

**Business of the Village Board
Village of Saranac Lake**

SUBJECT: Adopt Cannabis Law

DATE: 2-13-2023

DEPT OF ORIGIN: Mayor Williams

BILL # 14-2023

DATE SUBMITTED: 2-8-2023

EXHIBITS: _____

APPROVED AS TO FORM:

Village Attorney

Village Administration

EXPENDITURE
REQUIRED

AMOUNT
BUDGETED

APPROPRIATION
REQUIRED:

Resolution to adopt amendment to the Unified Development Code Cannabis Law

MOVED BY: Scollin SECONDED BY: Catillaz

VOTE ON ROLL CALL:

MAYOR WILLIAMS yes

TRUSTEE BRUNETTE yes

TRUSTEE CATILLAZ yes

TRUSTEE SCOLLIN yes

TRUSTEE SHAPIRO yes

VILLAGE OF SARANAC LAKE RESOLUTION

ADOPTION OF LOCAL LAW 1 OF 2023

CANNABIS FACILITIES LAW

WHEREAS, the Village of Saranac Lake Board of Trustees (Village Board) has been considering amending Chapter 106, "Development Code," of the Village of Saranac Lake Code allowing cannabis facilities through proposed Local Law # 1 of 2023 entitled "Cannabis Facilities Law;" and

WHEREAS, the Village Board accepted the proposed Cannabis Facilities Law on December 12, 2022 and scheduled a public hearing for January 9, 2023; and

WHEREAS, the Village Board referred the proposed Cannabis Facilities Law and the public hearing notice to the Essex County Planning Board pursuant to General Municipal Law § 239-m, and to the Clerks of adjoining municipalities pursuant to Village Law § 7-706 and no comments were received; and

WHEREAS, the Village Board conducted a public hearing on January 9, 2023; and

WHEREAS, based on public comments and Village Board discussions, the Village Board requested revisions to the proposed Cannabis Facilities Law; and

WHEREAS, the proposed Cannabis Facilities Law was revised, and the Village Board scheduled a second public hearing for January 23, 2023; and

WHEREAS, the Village Board referred the revised Cannabis Facilities Law and the public hearing notice to the Essex County Planning Board pursuant to General Municipal Law § 239-m, and to the Clerks of adjoining municipalities pursuant to Village Law § 7-706 and no comments were received; and

WHEREAS, the Village Board opened the second public hearing on January 23, 2023 and closed the hearing on February 13, 2023, and no additional comments were received; and

WHEREAS, the Village Board issued a Negative Declaration regarding the adoption of the revised Cannabis Facilities Law, pursuant to the State Environmental Quality Review Act on February 13, 2023; and

WHEREAS, the revised Cannabis Facilities Law has been on the desks of the members of the Village Board for at least seven (7) days, exclusive of Sunday.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The Village of Saranac Lake Board of Trustees adopts attached Local Law 1 of 2023, of the Village of Saranac Lake entitled "Cannabis Facilities Law;" and

Section 2. The Saranac Lake Village Clerk is hereby directed to enter said Local Law in the minutes of this meeting, shall file the Local Law with the Secretary of State, shall publish a summary once in the official newspaper, and post a copy of the Local Law at or near the main entrance to office of the Village Clerk.

VILLAGE OF SARANAC LAKE, NY

LOCAL LAW NO. 1 OF 2023

A LOCAL LAW TO AMEND THE VILLAGE OF SARANAC LAKE UNIFIED DEVELOPMENT CODE

DRAFT DATE: 1.13.23

SECTION 1: TITLE.

This local law shall be cited as **Local Law No. 1 of 2023** of the Village of Saranac Lake and entitled “Cannabis Facilities Law.”

SECTION 2: LEGISLATIVE INTENT AND PURPOSE.

