

PUBLIC HEARING

June 23, 2021

At 8:01 p.m. Supervisor Schiliro stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on June 23, 2021, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, via web conference to consider a Local Law to amend the Code of the Town of North Castle to add Chapter 219 to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under NYS Cannabis Law Article 4.

The proposed local law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Alison Simon, Town Clerk

Dated: June 12, 2021
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

Short Environmental Assessment Form (EAF), Parts 1, 2, and 3, was marked Exhibit "D" for the record.

The Town Clerk noted there was a Negative Declaration for consideration.

The Town Clerk noted there was a Local Law for consideration.

Town Attorney Roland Baroni explained that the Town Board is considering a law local to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under NYS Cannabis Law Article 4 at this time due the statutory time limit which ends July 19, 2021. Opting out within this statutory period will eliminate a potential referendum at the November 2, 2021 General Election. Mr. Baroni explained that if the Board does not opt out within the prescribed time, they relinquish the right to do so in the future. He said that this is the only opportunity to opt out, but the Town Board has the ability to opt back in at any time.

Each Town Board member expressed support to opt out at this time.

Resident Jeremy Jacobs expressed concerns about the Town opting out.

Town Clerk Alison Simon read aloud emails from residents Omar Diaz and Michael Novello expressing support for opting in.

After all persons were heard who desired to be heard, Councilman Reiter moved, seconded by Councilman Berra, that the Public Hearing be closed at 8:26 p.m.

Councilman DiGiacinto moved, seconded by Councilman Reiter, receipt of the Short Environmental Assessment Form (EAF).

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Town Board Minutes
June 23, 2021

Councilman DiGiacinto moved, seconded by Councilman Reiter, that based upon review of the Environmental Assessment Form and all other materials, it has been determined that there will be no significant adverse environmental impacts and the Town Board hereby adopts a Negative Declaration, as amended.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Hussain, the adoption of Local Law 4 of 2021 to amend the Code of the Town of North Castle to add Chapter 219 to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under NYS Cannabis Law Article 4. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Reiter, Berra, Hussain, Supervisor Schiliro

Noes: None

Alison Simon, Town Clerk

Dated: July 2, 2021

**Opt-out of Adult Use Cannabis Retail Dispensaries
and On-Site Consumption Sites**

**Local Law No. 4 of the year 2021
Town of North Castle, County of Westchester
Adopted June 23, 2021**

A local law to amend the Code of the Town of North Castle to add Chapter 219 to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under NYS Cannabis Law Article 4

Section 219-1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of North Castle that would otherwise be allowed under NYS Cannabis Law Article 4.

Section 219-2. Authority

This local law is adopted pursuant to NYS Cannabis Law § 131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 219-3. Local Opt-Out

The Town Board of the Town of North Castle hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

Section 219-4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 219-5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with NYS Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 219-6. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.