to the operation, registration, licensure, or permitting of cannabis businesses.
- Are "unreasonably impractical" (as determined by the Cannabis Control Board on a case-by-case basis).
- Limit the number of dispensaries within the Village.
- Restrict the permitted locations such that the use is effectively prohibited.

Section §119-4 requires a minimum distance requirement between dispensaries, including:

- Within a 1,000-foot radius of a retail dispensary license or microbusiness license that has been issued in a municipality having a population of 20,000 or less.
- A 2,000-foot radius of two other licensees issued the same license type sought by the applicant, in a municipality having a population of 20,000 or less.

To assist with that discussion, I will attend the July 22, 2026, work session to discuss the proposed regulations.

Local Law -2026

A local law amending Chapter 230 (Zoning) of the Village of Croton-on-Hudson Code:

BE IT ENACTED by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section 1. Chapter 230 (Zoning) is amended with new language **underlined**.

§ 230-4. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ADULT-USE CANNABIS RETAIL DISPENSARY – An establishment for the acquisition, sale, and delivery of cannabis to consumers in compliance with an Adult-Use Retail Dispensary License duly issued by the New York State Cannabis Control Board (CCB). An adult-use cannabis retail dispensary shall not include consumption of cannabis on-site, irrespective of the issuance of an adult-use on-site consumption license by the CCB. Where permitted under CCB licensure, an adult-use retail dispensary also may sell paraphernalia, equipment and supplies intended to assist in the consumption of cannabis.

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

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.

VAPE OR TOBACCO SHOP — A person, establishment or business, whether retail or wholesale, having more than a 50% portion of its sales or stock-in-trade in ~~A retail outlet selling or distributing primarily any electronic cigarette or vapor products or tobacco products, including but not limited to electronic cigarettes; vape pens; dissolvable liquids; vaporizing liquids, oils or gels; mods; atomizers; vape tanks; coilheads; cigars and cigarettes or other tobacco products.~~ **Generally, the advertisement, window display, or reference to the availability of such paraphernalia in signage, television, print or on-line media shall be prima facie evidence of the intent to engage in a significant trade exceeding the threshold to be classified as a vape and tobacco paraphernalia shop.**

YARD, FRONT — An unoccupied ground area fully open to the sky between the street line and a line drawn parallel thereto.

YARD, REAR — An unoccupied ground area fully open to the sky between the rear lot line and a line drawn parallel thereto.

YARD, SIDE — An unoccupied ground area fully open to the sky between any property line other than a street or rear lot line and a line drawn parallel thereto and between the front and rear yards.

Section 2. Chapter 230 (Zoning) is amended with new language underlined.

230-48.6 Adult-use cannabis retail dispensary.

1) General standards applicable to all adult-use cannabis retail dispensaries.

- a) The cannabis retail dispensary shall only dispense approved cannabis products in accordance with the applicable laws and regulations of New York State and the Cannabis Control Board.
- b) The view of cannabis plants, products, accessories, and associated paraphernalia shall not be permitted from a public sidewalk, public street, right-of-way, or any other public vantage point. On-site storage of cannabis products shall comply with applicable federal, state and local laws and regulations.
- c) The cannabis retail dispensary shall provide for secure disposal of cannabis remnants or by-products; such remnants or by-products shall not be placed within the business' exterior refuse containers.
- d) The cannabis retail dispensary shall be ventilated so that the odor of the cannabis cannot be detected by a person with a normal sense of smell at the exterior of the business or at any adjacent use or property.
- e) Location.

[1] No dispensary shall be located within the State-prescribed distance regulations from a public or private school grounds as defined in the New York State Education Law, serving students through the 12th grade, or house of worship.

[2] No dispensary shall be located within 500 feet of a public youth facility.

f) On-site consumption

[1] In accordance with Chapter 99 Cannabis, there shall be no on-site consumption of cannabis within the building or in outdoor areas, including the parking lot of the adult-use cannabis retail dispensary.

[2] No on-site consumption of food, beverages or other products by patrons shall be permitted at a dispensary.

g) Screening. The Planning Board may require screening from neighboring properties if the board deems screening is appropriate due to the location of the entrance, parking area, or operations of the adult-use cannabis retail dispensary.

h) Hours. In accordance with 9 NYCRR Part 119 the hours of operation of an adult-use cannabis retail dispensary shall not be restricted to less than 70 hours per week. No adult-use retail cannabis dispensary shall operate before 9:30 a.m. or after 9 p.m. Monday-Sunday.

i) Grand opening plan. A grand opening plan may be requested by the Planning Board.

j) Parking. The application shall meet the parking requirements of Attachment C, Area and Bulk Schedule, and Article VI of this chapter.

k) Vehicles and Traffic.

[1] A plan for queuing of waiting customers based upon an estimate of peak demand may be requested by the Planning Board.

[2] A traffic impact report including potential traffic generation based upon the

anticipated maximum demand may be requested by the Planning Board.

2) Additional application information required of all adult-use cannabis retail dispensaries.

- a) A narrative providing information about the type and scale of all activities that will take place on the premises, including but not limited to on-site sales, on-site deliveries, and other programs or activities.**
- b) The proposed hours of operation.**
- c) A copy of the security plan submitted by the applicant to the New York State Cannabis Control Board and Office of Cannabis Management, as well as a narrative description of the security installations, including security during closed hours. The applicant shall provide the name, phone number and e-mail address of a contact person to notify regarding suspicious activities during or after operating hours.**

Section 3. Effective date.

This local law shall be effective upon filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule law.