This local law amends Chapter 106 of the Village Code to provide amendments to the Village’s Unified Development Code to allow cannabis facilities in accordance with the New York State Marihuana Regulation and Taxation Act (MRTA). It is the intent and purpose of this local law to provide a comprehensive zoning plan to govern, regulate, and control Cannabis Facilities within the Village of Saranac Lake in accordance with the Development Code amendments hereinafter set forth. The amendments are necessary and desirable to protect the public health, safety, welfare, and environmental resources, provide a regulatory pathway for the cannabis industry consistent with state regulations, foster a healthy, diverse, and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety, and nuisance factors related to the cannabis industry are adequately addressed.

SECTION 3: AUTHORITY

The Development Code of the Village of Saranac Lake is enacted by the Board of Trustees of the Village of Saranac Lake pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10 and implements authority provided to New York State villages pursuant to Article 7 of New York State Village Law.

SECTION 4: TERMS DEFINED.

Article II, Section 106-6 of the Development Code entitled “Definitions” is hereby amended by adding the following new definitions (new text underlined):

CANNABIS FACILITY – A Cannabis Retail Dispensary, Cannabis Cultivation Facility, Cannabis Distributor, Cannabis Nursery, Cannabis Processing Facility, On-Site Cannabis Consumption Facility, or a Cannabis Microbusiness, operating pursuant to the New York State Marihuana Regulation and Taxation Act, as these terms are defined below.

CANNABIS CULTIVATION FACILITY – A facility that may include, but is not limited to, the agricultural production practices of planting, growing, cloning, harvesting, drying, curing, grading, and trimming cannabis, pursuant to the New York State Marihuana Regulation and Taxation Act.

CANNABIS DISTRIBUTOR – A cannabis facility that sells at wholesale any cannabis product, except medical cannabis, pursuant to the New York State Marihuana Regulation and Taxation Act.

CANNABIS MICROBUSINESS – A cannabis facility operating pursuant to the New York State Marihuana Regulation and Taxation Act, and which includes two or more of the following activities in one facility: cultivation, processing, distribution, delivery, and retail sales.

CANNABIS NURSERY – A cannabis facility operating pursuant to the New York State Marihuana Regulation and Taxation Act, that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis by licensed adult-use cannabis cultivators, microbusinesses, cooperatives, and registered organizations for commercial use or sale.

CANNABIS PROCESSING FACILITY – A cannabis facility that may include, but is not limited to, blending, extracting, infusing, packaging, labeling, branding and otherwise making or preparing cannabis products requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

CANNABIS RETAIL DISPENSARY – A retail facility for the sale of cannabis products, requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

ON-SITE CANNABIS CONSUMPTION FACILITY – A facility for the on-site consumption of cannabis products, requiring a license pursuant to the New York State Marihuana Regulation and Taxation Act.

LIQUOR STORE – Establishments engaged in the sale of alcoholic beverages for off-premises consumption.

MARIJUANA REGULATION AND TAXATION ACT (MRTA) – Legislation signed into law on March 31, 2021, legalizing adult-use cannabis (also known as marijuana or recreational marijuana) in New York State. The legislation created a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to comprehensively regulate adult-use, medical, and hemp cannabis. The OCM will issue licenses and develop regulations outlining how and when businesses can participate in the new industry.

SECTION 5: DISTRICTS WHERE PERMITTED AND REQUIRED APPROVALS.

Article VIII, Section 106-40 of the Development Code entitled "Schedule of use regulations" is hereby amended as follows (new text underlined>):

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
	District A-1	District A-2	District A-3	District A-4	District A-5	District B-1	District B-2	District B-3	District B-4	District C-1	District C-2	District C-3	District C-4	District D-1	District D-2	District D-3	District E-1	
Land Use Type	P Permitted SP: Site Plan Review Required A: Administrative Review Required S Special Use Permit Required																	
<u>Cannabis Cultivation Facility</u>						S	S		S			S					S	S
<u>Cannabis Distributor</u>						S	S		S			S					S	S
<u>Cannabis Microbusiness</u>																		S
<u>Cannabis Nursery</u>						S	S		S			S					S	S
<u>Cannabis Processing Facility</u>																	S	S
<u>Cannabis Retail Dispensary</u>						S	S	S	S									S
<u>Liquor Store</u>						S	S	S	S									S
<u>On-Site Cannabis Consumption Facility</u>						S	S	S	S									S

Section 5 continues on the next page.

