

August 19, 2021

The Town Board of the Town of Warwick held a Public Hearing on Proposed Local Laws to “Opt Out of Onsite Cannabis Consumption Sites Within the Town of Warwick, Create a New Overlay Zone to Restrict the Location of Cannabis Dispensaries to Limited Commercial Zones and Public Safety to Prohibit Smoking, Including Cannabis on Public Lands”. Said public hearing was held on Thursday, August 19, 2021 at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor opened the public hearing at 7:00 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Russell Kowal
Councilman James Gerstner
Councilman Mickey Shuback

Attorney for the Town, Jay Myrow

LEGAL NOTICE: The Clerk read the legal notice, which was duly published in the Warwick Valley Dispatch on August 4, 2021.

(Copy of this legal notice is printed at the end of these minutes.)

Supervisor Sweeton – I mentioned to the public all of these laws are related. The first law under the regulations of the law that was passed by the State of New York, the actions local governments can take is to opt out of dispensaries and/or on-site consumption. The legislation require that local municipalities make those decisions prior to December 31st of this year. If you didn’t take action before December 31st of this year you are precluded from taking action to prevent either/or going forward. We’ve done some research; the Town Board has discussed this and we definitely wished to opt out of onsite consumptions and the analogies I make is a dispensary is a pharmacy and an onsite consumption site would be similar to a bar or a club. We are not in favor at this time of allowing lounges or clubs or bars serving cannabis because the regulations that the State will adopt have not been written yet. We want the option to opt out now and later when it becomes more of a norm and we are comfortable with the regulations, the additional issues of law enforcement etc. we could then permit them at a later date and time. The dispensaries we felt it was a much better for the public to have very specific locations where a dispensary pharmacy could exist that is licensed by the State of New York selling products tested and licensed by the State of New York as opposed to someone, since now marijuana is legal in New York purchasing it on the side of the street or on a corner and getting a product that may be laced with other things they don’t know about. We just felt it was a much better and safer choice for residents. Again, the State has legalized it and every resident would be able to grow 3 plants for their own use at their home or 6 per household, so it’s not that it would not be available to an adult 21 or older. We just felt that if its going to be sold it should be sold in a regulated licensed facility and what we’ve done to regulate that we’ve created an overlay zone of our zoning and we have multiple overlay zones already, we have an aquifer, an agricultural and this would be a cannabis overlay zone and it’s depicted on the maps that we have here and it will be on display here at Town Hall for anyone to look at. It

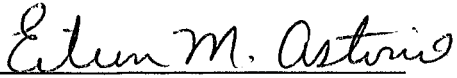
restricts dispensaries to three particular commercial zones in the town, the CB Zone which is the community business zone which is primarily the area where the Price Chopper Supermarket and Shop Rite Supermarket are out on Route 94, as well as the Merchant Square area where all the doctors and medical offices are that would be a permitted location, as would be two or three other office industrial parcels adjacent to the CB Zone on 94 and one of which is already a hemp licensed retail establishment. The other provision in our zoning under this overlay these dispensaries would need to go before the planning board to be approved, so there will be a review of that, we can regulate the hours of operation and it is prohibited to have one more than 1,500 feet or closer together, so you avoid multiple ones in one location. I think it's very limited, I think it's pointed to commercial zones away from areas that would be of concern like residents, schools, churches and I think that makes sense for the town as we go forward. That's the purpose of Local Law #4. Local Law #5 deals with smoking in general, so currently in the Town of Warwick it is not illegal to smoke in a public place and there are State regulations on smoking in bars, restaurants and things like that. The town unlike some of our villages which have prohibitions against smoking in their parks we never did that. We are enacting and adding that to Chapter 116 of our code which will prohibit smoking of any product including cannabis in any public space. I think that is a prudent approach to take and I hope that the Board would support that local law as well as the other two. By State Law which they passed in March we are precluded from regulating the growing, commercial growing of cannabis and also the personal consumption of cannabis. It is no longer illegal to possess in New York and once they write the regulations which they are estimating to be sometime in 2022 then it will be no longer illegal to use it outside of your home. I think we are trying to be proactive here and position ourselves to treat this respectfully as it should be. That's the end of my discussion, I do not know if any of the Board members have any comments? We are here to take public comment we just need your name and where you are from. I don't see any public comments, are there any final issues from the Board? Any concerns Attorney Myrow with the legislation? The only thing I would say is the version that I had the Clerk print out for me, I was remiss in including your two comments which were really grammatical which is changing licensing to licensure and adding to section 5 that this local law is subject to a permissive referendum as governed by Section 24 of the State Municipal Home Rule Law and in accordance with the Marijuana Regulation and Taxation Act Section 131. I had forgotten to give that to you Madam Clerk, but I think it's a reasonable change to make in the local law and that comes directly from the legislation, correct Attorney Myrow?

Attorney Myrow – Correct.

There were no public comments for or against this public hearing.

CLOSE PUBLIC HEARING: Motion Councilman DeAngelo, seconded Councilman Gerstner that the public hearing be closed and allow written comments from the public for 10 days. Motion Carried (5 ayes, 0 nays) 7:11 p.m.

08-19-21 CP


Eileen M. Astorino
Eileen Astorino, Town Clerk

PLEASE TAKE NOTICE that the Town Board of the Town of Warwick will be holding a Public Hearing to consider Proposed Introductory Local Law No. 3 of 2021 entitled, "Opt out of onsite cannabis consumption sites within the town of Warwick". Said public hearing to be held on Thursday, August 19, 2021 at 7:00 p.m. at the Town Hall, 132 Kings Highway, Warwick, NY or as soon thereafter as the matter may be heard.

A complete copy of the Introductory Local Law is available for inspection at the Clerk's Office and/or the Town of Warwick website, townofwarwick.org.

All interested persons will be given the opportunity to be heard.

DATED: August 4, 2021

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF WARWICK
EILEEN ASTORINO
TOWN CLERK**

PLEASE TAKE NOTICE that the Town Board of the Town of Warwick will be holding a Public Hearing to consider Proposed Introductory Local Law No. 4 of 2021 entitled, "Amend Chapter 164 Zoning to create a new Overlay Zone to restrict the location of cannabis dispensaries to limited commercial zones." Said public hearing to be held on Thursday, August 19, 2021 at 7:00 p.m. at the Town Hall, 132 Kings Highway, Warwick, NY or as soon thereafter as the matter may be heard.

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TOWN CLERK**

PLEASE TAKE NOTICE that the Town Board of the Town of Warwick will be holding a Public Hearing to consider Proposed Introductory Local Law No. 5 of 2021 entitled, "Amend Chapter 116 "Public Safety to prohibit smoking, including cannabis, on public lands". Said public hearing to be held on Thursday, August 19, 2021 at 7:00 p.m. at the Town Hall, 132 Kings Highway, Warwick, NY or as soon thereafter as the matter may be heard.

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