

TOWN OF AMSTERDAM TOWN BOARD

A RESOLUTION ADOPTING LOCAL LAW NO. OF 2023 TO AMEND THE TOWN OF AMSTERDAM ZONING LAW TO ALLOW CANNABIS RETAIL DISPENSARIES, CREATE A NEW RETAIL WITH DRIVE-THRU USE, AND TO MAKE CERTAIN OTHER CHANGES RELATING THERETO

Whereas, on March 31, 2021 the Marijuana Regulation and Taxation Act (MRTA) signed into law, which, inter alia, legalized adult recreational use of cannabis and created a licensure system for the growing, processing, distribution, taxation, and sale of cannabis products; and

Whereas, MRTA enabled municipalities to opt out of allowing cannabis retail dispensaries and cannabis on-site consumption establishments, and the Town Board did not opt out of allowing the former within the Town of Amsterdam, making possible the siting, permitting, and operation of cannabis retail dispensaries within the Town; and

Whereas, on May 15, 2022, and in accordance with the Town of Amsterdam Zoning Law, the Town Board referred to the Planning Board proposed amendments to the Zoning Law to allow “marijuana dispensaries within the Town, subject to time and place restrictions;” and

Whereas, on October 5, 2022, the Planning Board adopted recommendations relating to marijuana dispensaries and forwarded the same to the Town Board on October 14, 2022; and

Whereas, the attached draft of the proposed local law that would enact certain changes to the Town’s Zoning Law to add a new Cannabis Retail Dispensary use, incorporate cannabis retail dispensaries into the definition of Retail Store or Shop, and add Supplementary Regulations pertaining thereto; and

Whereas, adoption or amendment of a zoning ordinance or local law, within certain locations in Town, is subject to the required referral to the Montgomery County Planning Board, in accordance with General Municipal Law Section 239-m; and

Whereas, the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district is a type 1 action in accordance with the SEQR regulations at 6 CRR-NY 617.4(b)(2);

now, therefore, be it

RESOLVED, that the attached draft local law has been introduced to the Town Board; and

be it further

RESOLVED, that the Town Board hereby classifies the proposed action as a type 1 action, in accordance with SEQR, and declares its intent to be lead agency for the purposes of conducting the required review under SEQR; and

be it further

RESOLVED, that the Town Board hereby schedules a public hearing for **Wednesday, February 15, 2023** at _____, to be held at the Town of Amsterdam Town Hall concerning a proposed local law to amend Planned Unit Development District No. 3 known as the Gables at Log City PUD; and

be it further

RESOLVED, that the Town Board hereby directs that the attached proposed local law be sent to the Montgomery County Planning Board in accordance with General Municipal Law section 239-m for their review; and

Dated: January 25, 2023

Sponsored by:

Seconded by:

ADOPTED- -AYES- -NOES

DRAFT