	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	
	District E-2	District E-3	District F-1	District F-2	District G	District H-1	District H-2	District H-3	District I	District J-1	District J-2	District K-1	District K-2	District K-3	District K-4	District L-1	District L-2	District L-3	
Land Use Type	P Permitted SP: Site Plan Review Required A: Administrative Review Required S Special Use Permit Required																		
<u>Cannabis Cultivation Facility</u>	S	S			S				S										S
<u>Cannabis Distributor</u>	S	S			S				S										S
<u>Cannabis Microbusiness</u>					S														S
<u>Cannabis Nursery</u>	S	S			S				S										S
<u>Cannabis Processing Facility</u>					S														S
<u>Cannabis Retail Dispensary</u>	S	S			S												S		S
<u>Liquor Store</u>	SP	SP			SP												SP		SP
<u>On-Site Cannabis Consumption Facility</u>	S	S			S														S

SECTION 6: SUPPLEMENTAL STANDARDS.

Article XIV, § 106-91.E of the Development Code entitled "Fence height" is hereby amended to provide exemptions for fences associated with cannabis cultivation and cannabis nursery facilities as follows (new text underlined, strikethrough text removed):

§ 106-91.E.(4) "Excepting required fences for cannabis cultivation and cannabis nursery facilities, No fence over six feet shall be erected or maintained in any rear yard or side yard."

SECTION 7: SUPPLEMENTAL STANDARDS.

Article XIV of the Development Code entitled "Supplemental Standards" is hereby amended by the addition of new subsection 106-14.2 entitled "Cannabis Facilities" as follows (new text underlined):

§ 160-104.2 Cannabis facilities. In addition to the regulations established by the MRTA and the Office of Cannabis Management, the following standards, requirements, and consideration shall apply to cannabis facilities as indicated below.

A. Location requirements.

(1) Separation Distances.

- (a) School grounds. No cannabis facility shall be located on the same road and within 500 feet of pre-existing school grounds.
 - (b) Place of worship. No cannabis facility shall be located on the same road and within 200 feet of a pre-existing building occupied exclusively as a place of worship.
 - (c) Separation distances shall be measured in a straight-line from the center of the nearest entrance of such place of worship or the nearest point of school grounds to the center of the nearest entrance of such cannabis facility.
 - (d) If the school or place of worship or cannabis facility is situated on a corner lot, such establishment is considered to be on both roads of the intersection, whether or not there is an entrance to the building on both roads.
- (2) Fixed location. All cannabis facilities shall be operated from a fixed location and shall not be operated from a movable structure or vehicle, except as may be permitted for delivery purposes pursuant to the MRTA.
- (3) Home occupation prohibited. No cannabis facility shall be permitted as a home occupation.

B. Hours of operation.

- (1) Cannabis retail dispensaries, including the retail dispensary component of a microbusiness may be open for business between the hours of 8:00 AM and 12:00 AM Monday through Saturday and between the hours of 10:00 AM and 9:00 PM on Sundays. Hours of operation must be provided in the application submission to the Development Board.
- (2) On-site cannabis consumption lounges may be open for business between the hours of 8:00 AM and 3:00 AM Monday through Saturday and 10:00 AM to 3:00 AM on Sundays. Hours of operation must be provided in the application submission to the Development Board.
- (3) The hours of operation for cannabis cultivation, cannabis nurseries, cannabis distributors, and cannabis processing facilities, including applicable components within a cannabis microbusiness, must be provided in the application submission to the Development Board.

C. Security.

- (1) All cannabis facilities shall provide proper security at the premises meeting minimum standards set forth by the Office of Cannabis Management, to deter and prevent illegal activities from taking place on or near the applicant's premises and avoid conduct that has an adverse effect on the health, safety and/or welfare of employees, customers, and the surrounding neighborhood.

(2) A security plan shall be provided with the Special Use Permit application.

D. Outdoor storage. With the exception of cannabis cultivation facilities, no cannabis facilities shall be permitted to store products, materials, or other supplies outdoors.

E. Control of emissions and waste.

(1) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a cannabis facility shall be provided at all times.

(2) All Special Use Permit applications for cannabis facilities shall provide an odor and waste control plan that provides for proper and adequate ventilation and demonstrates that any odors and waste associated with the cannabis facility shall be effectively confined to the premises and so treated to avoid any negative impacts to neighboring properties.

(3) The facility operator shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state and local laws and regulations.

F. Discontinuation of use & license revocation. If the cannabis facility ceases to operate in accordance with the applicable State of New York license or if the license issued pursuant to the MRTA is revoked by the State of New York, the facility operator shall immediately notify the Community Development Director, the applicable Special Use Permit approval shall automatically be revoked, and all materials, cannabis products, equipment, and signage shall be removed from the premises and properly secured in accordance with applicable State of New York requirements.

G. Signage. All signage shall comply with the MRTA, applicable regulations established by the Office of Cannabis Management, and shall obtain a Village sign permit in accordance with this Chapter.

H. Cannabis cultivation and cannabis nursery facilities. The following standards shall apply to cannabis cultivation and cannabis nursery facilities:

(1) No fertilizers, compost soils, materials, machinery, or equipment shall be stored within the front yard or required front, side, and rear yard setbacks.

(2) Areas dedicated to outdoor cultivation shall not be located within the front yard.

(3) Areas dedicated to outdoor cultivation shall be enclosed by a 8-foot-tall fence featuring screening, decorative elements, and/or landscaping, at the discretion of the Development Board.

I. Cannabis retail dispensaries

(1) The principal entrance must be located on a public thoroughfare at street level.

(2) The use of a walk-up or drive-thru window service is prohibited.

J. NYS License requirements. If the applicable license issued pursuant to the MRTA specifies other, additional, or more restrictive provisions relating to the size, site plan, other physical attributes of a

cannabis facility, security provisions, hours of operation, or other requirements, said provisions or requirements of the license and related New York State regulations shall control.

K Notification to municipality. No application shall be deemed complete until the Department of Community Development receives an official notification by the applicant on a form provided by the Office of Cannabis Management.

L. Approvals. Special Use Permit approvals shall be conditioned upon issuance of the applicable license in accordance with the MRTA and said license is provided to the Community Development Director.

M. Duration of operation. Special Use Permit approvals issued under this Section shall have a term limited to the duration of the applicant's use of the premises as a licensed operator.

N. Any violation of this subsection shall be grounds for revocation of the applicable Special Use Permit.

SECTION 8: SUPERSESSION.

Pursuant to New York Municipal Home Rule Law Section 22, this law is intended to supersede any other inconsistent provision of law.

SECTION 9: SEVERABILITY.

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION 10: EFFECTIVE DATE.

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



Village of Saranac Lake

Community Development Department
 39 Main St.
 Saranac Lake, NY 12983
 Phone (518) 891-0490
 Fax (518) 891-5928
www.saranaclakeny.gov

VILLAGE OF SARANAC LAKE WATERFRONT ASSESSMENT FORM (WAF)

Section A. Instructions

Instructions: Applicants or, in the case of direct actions, Village agencies, shall complete this WAF for proposed actions which are subject to the LWRP consistency review law. This assessment is intended to supplement other information used by a Village agency in making a determination of consistency with the Village's Local Waterfront Revitalization Program.

Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Village of Saranac Lake, 39 Main St., Second Floor, Saranac Lake, NY 12983 or online at www.saranaclakeny.gov. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.

If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the actions should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

SECTION B. Description of Site and Proposed Action

1. Name of applicant: Village of Saranac Lake		3. Telephone Number: 518-891-4150	
2. Mailing address: 39 Main Street		5. Tax Map # (s): NA	
4. Location of action: Village of Saranac Lake		7. Present land use(s): NA	
6. Size of site: NA	8. Present zoning classification: NA		
9. Percentage of site which contains slopes of 15% or greater: NA		10. Type of action (check appropriate response)	
<input checked="" type="checkbox"/> Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) <input checked="" type="checkbox"/> Financial assistance (e.g. grant, loan, subsidy) <input type="checkbox"/> Permit, approval, license, certification <input type="checkbox"/> Agency undertaking action: Village of Saranac Lake			
11. Streams, lakes, ponds, or wetlands existing within or continuous to the project area? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, Waterbody Name: _____ Waterbody Size(in acres): _____			
12. Describe nature and extent of action: Development Code Amendment to allow cannabis uses			
13. Describe any unique or unusual land forms on the project site (i.e. bluffs, ground depressions, other geological formations):			
14. Will the action be directly undertaken, require funding, or approval by a State or Federal Agency? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, which State or Federal Agency? _____			

SECTION C. Waterfront Assessment (To be completed by reviewing agency)

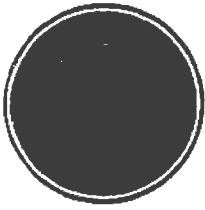
	YES	NO
1. Will the proposed action have a significant effect upon:		
(a) Commercial or recreational use of fish and wildlife resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Scenic quality of the waterfront environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Development of future, or existing water dependent uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Stability of the shoreline?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Existing or potential public recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Structures, sites or districts of historic, archeological or cultural significance to the Village, State or nation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will the proposed action involve or result in any of the following:		
(a) Physical alteration of land along the shoreline, land under water or coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the waterfront area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Mining, excavation, filling or dredging?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Reduction of existing or potential public access to or along the shore?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Sale or change in use of publicly-owned lands located on the shoreline or under water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Development within designated flood hazard area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Development on a natural feature that provides protection against flooding or erosion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) Diminished surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k) Removal of ground cover from the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Project:		
(a) If a project is to be located adjacent to shore:		
(1) Will water-related recreation be provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Will public access to the shoreline be provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Does the project require a waterfront site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Will it supplant a recreational or maritime use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) Do essential public services and facilities presently exist at or near the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(6) Is it located in a flood prone area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Is it located in an area of high erosion	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the project site is publicly owned:		
(1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) If located in the foreshore, will access to those and adjacent lands be provided?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Will it involve the siting and construction of major energy facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into a waterway	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is the project site presently used by the community as an open space or recreation area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the present site offer or include scenic views or vistas known to be important to the community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Will the project involve any waste discharges?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Does the project involve surface or subsurface liquid waste disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous material?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Does the project involve shipment or storage of petroleum products?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j) Does the project involve discharge of toxics, hazardous substances or other pollutants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k) Will the project affect any area designated as a freshwater wetland?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(l) Will the project alter drainage flow, patterns or surface water runoff on or from the site	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(m) Will best management practices be utilized to control storm water runoff into waterways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(n) Will the project cause emissions which exceed Federal or State air quality standards or generate significant amounts of nitrates or sulfates?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SECTION D. Remarks or Additional Information

For questions answered "Yes" in Section C, explain methods you will undertake to reduce adverse effects. Review the LWRP to see if the project is consistent with each policy. List policies the project is not consistent with and explain all mitigating actions. Add any additional sheets necessary to complete this form.

SECTION E. Preparer Information	
Preparer's Name (Please print):	Jamie Konkoski
Title:	Community Development Director
Organization Name:	Village of Saranac Lake
Phone Number:	(518)891-4150x 235
Signature:	<i>Jamie Konkoski</i>
Date:	2/7/2023

SECTION F. Determination of LWRP Consistency (To be completed by the Planning Board)	
The Village of Saranac Lake Planning Board finds that the above referenced project is:	
<input checked="" type="checkbox"/> consistent with LWRP policy standards and conditions. <input type="checkbox"/> <u>not consistent with LWRP policy standards and conditions and shall not be undertaken.</u>	
Elias Pelletieri	
Print Name of Planning Board Chair	
<i>Elias Pelletieri</i>	2/7/2023
Signature of Planning Board Chair	Date



Essex County Board of Supervisors

P.O. Box 217, 7551 Court Street
Elizabethtown, NY 12932

Telephone: (518) 873-3350

Fax: (518) 873-3356

January 18, 2023

Shaun Gilliland,
Chairman
Chairman@essexcountyny.gov

James Monty,
Vice-Chairman

Judith A. Garrison,
Clerk of the Board
Judith.Garrison@essexcountyny.gov

Clayton Barber
Chesterfield

Charles Harrington
Crown Point

Noel H. Merrihew, III
Elizabethtown

Kenneth Hughes
Essex

Matthew Stanley
Jay

Joe Pete Wilson
Keene

James W. Monty
Lewis

Stephen McNally
Minerva

Thomas R. Scozzafava
Moriah

Robin DeLoria
Newcomb

Derek Doty
North Elba

Stephanie DeZalia
North Hudson

Meg Wood
Schroon

Davina Winemiller
St. Armand

Mark Wright
Ticonderoga

Michael K. Tyler
Westport

Shaun Gilliland
Willsboro

Roy Holzer
Wilmington

Jamie Konkoski, Community Development Director
39 Main Street, Suite 9
Saranac Lake, NY 12983

RE: Amendment to the Village of Saranac Lake Development code

Dear Mr. Konkoski,

The Essex County Planning Board considered the referral concerning the above-referenced matter at its January 9, 2023, meeting and determined that the request will not have an adverse effect on County Property therefore no recommendation or no comment was made.

I have enclosed a copy of a portion of the minutes from the Economic Development/ Planning/Publicity Committee meeting at which the referral was considered.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,


Judith A. Garrison
Clerk of the Board

JAG
Enclosure

cc: Anna Reynolds, Comm. Resources
Jim Dougan, DPW Superintendent

DELORIA: Ike, I have a question for Anna. We've got this situation in the lower quadrant of the county and we're being asked to submit a 239M, but I don't think there's a county road within 5 miles of this particular spot, but in your filing, you know when you go online to where you report, it talks about or near a State highway or whatever. If there is no County highway within 500 feet, then are we required to submit this 239M?

REYNOLDS: It also includes state land, 500 feet.

DELORIA: That's Newcomb.

REYNOLDS: Yup

DELORIA: So, your review process, does it necessarily have to come back here or can we get in one and done by Friday?

REYNOLDS: Yup, that's impossible. The State requires, it allows us to have a 30-day review process, so if you submit it next week, we'll review it at the next meeting.

DELORIA: I'll be in touch.

REYNOLDS: I have one more. The amendment to the Village of Saranac Lake Unified Development Code, this will amend the Village Code to allow cannabis facilities within certain locations and districts within their village. There's no impact to County property, therefore a letter of no impact can be issued.

TYLER: Moved by? Mr. Merrihew. Seconded by? Mr. Doty

**ACTION OF THE ESSEX COUNTY PLANNING BOARD
ON REFERRAL RECEIVED FROM THE VILLAGE OF SARANAC LAKE**

The following motion was made by Supervisor Merrihew.

Where, the Essex County Planning Board has considered the following GML 239 referrals at its regular meeting on January 9, 2023.

REFERRAL
Village of Saranac Lake

PROPOSED ACTION
**Local Law amending
Village code**

Whereas, none of the referred, proposed actions directly impacts a county road or county property.

Be It adopted by the Essex County Planning Board that no recommendation or comment on the said referrals shall be or hereby is made, and the respective referring bodies may take such final action as they deem appropriate.

This motion was seconded by Supervisor Doty and passed on a vote of 9 in favor, and none opposed.

TYLER: Discussion? All in favor? Opposed? Carried.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Saranac Lake

Local Law No. 1 of the year 20 23

A local law amending Chapter 106, "Development Code" of the Village Code.
(Insert Title)
Cannabis Facilities Law

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Saranac Lake as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2023 of the (County)(City)(Town)(Village) of Saranac Lake was duly passed by the Saranac Lake Village Board on February 13 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

X 2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 2023, in accordance with the applicable provisions of law.

X 3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

X 4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

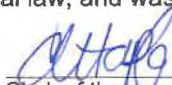
* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 2/14/2023 _____

(Seal)